



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
February 28, 2008**

Page 1

1. Call to Order and Roll Call

Chairman Hernandez called the Regular Board Meeting to order at 1:04 p.m., Thursday, February 28, 2008. Roll was noted as follows:

Directors present: Chairman Danny Hernandez
 Director Janet Saiers
 Director Tim Eichenberg
 Director Ronald D. Brown
 Director Daniel Lyon (arrived late)

Directors excused: None

Others present: John Kelly, Executive Engineer
 Marcus J. Rael, Jr., Attorney
 Staff
 Other attendees on file at AMAFCA

A quorum was present.

2. Approval of Agenda

Director Brown made a motion to approve the agenda. Director Saiers seconded the motion.

Mr. Kelly noted that there were late mailouts on agenda items 14, 16, 18, 20a and 20b. Director Eichenberg stated he would like to add an item of new business as 23e, regarding the work of Eagle Scouts at Comanche Elementary.

Director Lyon arrived at 1:05 p.m. Directors Brown and Saiers stated the change to the agenda was acceptable to them.

The motion passed unanimously (5-0).

3. Meetings Scheduled

- a. March 27, 2008, 1:00 p.m. – Regular Meeting
- b. April 24, 2008, 1:00 p.m. – Regular Meeting
- c. May 22, 2008, 10:00 a.m. – Regular Meeting

Chairman Hernandez noted that special meetings were also proposed for the following:



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
February 28, 2008**

Page 2

- A Real Estate Committee of the Whole, to evaluate and visit potentially surplus properties, suggested for March 12, 2008, at 10:00 a.m.
- A Field Trip of pending and current project sites, sometime in early April.

Director Brown stated that he might have a problem with the March 27 meeting date. Director Lyon stated he would be out of state on March 12.

After discussion, the meeting schedule was set as follows:

- a. **March 7, 2008, 10:00 a.m. – Special Meeting (Real Estate Committee of the Whole)**
- b. **March 20, 2008, 1:00 p.m. – Regular Meeting**
- c. **April 4, 2008, 10:00 a.m. – Special Meeting (Field Trip)**
- d. **April 24, 2008, 1:00 p.m. – Regular Meeting**
- e. **May 22, 2008, 10:00 a.m. – Regular Meeting**

Director Lyon noted that Marcus Rael, Jr., AMAFCA's attorney, had been named a Board Member of the Albuquerque Bar Association.

4. Appointments to Boards and Committees

- a. **MRCOG Board of Directors (includes Executive Board, July – Dec. 2008)**
- b. **MRCOG Metropolitan Transportation Board**
- c. **MRCOG Water Resources Board**
- d. **Personnel and Salary Committee**
- e. **Real Estate Committee**

Chairman Hernandez made the following appointments to Boards and Committees:

- MRCOG Board of Directors, including Executive Board July 2008-December 2008: Director Tim Eichenberg
- MRCOG Metropolitan Transportation Board: Director Ronald D. Brown
- MRCOG Water Resources Board: Chairman Danny Hernandez
- Personnel and Salary Committee: Director Ronald D. Brown and Chairman Danny Hernandez
- Real Estate Committee: no appointments. Any Board member who wants to look at real estate is free to make arrangements with staff.

All those appointed agreed to serve on their respective Boards and Committees.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
February 28, 2008**

Page 3

5. Minutes

a. January 24, 2008

Director Eichenberg made a motion to approve the minutes of the January 24, 2008 Regular Board Meeting. Director Brown seconded the motion, which passed unanimously (5-0).

6. Financial Matters

a. Approval of January 2008 Expenditures

Irene Jeffries, AMAFCA Business Manager, presented the January 2008 Expenditure Report.

Director Eichenberg asked if AMAFCA kept a minimum balance at Wells Fargo to offset fees, which Ms. Jeffries answered in the affirmative. He then asked that an analysis be done to see if the greater amount of interest earned by keeping that money in the State Short Term Fund (SSTF) would provide a financial benefit greater than the fees saved by keeping a minimum balance at Wells Fargo.

Responding to a question from Director Lyon, Ms. Jeffries stated that per AMAFCA's enabling legislation, AMAFCA is required to maintain a surety bond on the Directors. Each is covered by a \$10,000 bond through CNA Surety. In addition, the Board and AMAFCA employees are covered by a blanket policy for Theft and Dishonesty for up to \$500,000 through the New Mexico Self-Insurer's Fund.

Director Brown made a motion to approve the January 2008 Expenditure Report. Director Lyon seconded the motion, which passed unanimously (5-0).

b. Investment Report for January 2008

For information. Ms. Jeffries noted that the special accounts at the SSTF for the West I-40 GRIP projects were listed at the bottom of the report.

c. Financial Recap January 16, 2008, through February 15, 2008

For information. Ms. Jeffries noted that \$250,000 was transferred from the Operating Fund to the Contingency Fund, as per the budget. AMAFCA paid interest on the bonds on February 1, 2008, from the Debt Service Fund.

In response to a series of questions from Director Saiers, who noted that actual tax collections were considerably lower than had been forecast, and some other transfers were different than



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
February 28, 2008**

Page 4

forecast, Ms. Jeffries stated that the forecast amount of tax collections into the Operating Fund was based on the amount collected last year, plus 3%. As the actual amount collected was less than forecast, a smaller investment in the SSTF had been made. The withdrawal from the SSTF to the Construction Fund was less than anticipated, due to the New Mexico Department of Transportation not invoicing for the GRIP project.

Director Eichenberg commented that the taxes disbursed to AMAFCA on January 20, 2008 were 40% less than forecast, which was a considerable difference. He asked that this be further researched. Ms. Jeffries and Mr. Kelly stated that they would compare year-to-date tax collections from last fiscal year and this fiscal year.

d. Financial Forecast February 16, 2008, through March 15, 2008

Ms. Jeffries presented the Financial Forecast for the period February 16, 2008, through March 15, 2008.

Director Brown made a motion to approve the Financial Forecast. Director Eichenberg seconded the motion, which passed unanimously (5-0).

e. Official Finding for Disposal of Obsolete Equipment

Ms. Jeffries stated that this was an inventory cleanup item. AMAFCA had developed a small accumulation of worn out and unusable inventory items. As they had been on the inventory list prior to June 17, 2005, when the new capitalization threshold of \$5,000 became effective, the Board's action is required to dispose of these items. She requested the Board approve disposal of the excess equipment, execute the Official Finding, and authorize disposal. She stated that obsolete software will be shredded, broken equipment will be disposed of, and the excess computer table will be donated to Goodwill or a similar charity.

In response to a comment from Director Saiers, Mr. Kelly stated that the computer monitor will be held until a computer equipment recycling opportunity is held, so that the components in it may be properly disposed of.

Director Brown made a motion that the Board approve disposal of the excess equipment, execute the Official Finding, and authorize disposal. Director Lyon seconded the motion, which passed unanimously (5-0).



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
February 28, 2008**

Page 5

f. Mid-year Budget Recap 2008 Operating Budget

Ms. Jeffries reviewed the mid-year budget recap of the 2008 Operating Budget. She stated that total expenses are projected to be at 99% of budget, and that revenues collected to date are at 56% of budget.

Director Lyon stated that he would like Maurice Hobson to address the health care issue, as he was not sure if the legislature came up with a definitive decision and it could affect AMAFCA's budget.

Director Saiers commented on the revenues received. Mr. Kelly stated that AMAFCA is on track on both expenditures and income.

Responding to a question from Director Saiers, Mr. Kelly stated that the maintenance crew is working overtime not only to cover for one crew member being gone in the National Guard, but also uses overtime to take care of complaints, and when there is rental equipment, to more fully utilize the equipment.

7. AMAFCA FY-2007 Audit – Review and Acceptance of Audit

Ms. Jeffries introduced Sandy Ricci and Herman Chavez, of Ricci & Company, AMAFCA's Auditors, who were present to answer any questions the Board may have about the audit.

Ms. Jeffries stated that AMAFCA had received notification from the State Auditor on February 12, 2008 that the FY-2007 Audit was ready to print. Staff requested the ten-day holding period be waived in order that the audit could be provided to the Board in the Board mailout. She added that the exit conference was held in closed session at the November 15, 2007 Board meeting.

Ms. Jeffries stated that after the Board's acceptance of the audit, it will be sent to each of the bond rating agencies as well as to each nationally recognized municipal securities information repository as required under the Continuing Disclosure Undertaking relating to AMAFCA's bonds.

In response to a question from Director Saiers, Mr. Chavez stated that the audit was essentially the same as that reviewed by the Board at the November meeting. Several very minor changes had been made.

Director Eichenberg made a motion that the Board accept the FY-2007 Audit. Director Brown seconded the motion, which passed unanimously (5-0).



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
February 28, 2008**

Page 6

8. Legal

a. Status Report

Attorney Marcus Rael, Jr., briefed the Board on the status of various legal matters, and answered several questions from the Board.

9. Notification of On-Call Services Task Orders

Mr. Kelly stated that on-call services task order #5 was issued to AMEC Earth and Environmental, Inc., for professional engineering services in support of technology consulting and GIS services, on a time and materials basis not to exceed \$20,200.00. AMEC will prepare an assessment of AMAFCA's geographical information system (GIS) needs, addressing and incorporating real estate, construction, and maintenance programs. The Board will be briefed on this project and further recommendations at a later meeting. This had been identified in the AMAFCA budget at \$10,000. The additional funds came from other areas of the budget.

10. Commercial Banking and Cash Management Services – Consideration of Agreement with Wells Fargo Bank New Mexico, N.A.

Ms. Jeffries introduced Elena Garcia, Assistant Vice President of Wells Fargo Bank New Mexico Specialty Markets Group.

The memo from Ms. Jeffries stated that the contract with Wells Fargo Bank New Mexico, N.A., would be for two years with an option to renew for another two years. Attorney Rael had reviewed and approved the contract. Rates and individual item charges are the same as were submitted with Wells Fargo's proposal. Banking service fees of approximately \$115 per month will be waived by the offsetting compensating balance of \$50,000. The memo requested that the Board approve the contract with Wells Fargo Bank New Mexico and authorize the Executive Engineer to execute the contract.

Director Eichenberg noted that the bank contract was for two years, with one two year extension, rather than the one year contract plus three one-year extensions that is typical for AMAFCA contracts.

Director Eichenberg made a motion that the Board approve the contract with Wells Fargo Bank New Mexico, N.A., to provide commercial banking and cash management services, and authorize the Executive Engineer to execute the contract. Director Brown seconded the motion, which passed unanimously (5-0).



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
February 28, 2008**

Page 7

11. Martineztown Flood Relief – Consideration of First Amendment to "Martineztown Flood Relief – Agreement for Construction of the A.Q. Pond"

The memo from Mr. Kelly stated that the First Amendment to “Martineztown Flood Relief – Agreement for Construction of the A.Q. Pond” agreement had been drafted pursuant to Board comments at the January meeting. The amendment to the agreement allows for phased funding of the construction, rather than lump-sum funding.

Director Brown made a motion that the Board approve the First Amendment to "Martineztown Flood Relief – Agreement for Construction of the A.Q. Pond," and authorize the Chairman to execute the First Amendment on behalf of AMAFCA. Director Eichenberg seconded the motion.

Director Eichenberg then asked that a change be made to the end of paragraph 3.1, to state “anytime after each phase or phases of the phased construction project has begun.” Mr. Kelly stated that the standard contract would state “upon award” but the first two phases of the project were begun under an emergency construction contract so were not technically “awarded,” but were given a notice to proceed. It was for that reason that he had added “notice to proceed” to the language of the amendment.

Directors Brown and Lyon expressed concurrence with this change. Director Saiers stated that “after construction has begun” should be AMAFCA’s new standard.

In response to a query from Mr. Kelly, Roland Penttila, of the City of Albuquerque Department of Municipal Development, stated that he would accept the change, but that it would have to go through City of Albuquerque approval as well.

Director Brown amended his motion to approve the First Amendment with paragraph 3.1 as amended by the Board, or as worded by AMAFCA’s attorney with this intent. Director Eichenberg concurred with the change.

The amended motion passed unanimously (5-0).

Mr. Kelly stated that he would review the changes with the City Legal Department.

12. 2008 Legislative Session – Briefing by New Mexico Outsourcing, Inc.

Mr. Kelly introduced Maurice and Mary Hobson, of New Mexico Outsourcing, Inc., who briefed the Board on the 2008 Legislative Session.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
February 28, 2008**

Page 8

Mr. Hobson stated that during a typical 60 day legislative session, around 2,900 bills are introduced and 550 are passed. During the last 30 day session, 2,009 bills were introduced and 150 passed. During this 30 day session, 1,521 bills were introduced and 155 passed. He attributed this change to the interim committees working well, and fewer duplicate bills being introduced. The practice of submitting duplicate bills was outlawed this year.

He stated that a special session will probably be called to deal with the universal healthcare issue, which was too big to properly address during a 30 day session.

He stated that HB 112, revising the Mileage and Per Diem Act, did not pass. The ethics legislation also did not pass.

Mr. Hobson opined that the fact that state revenues only increased 2.5% instead of 6-7% this year created a budget difficulty, as state step raises cost 4% a year. The Department of Transportation's federal funding had also been cut significantly. This federal funding is earmarked to repay bonds. It also cuts into the money used for maintenance and repair on the highways.

He stated that HB 183 and SB 67, which would have revised the Retiree Health Care Act, also did not pass. This issue will need to be dealt with next year.

In response to a question from Director Saiers about whether the Office of the State Engineer (OSE) had received more funding, Mr. Kelly stated that the OSE had requested additional funding, but this was rejected by the governor. He added that the OSE is short two engineers right now, and has been having difficulty hiring experienced people with the funds allotted.

Mr. Hobson stated that the NMSU Dam Safety Center bill failed, but money had been appropriated in HB 2 to set it up.

Director Eichenberg asked how Senate Bill 349, which would freeze property tax for seniors below the federal poverty level, would affect AMAFCA. He wondered how many properties would have their valuation frozen in Bernalillo County, and if AMAFCA would have to raise its mill levy in order to collect the same amount of property taxes.

Mr. Hobson stated that there were three bills passed which would freeze property tax for various groups of people, including a bill that freezes various amounts depending on family size, and another based on disability. If the bills address the same section of the statutes, the last bill signed by the governor overrides changes made by earlier bills.

Chairman Hernandez requested that the Hobsons keep AMAFCA informed as to which of these bills is signed into law, and in which order.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
February 28, 2008**

Page 9

13. Albuquerque West Levee – Project Status Report by MRGCD

Mr. Kelly introduced Subhas Shah and Ray Gomez of the Middle Rio Grande Conservancy District, and Craig Hoover and Scott Armstrong of Bohannon Huston, their engineers.

Scott Armstrong briefed the Board on the Albuquerque West Levee. Clearing and grubbing in advance of the rebuilding has begun. Design work and the studies required (due to the federal funding) are in progress. A preliminary design and plan set are due in mid-April. Access and staging areas have been identified for the project. Reconstruction of the 3.5 miles of levee will begin approximately August 1, 2008, and will be completed in approximately February 2009.

In response to a question from Director Brown, Mr. Armstrong stated that the new levee will be approximately the same height as the existing levee.

Director Eichenberg asked about the requirement for a 25-30' swath to be clear of vegetation. Mr. Shah stated the new design criteria from the Corps of Engineers call for no vegetation within 30' of the toe of the levee slope. Mr. Armstrong commented that he thought this vegetation-free zone was 25', and noted a request from Open Space to reduce this zone to protect biological resources in the area. He was not aware if this issue had been officially resolved yet. Director Eichenberg stated that the Bosque is important to the area, and residents do not want to take 30' of it out, as it would strip the area.

Chairman Hernandez stated that this issue was part of the discussion he and Jerry Lovato, AMAFCA Field Engineer, had attempted to have with the Army Corps of Engineers and FEMA at the National Levee Safety Summit, in St. Louis, Missouri. If you clear out 30' of trees along the Mississippi River, it is not a big deal. If you clear out 30' of trees on each side of the Bosque, you have decimated the Bosque. His goal is for the Corps of Engineers and FEMA to have different standards for the southwest.

Director Eichenberg stated that during the field trip to the levees with Mr. Shah and Senator Bingaman, Mr. Shah stated this is an eastern standard which results in a huge loss of vegetation in the Bosque, and that the standards should be different in the southwest.

Mr. Shah stated that FEMA wants many small issues to also be fixed, but the cost to fix everything is prohibitive, at \$120 million. He stated he will be asking congress for some help in doing this work. Senator Bingaman had written a letter to FEMA asking them to hold off on the new floodplain maps until the new section of levee is complete. He, along with Chairman Hernandez and Mr. Lovato, were successful in speaking with the Assistant Secretary of the Army Corps of Engineers, Doug Lamont, in St. Louis.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
February 28, 2008**

Page 10

Chairman Hernandez stated one of the things that came up during the conversation with Doug Lamont was that the Army Corps of Engineers wants the entire levee to be certified as one levee, which is way beyond the scope of the Albuquerque West Levee Project. Mr. Shah stated that most of the levee was certified a year ago, by MRGCD and the Corps of Engineers. The standards have since changed, and it will be more difficult to certify the levee the next time.

Mr. Lovato stated that the National Levee Safety Summit was not a conference, but a series of conversations with various officials to provide feedback for national policies currently under consideration. He stated that the criteria for certification will change at the end of 2008. He and Chairman Hernandez, and others from the Southwest, had tried to explain to the FEMA officials that what happens in the Southwest is very different from what happens on the east coast. He stated that this is a national issue that affects AMAFCA. This issue affects about 2,000 people in Albuquerque, and affects other areas of the country also, some with upwards of 200,000 people that will be added to floodplain.

Chairman Hernandez stated that one thing he heard over and over was that those who are behind a levee may still need to purchase flood insurance because there is still a possibility that levee will breach.

Mr. Kelly commented that AMAFCA has levees within its system, and the entire outside bank of the South Diversion Channel can be considered a levee, as can major portions of the North Diversion Channel.

Mr. Lovato gave an example concerning I-10 in Tucson – a road embankment that ranges from two feet to ten feet high. It is considered a levee by FEMA. According to FEMA, if it causes water to spread out rather than flow in its original path, it is a levee.

14. Corps of Engineers Southwest Valley Flood Reduction Project – Consideration and Authorization of Purchase Offer for Los Padillas Drain Gravity Outlet to Rio Grande

Mr. Kelly stated that this item would involve discussion of acquisition of real estate.

Director Brown made a motion that the meeting be closed, pursuant to the Open Meetings Act, §10-15-1 NMSA 1978, Subsection H, to preserve the confidentiality of the information to be discussed, and as further described in Attorney General Madrid's document, "*The Open Meeting Act, A Compliance Guide for New Mexico Public Officials and Citizens*," fifth edition, January 2004, for the purpose of discussing the acquisition of real estate. Director Lyon seconded the motion, which passed unanimously (5-0).



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
February 28, 2008**

Page 11

Chairman Hernandez stated that the closed session would be for purposes of discussion only, regarding a real estate purchase offer, and closed the meeting at 2:41 p.m.

Chairman Hernandez reopened the meeting at 3:21 p.m. Director Brown made a motion to come out of closed session. Director Brown stated that the Board had taken no action during the closed session, but had discussed the acquisition of real estate. Director Lyon seconded the motion, which passed (4-0). Director Eichenberg was absent from the vote.

Director Brown made a motion that the Board authorize staff to proceed with negotiations to acquire the property. Director Lyon seconded the motion, which passed (4-0).

Director Eichenberg returned to the meeting at 3:22 p.m.

15. AMAFCA Bond Counsel Services – Authorization to Re-Advertise Request for Proposals.

The memo from Mr. Kelly stated two firms had submitted proposals on the RFP for Bond Counsel Services. There was no record of one of the firms having contacted AMAFCA for the complete RFP, and it appeared that their proposal was submitted based only on the legal notice. Staff had reviewed the legal notice and it did not mention the campaign contribution disclosure form, the mandatory statements which were to be included in the transmittal letter, and the page limit for the proposals. After review of the situation with Attorney Rael, he recommended that both proposals be rejected, and that the RFP be re-advertised with a modified legal advertisement.

Director Saiers made a motion that the Board reject all proposals for Bond Counsel Services and direct staff to re-advertise the procurement with modifications to the advertisement. Director Brown seconded the motion, which passed (4-1). Director Lyon voted against the motion.

16. AMAFCA Financial Advisor Services – Selection Advisory Committee Meeting, Recommendation, and Selection of Top-Ranked Firm

Director Brown made a motion that the Board reject all proposals for Financial Advisor Services and direct staff to re-advertise the procurement. Chairman Hernandez stated he would second the motion for the purposes of discussion.

Director Brown stated that, as there were issues with the transmittal letter in one of the two proposals received, there were potential problems either way. He did not feel comfortable with making a decision based on only one proposal, nor did he feel comfortable with waiving the mandatory statements. It would not serve the public interest for AMAFCA to make a decision



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
February 28, 2008**

Page 12

on one of the proposals received. AMAFCA ought to be able to receive more than one responsive proposal upon re-advertisement of the RFP.

In response to a question from Director Saiers, Mr. Kelly stated that a 30 day delay in selecting a Financial Advisor and Bond Counsel would not affect the next bond sale, nor the bond election this fall.

The motion passed unanimously (5-0).

Chairman Hernandez briefly left the meeting at 3:30 p.m., returning a few minutes later. Vice Chair Saiers presided over the meeting in his absence.

17. Review of Proposed Changes to Campaign Contribution Disclosure Form

Mr. Rael briefly reviewed the current and proposed revised versions of AMAFCA's Campaign Contribution Disclosure Form. He stated his support of the reformatting which ensures the signature page is contiguous to the remainder of the form. He stated that the Board is allowed to also add a line requesting the prospective contractor disclose to whom contributions were made. This would be a policy decision by the Board.

Mr. Kelly pointed out the specific differences in the two forms.

Director Eichenberg supported both of these changes, and stated that it doesn't go far enough, as the Directors are not required to do campaign disclosure reporting of contributions and expenditures. He stated that it was his position that a company which wants to do business with AMAFCA will need to adhere to a higher level of disclosure than that required by law.

Mr. Rael stated that the Board could enact a supplemental election resolution to direct campaign disclosure reporting by the directors. Mr. Kelly asked if the Board was recommending a \$100 limit on reporting.

Discussion followed. Chairman Hernandez noted that a \$1 limit on reporting would become burdensome. Mr. Rael stated the Board could go lower but not higher than the \$250 the State statute requires.

Director Brown made a motion that the Board reformat the Campaign Contribution Disclosure Form so that the signature page is contiguous to the remainder of the form, add a line requiring disclosure of to whom contributions were made, and change the dollar limit requiring disclosure from \$250 to \$100, effective immediately. Director Saiers seconded the motion, which passed unanimously (5-0).



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
February 28, 2008**

Page 13

Upon further discussion, the Board asked Mr. Rael to draft a campaign reporting resolution for the Board's review at the March 20 meeting. This would allow the Board to adopt it at the April 24 meeting, before the Election Resolution, which would refer to it.

Due to a previous commitment, Director Brown left the meeting at 3:47 p.m.

18. Garduño Road Storm Drain Project – Review of Draft Cost Sharing Agreement by and among AMAFCA, the Village of Los Ranchos and the County of Bernalillo

Mr. Kelly introduced Kelly Ward, Village Administrator of the Village of Los Ranchos, and Chuck Easterling, the former Village Engineer. He also introduced Bill Perkins, of David Montoya Construction, the firm that will be doing some construction work on parcels adjacent to the project.

Mr. Kelly stated that a proposed cost sharing agreement among AMAFCA, the Village of Los Ranchos, and the County of Bernalillo had been drafted along the lines of the Board's briefing at the January 24, 2008 Board meeting, and had been through legal review. He requested the Board's input on the draft agreement. Funding was listed at the amounts discussed at the January Board meeting.

Mr. Perkins asked about the design process. Mr. Kelly stated that the Village of Los Ranchos would be the lead on the project, with Kelly Ward as the contact person.

Consensus of the Board was support of the draft agreement.

19. Storm Water Quality Education and Public Outreach Program – Review of Draft Intergovernmental Agreement by and among AMAFCA, the City of Albuquerque, the County of Bernalillo, the New Mexico Department of Transportation, the University of New Mexico, and the Ciudad Soil and Water Conservation District

Christy Burton, AMAFCA GIS Manager, stated that Steve Glass, of the Ciudad Soil and Water Conservation District, had been present earlier, but had to leave due to another commitment. She stated that SSCAFCA and Ciudad are both interested in joining the Storm Water Quality Education and Public Outreach Program. The City of Rio Rancho declined to join in.

She requested the Board review and comment on the proposed intergovernmental agreement. Ciudad is ready to accept the agreement as-is. The agreement includes an Executive Committee to oversee the program, and includes representatives of all agencies that have paid their dues.

Consensus of the Board was support of the agreement as drafted.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
February 28, 2008**

Page 14

20. Agency and Area-Wide Flood Control Maintenance Contract

a. Review of Draft Project Cooperation Agreement by and among AMAFCA, the City of Albuquerque, and the New Mexico Department of Transportation

Mr. Kelly introduced David Silva, an engineer with the Street Maintenance Department of the City of Albuquerque.

Mr. Kelly stated that he had worked on the draft project cooperative agreement with Jerry Lovato, Kurt Wagener, and representatives of the City of Albuquerque and the New Mexico Department of Transportation. He added that the agreement was in legal review at the DOT and City.

Mr. Kelly stated that the indemnity clause follows the Board's direction from the January Board meeting, and had been reviewed by Attorney Rael. He stated that the City is in preliminary agreement with the terms of the agreement. AMAFCA will front the money needed for emergency repairs and will bill the other agencies for reimbursement.

He requested Board review and comments on the proposed agreement.

In response to a comment from Director Eichenberg, Mr. Kelly stated that during the summer of 2006, there was a major failure on the Hahn Arroyo and AMAFCA was the only public agency with an ongoing construction contract able to help with the repairs. To accomplish the repairs in a timely fashion, it was done as a change order on a project across town. Similar problems developed shortly thereafter on the Embudo (I-40) Channel, which was also repaired on a change order on another project. With this agreement, repairs such as these would be easily accomplished with prices pre-set through the bid process.

Director Eichenberg stated that this was a very sound idea. With repair prices pre-set, emergency repairs can be begun within 24 hours of a problem developing. It is a good deal for all agencies involved.

Director Lyon also supported the agreement, and commented about AMAFCA as fiscal agent.

In response to a question from Chairman Hernandez about section 2.12, Mr. Kelly stated that all relevant regulations, such as the Storm Water Pollution Prevention Plan (SWPPP), will be included in the contract documents.

Director Saiers noted that the purpose of fixing concrete channels was not clearly stated in the agreement.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
February 28, 2008**

Page 15

Mr. Kelly stated that the Board's comments will be incorporated into the agreement, and a redline/strikeout version will be provided to the Board along with a clean version for approval at the March Board meeting.

David Silva commented that the City had already identified areas in urgent need of repair, which will be repaired under this contract.

b. Authorization to Advertise RFP for Design and Construction Management Services

Director Eichenberg made a motion that the Board authorize advertisement of the Request for Proposals for Agency and Area-Wide Flood Control Maintenance Design and Construction Management Services Contract. Director Lyon seconded the motion, which passed (4-0).

21. Field Highlights

- a. Construction Report**
- b. Field Report**

Mr. Wagener presented a slide show of various projects, including the Embudo Repairs Under Carlisle Bridge Project, and several of the tasks on the Miscellaneous AMAFCA Projects 2008 Project. He stated that many of the repairs under the Agency-Wide and Area-Wide Flood Control Maintenance contract would be similar to these repairs. The goal of the repairs is to fix broken concrete before water gets under it and lifts sections of the channel.

He pointed out photos of a repair where Lithium Nitrate was added to one section, but not added to the adjacent section, as a test case. New concrete repairs tend to fuel ASR (Alkali-Silica Reactivity) in the older concrete next to it. Lithium Nitrate is supposed to help prevent this, so AMAFCA is testing it in the field.

He stated that the Vineyard Arroyo Storm Water Quality Facility would begin construction soon.

He also showed pictures of the AMAFCA crew clearing sediment from the North Diversion Channel, to meet the terms of the 404 permit. Another picture showed warning plaques placed on manholes into the North Diversion Channel underdrain system near the old Los Angeles Landfill and the Balloon Fiesta Park. Air quality testing is required before entering these manholes, due to the risk of methane exposure.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
February 28, 2008**

Page 16

Ms. Burton introduced several final photos of artwork by Beau Carey, depicting AMAFCA facilities. She stated that he recently spoke to a UNM class, held at AMAFCA's office, regarding flood channel art.

22. Unfinished Business

In response to a question from Director Saiers, Mr. Kelly stated that the first three joint-use signs were being constructed as a part of the Miscellaneous AMAFCA Projects 2008 project, and will be installed at the North Domingo Baca Dam later this spring.

23. New Business

a. New Mexico Dam Owners Coalition – Briefing by Chuck Easterling, Easterling Consultants, LLC, on First Organizational Meeting and Follow-up Work Assignments

Mr. Kelly introduced Chuck Easterling, of Easterling Consultants, LLC, who briefed the Board on the New Mexico Dam Owners Coalition organizational meeting and follow-up work assignments.

Mr. Easterling stated that 175 dam owners had been invited to the meeting, and 38, from all over the state, came to the first organizational meeting. Several others called to say they were interested in supporting the organization, but were unable to attend the meeting.

He stated that a steering committee was created, including representatives of the Elephant Butte Irrigation District, Dona Ana County, the City of Santa Fe, a mining representative, and private/acequia owners. The City of Albuquerque is considering joining the steering committee.

He added that he is Chairman of the New Mexico Watershed Coalition, established years ago by the Soil Conservation Service, which had similar goals and is already a 501(c)(3) organization. One of the options the steering committee is considering is to change the name and bylaws of the New Mexico Watershed Coalition rather than having to go through the 501(c)(3) process separately. All feedback from the NMWC Board and dam owners has been positive. The NMWC Board would like to see "Watershed" remain a part of the organization name.

Mr. Easterling stated that issues to be worked out included setting dues, perhaps on a tiered membership basis for fairness, and naming a fiscal agent. The group could provide dam owners with workshops and training in the future.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
February 28, 2008**

Page 17

Mr. Kelly added that under a tiered membership, larger agencies would pay more. He also stated that government agencies prefer to send funds to another government agency as fiscal agent, rather than to a 501(c)(3) organization.

Director Lyon suggested involving the state legislature, perhaps through one or more interim committees.

Director Eichenberg stated that having SSCAFCA, Dona Ana County, or some other government agency outside of Albuquerque serve as the fiscal agent would probably be prudent.

Mr. Easterling commented that the group that represented the most dam owners in the state is the NMACD, the New Mexico Association of Conservation Districts, which represents owners of about 100 dams. This group might also be interested.

Director Eichenberg added that Mr. Kelly, through his funding authorization as Executive Engineer, could continue to arrange for initial setup of the organization.

b. Out of State Travel – Retroactive Approval for Attendance at National Levee Safety Summit, St. Louis, MO, February 25-27, 2008

The memo from Mr. Kelly stated that Chairman Hernandez and Jerry Lovato had attended the National Levee Safety Summit in St. Louis, MO, February 25-27, 2008, and asked for retroactive travel authorization.

Director Saiers made a motion that the Board retroactively approve out-of-state travel for the Chairman and Drainage Engineer to attend the National Levee Summit in St. Louis, MO, not to exceed \$1,500 each. Director Lyon seconded the motion, which passed (4-0).

c Embudo Arroyo Bike Trail Ribbon Cutting

Mr. Kelly stated the Embudo Trail Ribbon Cutting will be held April 23, 2008 at 10:00 a.m., as a joint City of Albuquerque/AMAFCA/New Mexico Department of Transportation event.

d. Ditch Opening February 29, 2008, 10:00 a.m. at Angostura Diversion Dam

Mr. Kelly stated that the Ditch & Water Safety Task Force's Ditch Opening News Conference will be Friday, February 29, 2008 at 10:00 a.m. at the Angostura Dam in Algodones.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
February 28, 2008**

Page 18

e. Eagle Scout Project at Comanche Elementary and AMAFCA

Director Eichenberg asked Mr. Kelly to brief the Board about Larry Shore and the Scout projects involving hydrology.

Mr. Kelly stated that hydrologist Larry Shore is a Boy Scout leader involved with Eagle Scouts' projects. In the past, Mr. Shore and the Scouts have done several projects benefitting AMAFCA, including replanting at wetland ponds, and revegetation at the Bear Canyon Water Quality Facility. Mr. Shore also done extensive work at Comanche Elementary.

The current Scout projects involve water harvesting, and using this water in landscape irrigation as in the system at Comanche Elementary. The newest concept is a "water stack" to push water into a drip irrigation system via an underground exfiltration gallery full of recycled crushed glass. An Eagle Scout wants to install a water stack system at AMAFCA.

Mr. Shore will also continue to do the work at Comanche Elementary, which he has been doing at his own expense. He had asked for help with supplies and materials at AMAFCA and the school. Providing supplies for the school could be an issue. In the past, AMAFCA has offered 40-50 large basalt boulders, and could do this again.

Mr. Kelly stated that, with the Board's concurrence, he would like to offer the same support again, understanding the boulders are going onto a public school site, not onto private property. He added that the boulders are worth about \$2,000-3,000.

Mr. Kelly stated he would be meeting with Mr. Shore and the young man the following week.

Chairman Hernandez expressed support of Mr. Shore's projects with the Scouts.

Director Eichenberg stated that Mr. Shore had shown him the water stack and had suggested a similar project could be done on the north side of the AMAFCA office building. He added that he had requested this be put on the agenda because of the project at Comanche Elementary. Mr. Shore stated the project at the school would cost about \$2,000, but he was hoping to receive donations from the Pueblos, Intel, and other local businesses.

Director Eichenberg expressed support of the project, expressing pleasure that a hydrologist was getting kids interested in projects like these.

The Board expressed support of these projects, stating that landscaping that reuses the water is a worthy cause.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
February 28, 2008**

Page 19

24. Items from the Floor/Public Comment

None.

25. Adjourn

Director Lyon made a motion for adjournment. Director Eichenberg seconded the motion, which passed (4-0). Chairman Hernandez adjourned the meeting at 4:54 p.m.

Tim Eichenberg, Secretary-Treasurer 3/20/08

Recorded by Pam Woodruff, Secretary to the Executive Engineer