



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
January 24, 2013**

Page 1

1. Call to Order and Roll Call

Chairman Eichenberg called the Regular Board Meeting to order at 10:02 a.m. Thursday, January 24, 2013. Roll was noted as follows:

Directors present:	Chairman Tim Eichenberg Director Danny Hernandez Director Bruce M. Thomson Director Ronald D. Brown Director Daniel F. Lyon
Directors excused:	None
Others present:	Jerry M. Lovato, P.E., Executive Engineer Marcus Rael, Jr., Attorney Staff Other attendees on file at AMAFCA

A quorum was present.

2. Approval of Agenda

Mr. Lovato noted that there was a late mailout memo for agenda item 10a, and a supplemental memo for agenda item 9c. These had been emailed and delivered to the Board. Director Hernandez made a motion to approve the agenda. Director Thomson seconded the motion, which passed unanimously (5-0).

3. Meetings Scheduled

- a. Thursday, February 7, 2013, 10:00 a.m. – Special Meeting
- b. Thursday, February 28, 2013, 10:00 a.m. – Regular Meeting
- c. Thursday, March 28, 2013, 10:00 a.m. – Regular Meeting
- d. Thursday, April 25, 2013, 10:00 a.m. – Regular Meeting

Mr. Lovato stated that the February 7, 2013 meeting on the schedule was listed in error. No other changes were made to the meeting schedule at that time, but later a February 1, 2013 special meeting was added. The revised meeting schedule was:

- a. **Friday, February 1, 2013, 8:30 a.m. – Special Meeting**
- b. **Thursday, February 28, 2013, 10:00 a.m. – Regular Meeting**
- c. **Thursday, March 28, 2013, 10:00 a.m. – Regular Meeting**
- d. **Thursday, April 25, 2013, 10:00 a.m. – Regular Meeting**



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
January 24, 2013**

Page 2

- 4. Election of Officers**
 - a. Chairman**
 - b. Vice Chairman**
 - c. Secretary / Treasurer**
 - d. Assistant Secretary / Treasurer**

Director Thomson made a motion that the Board continue with the present slate of officers for the coming year. Director Hernandez seconded the motion.

Director Brown made a motion to close the nominations. Director Hernandez seconded the motion to close the nominations, which passed unanimously (5-0).

Chairman Eichenberg noted that the nominated slate of officers were:

Tim Eichenberg, Chairman
Danny Hernandez, Vice-Chair
Bruce M. Thomson, Secretary / Treasurer
Ronald D. Brown, Assistant Secretary / Treasurer

and called for a vote on the motion on the floor.

The motion to continue with the present slate of officers for 2013 passed unanimously (5-0).

- 5. Approval of Resolution 2013-1, *Open Meetings Standards***

Mr. Lovato stated that Resolution 2013-1, *Open Meetings Standards*, was essentially the same as had been adopted in prior years, updated with this year's meeting dates. Attorney Chavez of Robles, Rael & Anaya reviewed the resolution and made minor changes to the text. He recommended that the Board adopt the resolution, which meets the state standards.

Director Brown made a motion that the Board approve and adopt Resolution 2013-1, *Open Meetings Standard*, and authorize the Chairman and Secretary to execute the same on behalf of AMAFCA. Director Lyon seconded the motion, which passed unanimously (5-0), on a roll-call vote.

- 6. Items from the Floor/Public Comment**

Roger Paul, of Bernalillo County Public Works, noted that the Eubank Widening Phase II Project, north of Paseo del Norte, had recently been completed. He thanked AMAFCA and the Board for working with Bernalillo County on this project. He stated that a ribbon cutting would be scheduled later in the spring and that the Board would be invited. Director Brown complimented Bernalillo County, Mr. Paul, and the contractor on a project well managed.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
January 24, 2013**

Page 3

Chairman Eichenberg recognized that retired City employees Roland Penttila and Robert White were in the audience, as was retired former AMAFCA Executive Engineer Richard Leonard.

7. Approval of Minutes

a. December 15, 2012 Regular Meeting

Director Lyon made a motion to approve the minutes of the December 15, 2012 Regular Board Meeting. Director Brown seconded the motion, which passed unanimously (5-0).

b. January 2, 2013 Special Meeting

Director Lyon made a motion to approve the minutes of the January 2, 2013 Special Board Meeting. Director Hernandez seconded the motion, which passed unanimously (5-0).

8. Financial Matters

a. Approval of December 2012 Expenditures

Irene Jeffries, AMAFCA Finance and Administration Manager, presented the December 2012 Expenditure Report.

She noted that she was also reporting on a new fund, "Unassigned Funds," which will be where revenues from sediment sales, film production licenses, and other non-property tax revenues will be deposited. She had also separated out the reconciliations for the AMAFCA checking accounts and the reconciliations for fiscal agent accounts, to provide greater accountability and transparency.

There were no questions from the Board.

Director Thomson made a motion to approve the December 2012 Expenditure Report. Director Hernandez seconded the motion, which passed unanimously (5-0).

b. Investment Report for December 2012

Ms. Jeffries presented the investment report for December 2012.

There were no questions, and no Board action was required.

c. Financial Recap December 10, 2012, through January 15, 2013

Ms. Jeffries presented the Financial Recap for December 10, 2012, through January 15, 2013.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
January 24, 2013**

Page 4

In response to a comment from Director Thomson, Ms. Jeffries stated that the forecast amount of tax collections is always an estimate.

No Board action was required.

d. Financial Forecast January 16, 2013, through February 15, 2013

Ms. Jeffries presented the Financial Forecast for the period January 16, 2013, through February 15, 2013. She noted that the Operating Fund includes transfers to the Contingency Fund and Building and Yard Improvement Fund, per the budget. Those funds show the corresponding incoming transfers. The Debt Service Fund shows interest payments on the bonds due on February 1, 2013.

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

e. Mid-year Budget Recap Fiscal Year 2013 Operating Fund Budget

Ms. Jeffries presented the mid-year budget recap for the Fiscal Year 2013 Operating Fund Budget. She noted that with the December property tax collections, income was at approximately 65% of budget. She stated that next month, she would have a further breakdown of all the revenues coming into the budget.

Ms. Jeffries noted that AMAFCA had received the refund check from Adobe for the compact track loader which did not perform according to specifications. There would be a resolution before the Board in February to increase the New Equipment line item to allow for the purchase of a new replacement compact track loader which will perform according to specifications.

In response to a question from Director Hernandez, Ms. Jeffries stated that revenue from sediment sales was picking up slightly due to a slight increase construction, and added that it was difficult to estimate what the amounts of non-property tax revenues would be.

She also advised that next month, there would be a resolution to transfer funds fenced for that purpose from the Contingency Fund to the Operating Fund to cover the compensated absences paid to the retired Maintenance Superintendent.

She noted that other operating expenses are projected to come in at 98% of budget.

Responding to a question from Director Thomson, Ms. Jeffries noted that the figure he questioned was a typographical error.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
January 24, 2013**

Page 5

No Board action was required.

9. Legal

a. Status Report

Attorney Marcus Rael, Jr., stated that his memo briefed the Board on the status of various legal matters.

Director Thomson noted that the AMAFCA Attorney had submitted an Amicus Brief to the Supreme Court of the United States in support of the Los Angeles Flood Control District. The Supreme Court ruled in favor of the flood control district. Director Thomson congratulated Attorney Rael on being a part of that victory. Directors Thomson and Hernandez asked what this decision meant to AMAFCA regarding discharges and the watershed-based permit.

Mr. Rael stated that the court decision means that AMAFCA cannot be held liable for a third party discharge that eventually makes its way down to the AMAFCA facilities on its way to the river. This is a big victory for flood control districts and authorities throughout the United States.

He noted that the City of Albuquerque has authority and enforcement capabilities that AMAFCA does not, and when discharges are under the City's jurisdiction, they need to deal with them appropriately by enforcing their ordinances.

Mr. Lovato noted that the EPA will be visiting Albuquerque in mid-February and one of the topics of discussion will be the watershed based permit. The visit will also mark the beginning of the public comment period on the permit.

Mr. Rael commented that one of the repercussions of the Supreme Court decision is that the blanket conditions cannot be the same on all the parties to the watershed-based permit, thus the draft permit will need some revision.

b. Consideration of Approval of the Memorandum of Understanding between the City of Albuquerque and AMAFCA for Financial Guarantees for Infrastructure

Mr. Lovato stated that the Memorandum of Understanding (MOU) between the City of Albuquerque and AMAFCA to address financial guarantees for infrastructure had been modified pursuant to the direction of the Board at the December 13, 2012 Regular Board Meeting. A sentence was added allowing AMAFCA to call the financial guarantee by making the request in writing to the City Engineer. The physical street address of the City's Chief Administrative Officer was added to the "Termination" paragraph and the first paragraph of the



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
January 24, 2013**

Page 6

MOU. The MOU had undergone legal review by both parties. Staff recommended approval of the MOU.

Directors Lyon, Brown, and Hernandez supported the MOU.

Responding to a question from Director Hernandez, Mr. Rael stated that the "mailbox rule" cited in the agreement assumes that any necessary notice has arrived within three days after it was mailed. Thus a document due by the tenth that was mailed on the tenth is assumed to have arrived on time under the mailbox rule, and can arrive on the thirteenth.

In response to a question from Director Hernandez regarding paragraph 7 notice, Mr. Lovato stated that the proper party to be notified would be verified before signature.

Director Hernandez made a motion that the Board authorize the Chairman to execute the Memorandum of Understanding between the City of Albuquerque and AMAFCA for Financial Guarantees for Infrastructure. Director Brown seconded the motion, which passed unanimously (5-0).

c. Pending Litigation

Mr. Lovato stated that discussion of pending litigation would need to be in closed session. Chairman Eichenberg noted that this would be an update regarding the Boca Negra Dam.

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 *"The Open Meeting Act, A Compliance Guide for New Mexico Public Officials and Citizens,"* seventh edition, 2010, to discuss pending litigation. Director Hernandez seconded the motion.

Chairman Eichenberg stated that the closed session would be for purposes of discussion only, regarding pending litigation. The motion passed unanimously (5-0), on a roll call vote.

Chairman Eichenberg closed the meeting at 10:26 a.m.

At 11:24 a.m., Chairman Eichenberg stated he would hear a motion to come out of closed session.

Director Brown made a motion that the meeting be re-opened, stating that the Board had taken no action and made no decisions during the closed meeting, but had discussed pending litigation. Director Thomson seconded the motion, which passed unanimously (5-0), on a roll call vote.

Chairman Eichenberg reopened the meeting at 11:25 a.m.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
January 24, 2013**

Page 7

d. Potential Litigation

Chairman Eichenberg stated that discussion of potential litigation on a different matter, one involving the Black Mesa project, would be in closed session.

Director Hernandez 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 *“The Open Meeting Act, A Compliance Guide for New Mexico Public Officials and Citizens,”* seventh edition, 2010, to discuss potential litigation. Director Brown seconded the motion.

Chairman Eichenberg stated that the closed session would be for purposes of discussion only, regarding potential litigation. The motion passed unanimously (5-0), on a roll call vote.

Chairman Eichenberg closed the meeting at 11:25 a.m. Jeff Willis, AMAFCA Real Estate Manager, and Attorney Robert White were invited to remain in the closed session.

At 11:46 a.m., Chairman Eichenberg stated that he would entertain a motion to come out of closed session.

Director Brown made a motion that the meeting be re-opened. He stated that the Board had received and reviewed information regarding potential litigation but that no decisions were made in the closed session. Director Hernandez seconded the motion, which passed unanimously (5-0), on a roll call vote.

Chairman Eichenberg reopened the meeting at 11:46 a.m.

e. Personnel Issue

Director Hernandez 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 *“The Open Meeting Act, A Compliance Guide for New Mexico Public Officials and Citizens,”* seventh edition, 2010, to discuss a personnel issue and potential litigation. Chairman Eichenberg seconded the motion.

Chairman Eichenberg stated that the closed session would be for purposes of discussion only, regarding a personnel issue and potential litigation. The motion passed unanimously (5-0), on a roll call vote.

Chairman Eichenberg closed the meeting at 11:47 a.m.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
January 24, 2013**

Page 8

At 12:01, Chairman Eichenberg made a motion that the meeting be re-opened. He stated that the Board had discussed a personnel matter and potential litigation, but nothing was decided during the closed meeting. Director Brown seconded the motion, which passed (4-0), on a roll call vote, Director Hernandez being out of the meeting at the time of the vote.

Chairman Eichenberg reopened the meeting at 12:01 p.m.

10. Executive Engineer's Report

a. Notification of Past Month's Activities

Mr. Lovato's Executive Engineer's Report highlighted significant activities of the past month. Director Hernandez returned to the meeting at 12:03 p.m., then briefly stepped out again 12:08 p.m. - 12:11 p.m. during the report.

Between the memo and further information given in the meeting, Mr. Lovato covered the following:

- **Corps of Engineers (COE)** – *Southwest Valley Flood Reduction Project Phase I*. In the past month, the contractor, CTSI/Meridian, provided as-builts to the COE. The COE has not shared that information with AMAFCA or Bernalillo County. COE staff have verified that the information is consistent with the data provided by AMAFCA in February 2012 and November 2012. John D. Moreno, P.E., Chief of Engineering and Construction for the COE, briefed the Board regarding the project later in the meeting, including possible ways to address the ponding in the Los Padillas Extension.

Southwest Valley Flood Reduction Project Phase I – Operations Maintenance, Repair, Replacement and Rehabilitation (OMRR&R) manual. A meeting was held with Middle Rio Grande Conservancy District (MRGCD), Bernalillo County, and AMAFCA staff on the project site to discuss the stalled OMRR&R document. Bernalillo County has scheduled a meeting with MRGCD Chief Engineer Subhas Shah at the end of January. It is hoped that discussions will wrap up soon. The COE and Bureau of Reclamation have not yet given Bernalillo County comments on the draft document.

Southwest Valley Flood Reduction Project Phase II. AMAFCA and Bernalillo County continue to advocate that the remaining work be designed and constructed by the local sponsors. The local sponsors requested that the PCA agreement be amended to allow the sponsors to complete the work. The amendment will not move forward. Phase II is on hold pending the outcome of Phase I.

Calabacillas Arroyo. The COE issued the 404 permit for the project. The permit requires that two burrowing owl holes be constructed after the project is completed.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
January 24, 2013**

Page 9

- **US Environmental Protection Agency (EPA)** – *Jurisdiction issues concerning MS4.* The Supreme Court of the United States unanimously overturned a decision in the Ninth Circuit Court concerning the definition of "waters of the U.S." AMAFCA participated in the decision by providing an Amicus Brief on behalf of the Los Angeles Flood Control Authority. Staff has contacted EPA Region 6 concerning the decision and the conflicting determinations that have been issued by the Albuquerque District COE. EPA Region 6 has offered to have a conference call with the EPA 404 Coordinator, the COE and the NPDES Permit section concerning the conflicting determinations, which is expected to occur in the next two weeks. EPA Region 6 intends to visit Albuquerque in mid-February to discuss this and the watershed-based permit.

- **New Mexico Department of Transportation** – *Embudo Channel Replacement Project.* The NMDOT contract engineer has completed the final report on the study of the East I-40 Embudo Channel. As reported during the November Board meeting, the NMDOT does not want to go forward with the rehabilitation project and will send AMAFCA an invoice for the work done to date. Per the agreement, AMAFCA will cost share, 50:50, in the study and preliminary design, up to \$500,000. This is estimated to be approximately \$425,000.

- **Office of the State Engineer (OSE) – Dam Safety Bureau** – *Operation and Maintenance Manual.* Following a three year review period, the Dam Safety Bureau has accepted for filing the AMAFCA Operation and Maintenance Manual for thirteen AMAFCA dams. AMAFCA has authorized an on-call engineer to complete the Volume II documentation for the remaining AMAFCA jurisdictional dams.

Probable Maximum Precipitation Analysis. The OSE met with the New Mexico Watershed Dam Owners Coalition, City of Albuquerque, and AMAFCA to discuss possible methods to address the extraordinary amount of rainfall associated with probable maximum precipitation as determined by HMR 55a. The OSE is ready to consider modifications to the analysis used to determine the maximum amount of rainfall. AMAFCA is working with the OSE to produce a white paper outlining the pros and cons of moving forward with this project. This will be further discussed at a future Board meeting. Discussions with the OSE also addressed funding of the analysis, as it could cost in excess of \$500,000. The white paper will provide the information needed to approach other agencies and municipalities for funding. It is anticipated that the effort will be state wide.

Director Thomson noted that part of the study would be to adopt the site-specific EPAT tool where appropriate, and come up with an acceptable process that can be used elsewhere where it is not.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
January 24, 2013**

Page 10

- **City of Albuquerque - Sagebrush Trail Dip Replacement Project.** The City of Albuquerque has completed the project and has done their final accounting. AMAFCA will receive a refund of a little over \$40,000.

Bryn Mawr Dip Section Replacement Project. The City of Albuquerque is evaluating possible design options for the Bryn Mawr project. The City would like to brief the AMAFCA Board at the February meeting for a potential cost share agreement.

- **Public Outreach – Hahn Arroyo Project.** The Hahn Arroyo Project was selected for Honorable Mention in the Council of Engineering Companies' New Mexico Engineering Excellence Awards in the category of water resources.

South Diversion Channel Storm Water Quality Facility. The South Diversion Channel Baffle Chute Water Quality Structure was the subject of an article in the January/February issue of Stormwater Magazine.

National Endowment of the Arts Our Town Grant Proposal. AMAFCA partnered with the City of Albuquerque (lead partner), Littlelobe (lead partner/local arts organization), Story of Place Institute (SoPI), UNM School of Architecture and Planning, and Bernalillo County to write a \$200,000 proposal to the NEA. The partnership of local government, designers, students, artists and residents will plan and design a public art installation and story garden that will incorporate the region's connection to water, land and cultural traditions. This is along the same line as the work that was done on the Hahn Arroyo.

- **New Mexico Land Office – Drainage Outfall from Valle de Oro.** AMAFCA continues to strive to obtain an outlet in the Bosque through land owned by the New Mexico Land Office. The Board has been briefed on the project and AMAFCA has enlisted an on-call engineer to design the outfall. During the AMAFCA Board briefing, it was noted that the City of Albuquerque's Open Space Division may have an interest in participation in the project. AMAFCA staff has been diligently following up on long-term maintenance of the project, funding from the Bureau of Reclamation and amending the biological opinion from the U.S. Fish and Wildlife Service for work in the Bosque identified by the State Land Office. Staff has drafted a straw man agreement that is currently being reviewed by the New Mexico Land Office, the City of Albuquerque and the Bureau of Reclamation. The agreement will be drafted and ready to be reviewed by the Board at the February meeting.
- **Albuquerque Public Schools Contract Selection Review –** During the November Board meeting, the Board requested additional information concerning the contract procurement method used by the Albuquerque Public Schools. Staff researched the information including the recent changes that went into effect this January. AMAFCA



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
January 24, 2013**

Page 11

follows the State Procurement Code. The 122 page procurement code was available at the meeting for the Board's review.

- **AMAFCA – Contract Renewals.** Staff reviewed contract renewals that will come up in the next few months. The Bond Counsel contract with Modrall, Sperling, and the Financial Advisor Services contract with George K. Baum & Company, will be ready for renewal in April 2013. Staff intends to propose the first renewal of these contracts during the April Board meeting.

Case Compact Loader Return. The Board was briefed during the October Board meeting about the return of the Case TV 380 Compact Track Loader with bucket to Adobe Equipment, as it did not meet the requirement for maximum availability. Adobe had proposed to refund the full amount of \$57,420.00 less a lump sum of \$5,536.00, which represented the 346 hours of non-mulcher use where AMAFCA was able to use the track loader to load trucks. AMAFCA has completed the return of the loader and has received the refund.

Mr. Lovato stated that he planned to request that the AMAFCA Board allow staff to re-advertise for bids for a compact track loader capable of operating the Fecon BH 74SS mulcher. A budget adjustment to the FY 2012 Operating Budget will be requested to account for the refund and the expenditure, during the February Board meeting.

Director Brown reiterated his earlier praise that staff was able to work with Adobe for this fair and equitable solution to the problem. Mr. Lovato stated that this outcome was possible due to the efforts of Kurt Wagener, AMAFCA Field Engineer, and Larry Trujillo, former Maintenance Superintendent.

Chairman Eichenberg noted that he had sent a letter in support of the grant proposal, which the Board had been copied on.

b. Notification of On-Call Services Task Orders

Mr. Lovato stated that seven on-call task orders had been issued since the last Board meeting, as listed in his memo. He gave further details on each. No Board action was required.

Chairman Eichenberg called a brief recess at 12:12 p.m. The meeting resumed at 12:18 p.m.

11. Chamisa Storm Drain – Consideration of Agreement for Funding and Reimbursement of a Portion of the Chamisa Storm Drain with Boulevard Limited Partnership

Brad Bingham, AMAFCA Drainage Engineer, stated that the Board had been briefed on the Chamisa Storm Drain at the September 2012 Board meeting. Completing the outfall from the



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
January 24, 2013**

Page 12

regional Chamisa Pond will allow for the diversion of runoff from the Piedras Marcadas basin into the Calabacillas Arroyo. A draft agreement for funding and reimbursement of the Chamisa Storm Drain was presented to the Board in November, 2012, for review and comment. Comments from the Board were addressed in the agreement with Boulevard Limited Partnership.

Mr. Bingham stated that the agreement stipulates that Boulevard will provide plans and specifications, break up the underlying rock within the corridor, and reimburse AMAFCA for the actual cost of construction and construction management, estimated to be \$660,000. Boulevard will also provide a drainage easement over the entire tract in favor of AMAFCA as a part of the agreement. AMAFCA will construct the storm drain, completing the outfall from the regional pond to the Calabacillas Arroyo.

He noted that the agreement has been reviewed by AMAFCA legal counsel, and requested Board approval of the agreement.

In response to a question from Director Lyon about the out of state contact information, Attorney Rael responded that, as the corporation was headquartered in Colorado, it was entirely appropriate to use that contact information.

Chairman Eichenberg recognized Ron Bohannon, engineer on the project. Mr. Bohannon stated the owners and the partnership that is involved is wholly behind this project, and appreciates the cooperation with AMAFCA.

Responding to a question from Chairman Eichenberg, Attorney Rael affirmed that the agreement adequately protects AMAFCA's rights, and the company seems very solid. Chairman Eichenberg also noted that the agreement benefits all citizens in the area.

Director Lyon made a motion that the Board approve the *Agreement for Funding and Reimbursement of a Portion of the Chamisa Storm Drain* and authorize the Chairman to execute the Agreement with Boulevard Limited Partnership. Chairman Eichenberg seconded the motion, which passed unanimously (5-0).

12. AMAFCA On-Call GIS, IT, DBA Services – Consideration of First Extension with AMEC Environmental and Infrastructure

Mr. Lovato stated that the GIS, IT, DBA Services on-call agreement with AMEC Environment and Infrastructure was originally let in February 2012 and will currently expire in February 2013. The agreement is a standard one-year agreement, with the option to renew up to three times at the concurrence of both parties. The agreement provides that the fee schedule may be adjusted at the renewal, based on the increase in the Consumer Price Index.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
January 24, 2013**

Page 13

He stated that AMAFCA staff is satisfied with the services of the contractor and the contractor would like to extend the contract. AMEC is requesting a 1.713% increase in fees per the contract provisions, and has provided a signed AMAFCA Campaign Contribution Disclosure Form. If approved, this will be the first one-year extension of the agreement.

In response to a question from Director Thomson about the amount budgeted in this effort, Kevin Troutman, AMAFCA GIS Manager, stated that \$35,000 is budgeted in the FY 2013 budget. Currently there is an on-call task order for approximately \$6,800 on this contract. It will not exceed the budgeted amount for this fiscal year.

Director Brown made a motion that the Board authorize the Executive Engineer to extend the on-call agreement for GIS, IT, DBA Services with AMEC Environment and Infrastructure for a one-year term as per the provisions of the agreement, with an increase in fees per Exhibit A. Director Thomson seconded the motion, which passed unanimously (5-0).

13. Calabacillas West Branch Arroyo Drainage and Water Quality Management Plan (CWBADWQMP) – Consideration of Engineering Services Agreement with TetraTech

Mr. Bingham recognized John Kelly, representing TetraTech, Inc., who was in attendance.

Mr. Bingham stated that the Board accepted the recommendation of the Selection Advisory Committee at the December 13, 2012 Board meeting and authorized the Executive Engineer to commence negotiations with TetraTech to provide the CWBADWQMP.

He noted that the DWQMP will be done in two phases. The first phase will be done on a lump sum basis for a \$69,700 fee. Phase II will be a lump sum of \$50,700. Development of hydraulic options of different arroyo treatments and presentation of the same in a public meeting and final report will be on a time and materials basis, not to exceed \$82,800. The total fee for the project is \$234,500. This amount is within the amount budgeted in the FY 2013 budget.

Mr. Bingham noted that the agreement had been reviewed by Attorney Rael, and recommended Board approval of the agreement.

In response to a question from Director Thomson, Mr. Bingham explained that the information from this DWQMP covers an area entirely within AMAFCA's boundaries, but that the results would be shared with SSCAFCA under the terms of a separate agreement with SSCAFCA which covers an area which overlaps both AMAFCA and SSCAFCA boundaries.

Director Brown made a motion that the Board approve the *Agreement for Calabacillas West Branch Arroyo Drainage and Storm Water Quality Management Plan Engineering Services* with Tetra Tech, Inc., and authorize the Chairman and Secretary to execute the same on behalf of AMAFCA. Director Lyon seconded the motion, which passed unanimously (5-0).



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
January 24, 2013**

Page 14

14. Consideration of Award of Construction Contract for Calabacillas Grade Control Structures 3b and 3c and Bank Protection Project

Kurt Wagener, AMAFCA Field Engineer, introduced H.T. Johnson of Salls Brothers Construction, and Craig Hoover of Bohannon Huston, the consulting engineer on this project.

Mr. Wagener stated that five contractors submitted bids on the Calabacillas Grade Control Structures 3b and 3c and Bank Protection Project. The low bidder was Salls Brothers Construction, Inc., with a bid of \$1,455,516.68. Bohannon Huston, Inc., checked the bids and recommended that the construction contract be awarded to Salls Brothers Construction, Inc. in the amount of \$1,455,516.68, plus new Mexico Gross Receipts Tax. He stated that AMAFCA staff concurred with the recommendation. The required AMAFCA Campaign Contribution Disclosure Form was completed.

Director Hernandez made a motion that the Board accept Salls Brothers Construction, Inc., as the lowest responsible bidder and authorize the Chairman to execute the contract with them for the construction of Calabacillas Grade Control Structures 3b and 3c and Bank Protection Project in the amount of \$1,455,516.68 plus New Mexico Gross Receipts Tax. Director Brown seconded the motion, which passed unanimously (5-0).

15. Corps of Engineers' Southwest Valley Flood Reduction Project

Mr. Lovato introduced John D. Moreno, P.E., Chief of Engineering and Construction for the Corps of Engineers (COE), and Jerry Nieto, P.E., Engineer and Project Manager for the COE.

Mr. Lovato stated that the Board had requested that the COE brief them on the Southwest Valley Flood Reduction Project Phase I. The Board was concerned that the COE would close the project before ensuring that all complaints and insurance claims were addressed, and before as-built information was obtained from the contractor, CTSI/Meridian. He gave a brief history of the project, indicating that the as-builts were not available for the final walk-through on January 30, 2012. AMAFCA surveyed the project in February 2012 and discovered that portions of it were not built to the lines and grades shown on the contract documents, and a portion of the project would not function as intended. This is considered a latent or hidden defect.

He noted that in April 2012, high water levels in the Rio Grande identified another construction deficiency along the levee when a flap gate leaked, causing river water to back up into the structure. AMAFCA built a temporary berm to protect Bureau of Reclamation and Middle Rio Grande Conservancy District (MRGCD) facilities from the river water. In May 2012, Bernalillo County and AMAFCA notified the COE that the project was not constructed per the contract documents. Since then, CTSI/Meridian has not replaced any defective work, but has been allowed to add partial concrete slabs to incorrectly-built concrete aprons to bring



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
January 24, 2013**

Page 15

the concrete slabs closer to the lines and grades shown in the plan set. Not all concrete aprons have been adjusted.

Mr. Lovato stated that earthen channels which tie into the structures were also built too low. There is some question concerning change orders increasing the amount of excavated material from these channels that were constructed to match the lower structures. These lower channels intercept ground water and are the source of ponding water along the Los Padillas Extension. The design of the project has been questioned, but the design cannot be truly evaluated because as-built information provided by AMAFCA and Bernalillo County indicate the project was not built correctly.

He noted that Bernalillo County and AMAFCA have not accepted any portion of the project constructed by the COE to date. This means that work that needs to be done to correct the issues before the irrigation season begins, is not being done. If AMAFCA or Bernalillo County change the project, then the COE will have a harder time getting CTSI/Meridian to fix any hidden defects.

Mr. Lovato stated that Mr. Moreno would brief the Board on the status of the project.

Mr. Moreno stated that the \$5.2 million project was substantially complete in December 2011. The original completion was in February 2012, with the final acceptance walk-through, minus the as-builts, in 2012. Later, the COE found out that the slabs and grades were deficient in that the elevations were incorrect. The contractor did some remediation over the summer of 2012, but did not fully correct the issues. As-builts delivered by the contractor the first week of January 2013 still reveal that the Los Padillas Extension, a portion of the entire contract, has grades not in compliance with the contract.

He stated that after evaluating various options, the COE intended to transfer the project to the local sponsors "as-is" with a modification to the contract to reduce some fill and excavation quantities, reflecting the as-builts. He stated that timing was a major factor in that decision, and acknowledged that going through another season without corrective action being taken would not be good. Demanding correction from the contractor at this late date, when it should have been done after the initial "corrections" last summer, was problematic. The as-builts and Operations and Maintenance Manual are ready for the transfer within the next day.

In response to a question from Director Thomson, Mr. Moreno stated that no funds would be transferred to the local partners to fix the deficiencies, when the project is transferred. The funds would be retained for use in Phase II of the project.

Director Thomson commented that this meant that the COE intended to transfer ownership of an improperly built facility, but would not provide any funds to do the modifications that would be needed to make it work properly.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
January 24, 2013**

Page 16

Responding to a question from Chairman Eichenberg, Mr. Moreno stated that the COE was withholding approximately \$212,000 of the contract amount for the past year, as they were awaiting as-builts and some other work.

Director Lyon asked for clarification: if AMAFCA did not want to accept the project, it could be transferred anyway, in an as-is condition. Mr. Moreno confirmed this.

Director Lyon inquired if the COE would also assign their rights to go after the contractor or bonding company to get the deficiencies fixed. He noted that AMAFCA has also had problems with contractors in the past, but does not allow them to get away with building a project improperly. Mr. Moreno stated that he was not prepared to answer that question, but he did not think that the rights would also transfer.

Director Lyon asked if there were a statutory reason for this. Mr. Moreno stated that his answer was based on the terms of the contract. He added that when the COE did the "substantial completion" they did not realize that anything had been constructed incorrectly. At this stage, more than a year later, they felt that they had a low chance of success of getting anything more fixed by the original contractor.

Director Lyon opined that it was not right that the AMAFCA and Bernalillo County taxpayers would be required to pay for corrections to an improperly built project.

Director Thomson reiterated that the COE intended to deliver a final product to the local sponsors that did not meet specifications and will cost the local sponsors money to fix. Mr. Moreno confirmed this. He noted it could possibly be fixed at a later phase of the project, but that would delay flood control protection in this area.

Attorney Rael noted that \$212,000 was left on the contract, and asked if a portion of this could be transferred to the local sponsors, Bernalillo County and AMAFCA, to fix the deficiencies of the Los Padillas Extension.

Mr. Moreno stated that the COE could modify the fill and excavation quantities in the construction documents to adjust the price, but there was no mechanism in the Project Cooperation Agreement (PCA) to transfer funds to the local sponsors to fix the project's deficiencies. Jerry Nieto confirmed this.

In a follow-up question, Attorney Rael asked if the \$212,000 could be used to change order the corrections under the existing contract. Mr. Moreno stated that the contractor is only willing to go back on the job if they are paid more than the original contract price.

Director Brown asked if the COE had the ability to transfer management of projects to AMAFCA. He stated that AMAFCA project manages well, and generally obtains a price about 5% lower than other agencies. AMAFCA projects are constructed properly. AMAFCA is able



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
January 24, 2013**

Page 17

and willing to manage the construction projects, and will be owning, operating, and maintaining the project after construction is finished. It would save the COE time and money as well, if AMAFCA were to manage their joint projects. He asked if the COE had a way to give that authority to AMAFCA.

Mr. Moreno stated that the COE does a lot of construction management, and this project is not typical of COE projects. He expressed that he was not proud of what had happened on this project.

In response to a question from Director Hernandez, Mr. Lovato stated that a fast-track remedial project, contracted out, would cost about \$150,000 and would need to be finished before May. However, Bernalillo County and AMAFCA had come up with a \$50,000 plan using their own crews to do the work. It would take about ten days to accomplish the work, using AMAFCA and Bernalillo County manpower and equipment, and some overtime work. About 7,000 to 10,000 CY of dirt would have to be hauled, and some equipment would have to be rented as well. It would be a joint effort between AMAFCA and Bernalillo County.

Roger Paul, of Bernalillo County Public Works, stated that the Bernalillo County Manager supports getting this project repaired before March 1, when the MRGCD turns on the irrigation water again. The County Commissioners familiar with this situation, including the Chair of the County Commission, have also been briefed.

Chairman Eichenberg noted that Mr. Moreno had stated that the leftover \$212,000 would be retained and applied to Phase 2 of the project. He asked if that portion of the funding could be allocated to a design to fix Phase 1 of the project, with AMAFCA and Bernalillo County being contracted to do the work.

Mr. Nieto responded that the PCA had no provisions for that event to happen. There is a provision for work in kind, but that is very specific to the Isleta Boulevard crossing. Other modifications to the PCA also deal with roadway crossings. Upon completion of these roadway crossings in Phase 2, the local sponsors will be very close to the 35% ceiling limit under the PCA, leaving little for land, easements, and other costs.

Chairman Eichenberg suggested that the attorneys for the parties meet to try to come up with a solution to this problem. He noted that if AMAFCA chose not to accept the project, it could lead to a fight and potential litigation. The COE has \$212,000 which would be enough to fix the project. Perhaps the attorneys for the parties could come up with a way that AMAFCA and Bernalillo County could fix the project and be reimbursed by the COE.

In response to a question from Kurt Wagener, AMAFCA Field Engineer, Mr. Nieto stated that the corrective work could be counted as an in-kind work credit, but it would take the place of other in-kind work that also needs to be done. There were no provisions in the PCA for a transfer of funds.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
January 24, 2013**

Page 18

Director Lyon noted that this issue was between the COE, Bernalillo County, and AMAFCA. The COE's solution is to hand the project over to the local sponsors even if it has been built wrong, and even if the local sponsors refuse to accept it. He suggested that the COE should make the contractor come out and fix the project, as the COE has a contract with the contractor. Director Lyon also noted that the parties just want the project done right. He agreed with Chairman Eichenberg's suggestion to have the parties' attorneys meet to work it out.

Mr. Nieto confirmed Director Brown's comment that Phase 2 of this project would also be a COE design, and the COE would let the construction contract and manage the construction. He also stated that the COE has not yet received the full federal funds for Phase 2.

Director Brown asked if AMAFCA could handle the project construction project, in light of the fact that AMAFCA would probably get a 5% better price. Mr. Nieto stated that a change like this would require another modification to the PCA.

Director Brown stated that AMAFCA routinely gets the best price on construction contracts. He queried if the COE could pay AMAFCA to supervise the administration of the COE contracts. Mr. Nieto stated that this PCA modification had been attempted, but it was not allowed. Mr. Lovato confirmed that this had been attempted and was rejected.

Mr. Lovato added that in about 2006, a contract was arranged to have APS do the construction job through Rio Grande High School, which is part of this project. This type of agreement has happened in the past. AMAFCA has been working very hard trying to work out a way to do this.

Director Thomson expressed that the Board was afraid that in two years, they might be facing the same issues with Phase 2 of this project being built incorrectly.

Chairman Eichenberg suggested that this item be deferred a week to allow time for the attorneys to meet and discuss the matter, and perhaps find a way to transfer funds from the COE to the local sponsors to fix the project. He reiterated that AMAFCA will not accept a deficient project. If AMAFCA denies acceptance of the project, it would likely end up in federal court, which would take additional time.

Mr. Paul stated that delaying the transfer a week would not adversely affect getting the work finished before the start of the irrigation season. However, the local sponsors will want to start on the repair work as soon as possible, to allow for potential delays due to sub-freezing temperatures if another cold snap comes through.

Directors Brown and Hernandez agreed that exploring legal options and having the attorneys meet was worth trying. Director Lyon suggested contacting New Mexico's U.S. Senators and the U.S. Representative regarding this issue, as well.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
January 24, 2013**

Page 19

Chairman Eichenberg stated that the consensus of the Board was to defer further discussion of this matter to a Special Board Meeting to be held at 8:30 a.m. on Friday, February 1, 2013.

Chairman Eichenberg directed Mr. Moreno to have the COE hold off on transferring the project to allow the parties' attorneys an opportunity to meet and build a consensus. Mr. Moreno agreed.

16. Authorization to Advertise Request for Proposals for Engineering Services to provide the Upper Piedras Marcadas Drainage and Water Quality Management Plan

Mr. Bingham stated that the Upper Piedras Marcadas Watershed needed to have a Drainage and Water Quality Management Plan developed. The Board was briefed on this at their September 27, 2012 Board meeting, and the consensus of the Board was to proceed with the plan. He provided the Board with the proposed Legal Notice Ad and the Scope of Services.

In response to a question from Director Thomson, Mr. Bingham noted a typographical error on the Legal Notice Ad and stated that it would be corrected before publication. Hydrologic and hydraulic analysis for the Probable Maximum Precipitation would not be included in this study.

Director Hernandez made a motion that the Board authorize the advertisement of a Request for Proposals for Engineering Services to provide a Drainage and Water Quality Management Plan for the Upper Piedras Marcadas Watershed. Director Lyon seconded the motion, which passed unanimously (5-0).

17. Legislative Liaison

a. Briefing before 2013 New Mexico Legislative Session

Mr. Lovato introduced Vanessa Alarid, of Alarid Consulting, AMAFCA's Legislative Liaison, and Mark Fleisher, her consultant.

Ms. Alarid briefed the Board on the 2013 New Mexico Legislative Session, which began on January 15, 2013. She stated that legislation could be pre-filed beginning December 17, 2012 through January 11, 2013. The deadline for introduction of legislation is February 14, 2013. The session will end on March 16, 2013. Legislation not acted upon by the Governor is pocket vetoed on April 5, 2013. June 14, 2013 will be the effective date of legislation if it does not have an emergency clause or other specified effective date.

She briefed the Board regarding the new leadership in both bodies, and the state budget.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
January 24, 2013**

Page 20

She stated that State Representative Ernest Chavez had agreed to sponsor the AMAFCA 50th Anniversary Memorial in the House. A draft bill will be available for review before it is introduced on January 29, 2013, and will recognize the accomplishments of AMAFCA over the past 50 years. Chairman Eichenberg stated that he would like to review it before it is filed. Chairman Eichenberg suggested some legislators who could sponsor it in the Senate so that it could be a Joint Memorial. Director Lyon suggested that someone from the other party might be nice to include.

Ms. Alarid also discussed resubmission of SB 85 from the 2012 session, *The Expansion of the Rio Grande Valley State Park*. Senator Jerry Ortiz y Pino had agreed to sponsor this bill and authorized the drafting of the same legislation as Senator Eichenberg sponsored last session, subject to the objections of the Secretary of Energy, Minerals, and Natural Resources. In a meeting with the Secretary, John Bemis, and the NM State Parks Director, Tommy Mutz, both men stated they are staunchly against the legislation, due to concerns about the budget for state parks and their current deficit. They were aware of the US Fish and Wildlife Service's responsibility for surface maintenance in perpetuity, but were not convinced. The only way they would support this bill is if all references to the Department of Energy, Minerals, and Natural Resources are removed. This message will be relayed to the Senator on January 24.

She stated that she will work with Greg Hiner to create a summary of benefits and talking points, and will advocate support from the Mayor of Albuquerque and the Governor's office. Chairman Eichenberg suggested that they work with Griffin and Associates on this. \$20 million in commercial development is being planned near the Refuge site, which may be abandoned if the Refuge is not fully realized. He stated that it would be an economic boon to the County and the South Valley if it comes through.

Ms. Alarid stated that Chairman Eichenberg and Mr. Lovato will be kept apprised of any progress.

Mr. Fleisher discussed proposed changes to the Public Employees Retirement Association (PERA). In order to return to a fully solvent position, the PERA Board supports the following changes:

- For current retirees, COLA reduced from 3% to 2%. Any retiree who returns to work for the State will have their COLA suspended.
- For current employees, COLA will be reduced to 2%, and implementation of the COLA will be delayed. This will be phased in gradually from 2 years to 7 years after retirement. Pension contribution will also increase 1.5%.
- Future employees will have the increase in contributions, reduced COLA, and will be eligible for retirement when their years of service and age equal 85, except for public safety, who will have age plus service equal to 75.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
January 24, 2013**

Page 21

Ms. Alarid briefly summarized some other bills which had been introduced involving water issues, pensions, retirement, and the Office of the State Engineer, stating that she would continue to track bills that might adversely affect AMAFCA, and report to Mr. Lovato as warranted.

18. Field Highlights

a. Construction Report

The memo from Kurt Wagener, AMAFCA Field Engineer, contained a summary of current construction projects. There were no questions.

b. Field Report

Mr. Wagener gave a report of various projects and events over the past month, answering several questions from the Board during his presentation.

19. Real Estate

a. Review and Comment on *Turnkey Agreement for Pino Arroyo Improvements as Related to Tract N-3-A Development by Pino Dam*

Ms. Mazur reviewed the project, which the Board had been briefed on at the December 2012 Board meeting. At that meeting, the Board had directed staff to proceed with a draft Turnkey Agreement for the proposed project, a channel for the Pino Arroyo east of the Pino Dam pool, south of San Antonio Drive, and west of Tramway Boulevard.

She noted that, due to Dr. Galbreth's proposed development adjacent to this project, staff has requested Dr. Galbreth to authorize release of the updated Probable Maximum Precipitation (PMP) design data for the dam. This information is necessary to ensure that grading of the two parcels matches.

Ms. Mazur stated that fill for building pads within the dam pool will need to be accounted for by compensatory ponding elsewhere on the property for the PMP dam volume. If the owner cannot provide sufficient volume, then AMAFCA will send the plan to the OSE for review and approval.

She noted that the draft Turnkey Agreement describes construction of the Pino Arroyo Improvements, quitclaim/release of the three existing easements, with a grant of a new easement (to one foot above the PMP elevation limit) and right-of-way dedication for the new easement and access roads, and a letter of map revision (LOMR) with FEMA. She stated that if the Board approved of the draft agreement, she would bring it before them for approval at the February 2013 Board meeting.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
January 24, 2013**

Page 22

In response to a question from Director Thomson, Ms. Mazur stated she had not seen a preliminary Grading and Drainage Plan for the property. Director Thomson stated that he was concerned that they were substantially changing the aesthetic character of the property, as very large quantities of dirt would be moved.

Responding to a query from Director Lyon, Ms. Mazur stated that the new hydraulic and hydrology data from Dr. Galbreth for the PMP event would be necessary to determine the extent of the dam pool. Mr. Lovato added there were two partially overlapping easements involved. One is the 100 year drainage easement, and the other deals with the flood pool for the dam.

Mr. Mechenbier would like AMAFCA to get rid of the blanket drainage easement over the property, if he does the LOMR. AMAFCA is also requiring Mr. Mechenbier to give AMAFCA the easement needed for the PMP pool, which is greater than the 100 year event. This is why the two projects need to be coordinated.

In response to a question from Director Lyon, Director Brown stated that, in general, when there is a blanket drainage easement over a property, it is released when the property is no longer in a flood plain.

Consensus of the Board was to support proceeding with the agreement.

b. Notification of Issuance of Licenses

Mr. Lovato stated that the memo from Jeffrey Willis, AMAFCA Real Estate Manager, stated that one Film Production License and one Encroachment License for overhead and underground utilities had been issued since the last Board meeting. The standard fees were collected for each.

No Board action was required.

c. Review and Comment on *Turnkey Agreement for Tijeras Arroyo Improvements as Related to Juan Tabo Hills Unit 3b Subdivision*

Ms. Mazur stated that staff had been working with the engineers on this project since 2008, but this was the first presentation to the Board. Juan Tabo Hills Unit 3b Subdivision is part of the larger subdivision bounded by the Tijeras Arroyo on the north and west, Kirtland Air Force Base on the south, and Four Hills Subdivision on the east. AMAFCA obtained drainage easements on a portion of the Tijeras Arroyo when the area went through bulk land platting action but has no maintenance jurisdiction of the arroyo.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
January 24, 2013**

Page 23

She noted that the proposed development is upstream of the proposed Four Hills Estates, which was presented to the Board at the October 2012 meeting. The owners are interested in reclaiming FEMA floodplain on the property by constructing a scour wall along the northern fill of the subdivision. Scour protection is required because they will be building within the prudent line (erosion) envelope. They have requested that AMAFCA assume maintenance of the scour wall.

Ms. Mazur stated that the draft turnkey agreement contained the following elements:

- Construction of Tijeras Arroyo Improvements. The scour wall will be reinforced shotcrete along the southern slope of the arroyo and will extend one foot above the 100-year water surface and from seven to ten feet below the arroyo flow line. The remainder of the arroyo will be left natural. The house pads will be at or above the 500-year water surface elevation on the Tijeras Arroyo.
- Grant of Drainage Easement, Quitclaim Deed, and Letter of Map Revision. Currently, a FEMA floodplain encumbers a good portion of the subdivision. The City of Albuquerque will add a Letter of Map Revision (LOMR) from FEMA to the list of items to be financially guaranteed. Lots will be platted with a note identifying the FEMA floodplain. The portion of the AMAFCA easement within the subdivision will be quitclaimed once the LOMR has been received, as it will not be required after the scour wall is constructed, removing the subdivision from floodplain. The portion of the arroyo north of the scour wall will be dedicated to City Open Space.

Ms. Mazur stated that if the Board concurred, she would finalize the agreement and bring it to the Board for consideration for approval at a future meeting.

There were no questions. Consensus of the Board was to support proceeding with the agreement.

20. Unfinished Business

None.

21. New Business

None.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Regular Meeting Minutes
January 24, 2013**

Page 24

22. Adjourn

There being no further business to come before the Board, Chairman Eichenberg adjourned the meeting at 1:45 p.m.

Bruce M. Thomson, Secretary-Treasurer, 2/28/13

Recorded by Pamela Woodruff, Executive Administrative Assistant