



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Special Meeting Minutes
September 17, 2007**

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1. Call to Order and Roll Call

Chairman Hernandez called the Special Board Meeting to order at 2:06 p.m., Monday, September 17, 2007. Roll was noted as follows:

Directors present:	Chairman Danny Hernandez Director Janet Saiers Director Ronald D. Brown Director Daniel Lyon
Director excused:	Director Tim Eichenberg
Others present:	John Kelly, Executive Engineer Jackie Bregman, Attorney Staff Other attendees on file at AMAFCA

A quorum was present.

2. Approval of Agenda

Director Saiers made a motion to approve the agenda. Director Lyon seconded the motion, which passed (4-0).

3. Meetings Scheduled

- a. **September 25, 2007, 2:00 p.m. – Regular Meeting**
- b. **October 25, 3007, 12:00 noon – Regular Meeting**
- c. **November 15, 2007, 1:30 p.m. – Regular Meeting**

There were no changes to the meeting schedule.

4. AMAFCA General Legal Counsel Services – Selection Advisory Committee Meeting, Recommendation, and Selection

Chairman Hernandez introduced Brian Colón, of Robles, Rael & Anaya, P.C., who was present.

The memo from Irene Jeffries, AMAFCA Business Manager, stated that thirteen law firms had requested the RFP packet for General Legal Counsel Services, and six firms submitted proposals by the deadline. It stated that the Board needed to make a determination of whether



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or not it wanted to deem the Rodey Law Firm responsive, as their proposal had their detailed résumés as an extensive supplement rather than included within the requested fifteen-page limit. All of the other firms were within the fifteen-page limit.

Chairman Hernandez stated the Board as a whole would serve as the Selection Advisory Committee. The first task before the Committee was to decide if they should accept or reject the proposal from the Rodey Law Firm.

Responding to questions from Chairman Hernandez, Mr. Kelly stated that the RFP specified a maximum of fifteen pages was allowed in the proposal, excluding the cover letter, table of contents, and Campaign Contribution Disclosure Form. He stated that, in the case of an engineering proposal where he typically serves as the Chair of the Selection Advisory Committee, the standard practice is to disqualify a proposal that is over the page limit given in the Scope of Services. In this case, that determination falls to the Board.

Director Lyon made a motion to consider the proposal from the Rodey Law Firm along with the others. Director Saiers seconded the motion, which failed on a 2-2 tie vote. Chairman Hernandez and Director Brown voted against the motion.

After discussion, Director Saiers made a motion to reject the proposal from the Rodey Law Firm. The motion was seconded by Director Brown, and passed (3-1). Director Lyon voted against the motion.

Chairman Hernandez polled each Director regarding the scores they had given the remaining five firms. The scores were totaled, and the firms were then ranked according to this total score. The Board's ranking was:

1. Robles, Rael & Anaya
2. Modrall, Sperling
3. Luebben, Johnson & Barnhouse
4. Sutin, Thayer & Browne
5. Barela-Guitierrez Law Firm

Each Board member had independently rated either Robles, Rael & Anaya or Modrall, Sperling first.

Discussion followed. Each Board member commented on how they determined their scores.

It was the consensus of the Board that a mid-sized firm, or a group within a large firm that acted like a mid-sized firm, would be the ideal. The Board wished to have an experienced primary contact and backup contact within the firm, and easy access to those attorneys. A



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legal generalist, rather than a specialist, was desired. The consensus of the Board was that they also valued expertise in the areas of work most important to AMAFCA.

By consensus, the Luebben, Sutin, and Barelás-Guitierrez firms were removed from consideration. The Board decided to interview the top two firms before making a selection.

Chairman Hernandez summarized the discussion and consensus of the Board by stating that the two firms which the Board wished to interview were Robles, Rael & Anaya, and Modrall, Sperling.

Responding to a question from Director Saiers, Mr. Kelly stated that the contract is for a one-year term, with up to three optional one-year renewals by mutual agreement of the Board and the law firm.

Due to a prior commitment, Ms. Bregman left the meeting at 2:46 p.m.

Chairman Hernandez directed Mr. Kelly to set up interviews with the primary contact attorney and backup contact attorney from Robles, Rael & Anaya and Modrall, Sperling in a closed session at the beginning of the September 25, 2007 Regular Board Meeting. Each interview would be limited to 20 minutes, with a ten minute discussion period following. The interviews would be at approximately 2:00 p.m. and 2:30 p.m.

5. Unfinished Business

None.

6. New Business

None.

7. Items from the Floor/Public Comment

None.

8. Adjourn

With no further business to discuss, Chairman Hernandez adjourned the meeting at 2:51 p.m.

Tim Eichenberg, Secretary-Treasurer 9/25/07

Recorded by Pam Woodruff, Secretary to the Executive Engineer