

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
(SSCAFCA)
MINUTES OF OCTOBER 17, 2000
REGULAR BOARD OF DIRECTORS MEETING**

CALL TO ORDER.

The regular meeting of the SSCAFCA Board of Directors was called to order by Dub Yarbrough, Chairman, at 1:10 p.m.

Directors in attendance were John Chaney, James Dorn, and Dub Yarbrough. Staff members present were David Stoliker, Executive Director, Yolanda Guerrero and Pam McGrath. Bernard Metzgar, SSCAFCA's attorney, Perry Baird, SSCAFCA's accountant and members of the public were also present.

APPROVAL OF AGENDA.

A motion was made by John Chaney to approve the Agenda as presented. It was seconded by James Dorn and passed unanimously.

SECRETARY'S REPORT.

1. Approve Minutes of September 19, 2000.

A motion was made by James Dorn to approve the minutes from September 19, 2000 as presented. It was seconded by Dub Yarbrough and passed unanimously.

TREASURER'S REPORT.

1. Approve Expenditures for 09/01/00 - 09/30/00.

A motion was made by James Dorn to approve the expenditures for 09/01/00 to 09/30/00 as presented. It was seconded by Dub Yarbrough and passed unanimously.

2. Approve Treasurer's Report for 09/30/00.

A motion was made by James Dorn to approve the Treasurer's report dated September 30, 2000 as presented. It was seconded by Dub Yarbrough and passed unanimously.

3. Sandoval County Treasurer's Administrative Fee Discussion.

Mr. Stoliker stated that Sandoval County collects two types of property taxes for SSCAFCA, one for operation and maintenance and one for debt service. As part of this service, Sandoval County charges an administrative fee. When he first came to SSCAFCA he met with Sandoval County and was told that SSCAFCA should not have been paying the debt service administrative fee. This led to many discussions, which resulted in direction by Sandoval County that SSCAFCA should not pay administrative fees until further notice from Sandoval County. The fee stopped being paid in November 1997.

Mr. Baird stated that it appears that Sandoval County was attempting to repay SSCAFCA for the debt service administrative fee amount collected up to 1997. This repayment was through not collecting the O & M administrative fee. Additionally, Mr. Baird stated that Sandoval County was not currently billing any of the jurisdictions within the County a fee for the debt service portion. The County was billing only the operation and maintenance portion. SSCAFCA, at the County's direction, did not pay the debt service fee for 1998 and 1999.

Mr. Stoliker stated that Mr. McHugh of DFA was recently asked to help with this matter. It was learned that some research had been done by DFA in 1993 to find out what should be paid. The conclusion was that 1% should be paid on all property tax, including both debt service and operation and maintenance. This amount comes to approximately \$9,300 for the O & M and \$9,700 for the debt service portion for 1998-1999.

Mr. Baird also stated that another possibility is that Sandoval County could also start billing retroactive to January 2000 on the debt service and O & M portion. SSCAFCA, in its budget for this year, has budgeted \$24,000.00. If SSCAFCA is back-billed for 1998, 1999 and billed for the current year, there will not be enough money in the budget. The total amount necessary to pay for all retroactive administrative fees is approximately \$35,000. He

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stated that the resolution being presented today is an adjustment to the budget for \$10,000.00 more to cover this expense.

Just recently, Mr. Stoliker received a phone call from the County and was told that the matter was close to being resolved. The County has sent SSCAFCA a letter which states that the County owes SSCAFCA \$506.18 as of the August 2000 distribution.

Mr. Stoliker and Mr. Baird believe that SSCAFCA should pay for the O & M portion for the past three years. SSCAFCA was the only entity told not to pay the O & M portion.

Mr. Stoliker stated that one option is to wait until the matter is resolved. Another option is to pay the O & M portion. He is concerned about waiting since SSCAFCA has already waited approximately three years.

Mr. Yarbrough stated that if SSCAFCA pays the money and the County determines that SSCAFCA didn't owe the money, he is concerned about getting the money back. Mr. Stoliker agreed. It was decided that SSCAFCA wait until Sandoval County resolves the matter.

4. Discussion/Approval to Proceed with \$2.5 Million Bond Sale for the Remaining Amount from the 1998 Bond Election.

Mr. Stoliker stated that the \$2.5 million is the remaining amount of the 1998 \$7 million issue. If the process is started now, SSCAFCA will receive the money by spring 2001. Mr. Stoliker stated that this sale was scheduled in SSCAFCA's budget. The next bond election is scheduled for 2002-2003. Mr. Baird presented a tentative schedule.

A motion was made by John Chaney to approve the \$2.5 million bond sale, as previously scheduled. It was seconded by James Dorn and passed unanimously.

PUBLIC FORUM.

None.

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ACTION/APPROVAL ON LOCAL GOVERNMENT ASSISTANCE FUNDING.

1. Correspondence Dated October 2, 2000.

Mr. Curtis stated that the City of Rio Rancho passed a resolution for the local government assistance funding request made last month for \$50,000.00. Mr. Curtis stated that most of the money would go to preparing a drainage management plan in Unit 17.

As it is right now, a homeowner can come in and build their home on their lot without having to comply with current standards. The City can keep them out of a documented flood plain, but that is the only control it has. The lots in the area were platted in the late 60's and early 70's and are not under current standards.

A motion was made by John Chaney to approve the assistance funding to the City of Rio Rancho in the amount of \$50,000.00. It was seconded by James Dorn and passed unanimously.

CHAIRMAN REPORT.

1. Excess Property/Easement Determination on Dam 4 to 1 and Dam 1 Outfall Project.

Mr. Yarbrough stated that in the original alignment from Dam 4 to 1, SSCAFCA acquired several pieces of property. The new alignment is complete, and the properties east of the Thompson fence line that SSCAFCA owns are no longer needed. Mr. Yarbrough proposes to declare those properties excess and dispose of them as soon as possible. After the properties are declared excess, an appraisal would need to be done. Mr. Yarbrough stated that the permanent easements would need to be abandoned, but in order to keep the public's title to those properties clear, a document would need to be generated and mailed to the owners to record with the county clerk.

Mr. Metzgar stated that if the condemning authority fails to use a permanent easement for the public use for which it was taken, the easement is considered abandoned and the easement goes back to the property owner. However, title companies want a document showing that the easement has been abandoned. He stated that he could prepare documents, which declares SSCAFCA's abandonment of

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the easements. The property owners can then record the declaration with the county clerk. This would clear the easements from the owners' properties.

A motion was made by John Chaney to declare the properties on the recommended excess property list dated October 16, 2000 as excess. It was seconded by James Dorn and passed unanimously.

A motion was made by James Dorn to abandon the permanent easements. It was seconded by John Chaney and passed unanimously.

2. Correspondence Dated September 21, 2000 to Governor Johnson.

Mr. Yarbrough stated that SSCAFCA has sent a letter to Governor Johnson's office to fill Mr. Joiner's seat on the Board. He was hoping to have a new member appointed right away, but nothing has happened. When asked, Mr. Stoliker stated that he has not heard anything either.

3. September 21, 2000 Correspondence from Mayor Kanin, Village of Corrales.

Mr. Yarbrough stated that, some time back, Mr. Chaney had suggested approaching the Village regarding doing something along the Main Canal for flood control. Mr. Stoliker wrote a letter to the Village and Mayor Kanin responded with the letter dated September 21, 2000. The gist of Mayor Kanin's letter is that the Village will not help with the ditch. Mr. Kanin states in his letter that all the water comes from Rio Rancho and it is SSCAFCA's responsibility to take care of it.

Mr. Chaney stated that he would like to request the Village of Corrales' engineers to respond to the fact that the water that flows between the Thompson fence line and the Main Canal is water that is flowing directly within Corrales. It seems to him that Mr. Kanin does not seem to understand the intent of the letter that SSCAFCA sent.

Mr. Yarbrough stated that SSCAFCA contributed 50% of the engineering study of the Corrales Main Canal and the Village contributed 50%. However, the Village has never signed off on the

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study. Mr. Chaney stated that the conclusion of that engineering study was that there was a substantial amount of water that flows from the Thompson fence line down into Corrales. When asked, Mr. Stoliker stated that the study confirmed that the Corrales Main Canal may be the most serious flood hazard in the Village, since a major storm run-off could potentially overtop the canal, breaching it, and cause flooding east of the canal. He stated that Mayor Kanin believes that Rio Rancho is the source of the water that could cause flooding in the Village.

Mr. Stoliker would like to meet with the Mayor and take him some maps and show him where the problems lie. The problems are not west of the Thompson fence line, but are all east of the fence line at this point. Mr. Yarbrough stated that if he were able to convince the Mayor where the problems lie, a meeting would be fine.

He stated that the floodwaters west of the fence line have been dealt with and are under control at this point. He wants the Village to sign off on the study.

Mr. Stoliker stated that it is his understanding that the next phase of Loma Larga between Coronado and Meadowlark cannot be completed at this point without SSCAFCA's approval. This is because the run off cannot be taken directly into the MRGCD ditch as originally planned. MRGCD will not permit it for direct discharge. The Village needs to come back to SSCAFCA in order to take the flow to the Tree Farm Pond or Urban Pond. The water is coming from east of the Thompson fence line, west of Loma Larga.

Mr. Stoliker stated that it is his understanding that Loma Larga is to be finished by this fall, so the Village will be coming to SSCAFCA very soon. SSCAFCA will then have some leverage for the Village to approve the report.

EXECUTIVE DIRECTOR REPORT.

Mr. Stoliker stated that, with regard to the sale of the excess property discussed above, he received a phone call from Mr. D'Arco. In that phone conversation, Mr. D'Arco indicated that he would like SSCAFCA to retain that property and utilize it in some way rather than sell it. Mr. D'Arco stated that if the sale were approved he would work diligently to block all future bond issues.

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Mr. Yarbrough stated that the only reason that Mr. D'Arco doesn't want the property sold is that if someone builds on those lots it may hinder Mr. D'Arco's view. As a public entity, SSCAFCA has no business keeping property that it has no use for.

1. September 28, 2000 Correspondence Regarding Rio Rancho Resolution #58.

Mr. Stoliker stated that this correspondence represents SSCAFCA's response to Rio Rancho's Resolution #58. Mr. Stoliker then summarized the letter, as follows:

With regard to Enchanted Hills, SSCAFCA has promised the City to set aside \$230,000.00 if the City gets its grant. The Lisbon Channel is a major project that has already been designed and should be SSCAFCA's next project. The Ivory Channel is below 300 cfs north of Southern and Mr. Stoliker stated in his correspondence that SSCAFCA would not help the City at this time because of more pressing issues. The Ivory Channel is stable enough to wait until future development occurs. The Rio Oso Pond and the Arroyo de La Barranca need to have studies done on them. When Mr. Curtis does the Unit 17 study discussed above, it will address some of the concerns on these two matters.

2. Discussion of Haynes Park Project Schedule.

Mr. Ed. Chismar, the Parks and Recreation Director of the City of Rio Rancho, stated that SSCAFCA's Dam 4 to 1 project impressed him and the City is eager to partner with SSCAFCA on this project, which will help solve the watershed issue and the public will enjoy the end result. A public input meeting is scheduled for October 26, 2000 and he is hopeful the City will be able to proceed with the project.

Mr. Clint Dodge stated that the plan is to construct a new soccer/football field and use it as a flood detention, multi-use facility. A system was proposed to divert the initial run off from the street into wetland areas around the field with the purpose being to treat the oil and other debris. The water would then drain into the 528 Channel. The larger flows would go into the

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field area and then would drain out. All options meet SSCAFCA's flood control criteria.

Mr. Dodge stated that they also looked at doing some water quality enhancements, which resulted in the wetland water quality treatment option. The orange on the different options indicates a walking trail. The existing field area is about three feet higher than the street. The first thing to be done would be to depress the field four feet below the street level. The plants in the wetlands area would do most of the removal of the pollutants in the storm water. The deepest part of the area would be about four to five feet. There was a discussion with the commission last night about keeping toddlers out of the wetlands area. The conclusion was to provide a toddler barrier at the edge of the wetlands area. There is a fifteen-foot fringe buffer around the complete wetlands area.

Mr. Dodge stated that there are approximately 100 parking spaces that are church and city joint use parking close to the area, with space for about another 100 spaces. The commission didn't like the idea of an access road because it cut the park in half. A picnic site close to the playing field is also an option. The playground would be relocated closer to the residences and away from 528.

Mr. Stoliker stated that all of the options presented are acceptable to the SSCAFCA staff as being feasible. He wanted to know if any of them created a problem with the Board. Otherwise, he was going to let the Parks & Recreation Department speak to the other issues, as long as SSCAFCA does not have a liability issue. Mr. Chismar stated that the City has come to a consensus that it preferred Option A.

Mr. Dodge stated that there is a lot of opposition to removing any of the trees from the park. However, any trees removed will be replaced with trees that go all the way around the facility. Mr. Yarbrough stated that he is opposed to Option C, which has the road going through the facility. There is no need for vehicles to have access to that area.

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Mr. Harold Balmer, a Councilor for the City of Rio Rancho, stated that he feels that the basketball facility would not be needed for this particular area. He stated that the basketball needs of the community are already met with all the different parks in the area. He would like to see a skateboard facility put in where the basketball court is being contemplated.

3. Discussion/Approval of Haynes Park Project JPA.

Mr. Stoliker stated that he would like the Board to approve the draft JPA attached to the Board's packet knowing that there may be changes made to it.

A motion was made by John Chaney to approve, in concept, and enter into a JPA with the City of Rio Rancho to create the Haynes Park Project. It was seconded by James Dorn and passed unanimously.

4. Discussion/Direction of Total Maximum Daily Load "TMDL" Proposed Rule Response.

Mr. Stoliker stated he has prepared a draft response to the proposed TMDL rule by the Environment Department. He met with the Environment Department last week and spoke with Jim Davis, who is David Hogge's boss. Mr. Davis agreed to come to SSCAFCA's November meeting and will make a presentation on the rule.

Mr. Stoliker stated that the rule would set standards for SSCAFCA, which will have to be met in the phase II permitting process. The Environment Department will ask for voluntary implementation. SSCAFCA's Phase II storm water permit will come due in the next year or two. That storm water permit will be the enforcement mechanism to have SSCAFCA implement the rule. The Environment Department will issue the permit, but it will have the force of law, with strict penalties for violations.

For SSCAFCA to implement this rule, the taxpayers within SSCAFCA's jurisdiction will pay for it. The extreme maximum cost to SSCAFCA is estimated to be billions of dollars. SSCAFCA has a population of approximately 80 thousand taxpayers in its jurisdiction, and could cost the taxpayers up to \$40,000.00 per

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year. SSCAFCA's annual budget is \$1.2 million for debt service and O & M. Mr. Stoliker stated that the proposed rule identified three sources of fecal coliform contamination, which are wildlife, livestock, and wastewater collection. The Pueblos are exempt from the rule.

Mr. Stoliker stated that his letter is asking for more information before the rule is implemented because of the expense. It appears that a thirty-day extension will be granted on the proposed rule to accept comments from the entities affected.

Mr. Metzgar stated that the TMDL program is a federal program that is implemented by the states. Congress prohibited the EPA from implementing the rule in fiscal year 2000 and 2001. It seems that the state is trying to get a head start for implementation. The big question is how to fund the rule. The only way SSCAFCA can raise the money is by bonds. If the public says no to the bonds, SSCAFCA could not comply.

Mr. Stoliker stated that the state developed a list that identified impaired waters in the State. The list included over 100 stream reaches. The state thought it could get funding from the federal government to clean them up. Now that the feds are forcing the local jurisdictions to clean them up, the state has de-listed approximately 65 of them, which leaves 30-35, of which one is the middle Rio Grande and NMED is preparing TMDL on these reaches. This stretch is identified as a warm water fishery (middle stretch of the Rio Grande from the Alameda Bridge to Cochiti Dam), secondary contact, and livestock watering.

The way the rule will be implemented is in direct conflict with what Mr. Stoliker and others were told when they attended the NPDES Phase II Permit seminar. Treatment BMP's were not included in that seminar. The way the seminar presented it (i.e., Through reasonable Best Management Practices), it would have raised SSCAFCA's costs about 10%. Mr. Curtis stated that the City of Rio Rancho is in the same boat as SSCAFCA and the City will work with SSCAFCA regarding this matter.

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Mr. Stoliker stated that in a conversation he had had with Mr. Kelly of AMAFCA, Mr. Kelly offered to have a joint session with AMAFCA's Board and SSCAFCA's Board. Mr. Stoliker was given direction to arrange a meeting with all the entities. (Note, All the entities will be invited to this next regular SSCAFCA Board Meeting.)

Mr. Chaney stated that he wanted to get SSCAFCA's congressional delegation involved in this matter so that they will know what the impacts might be to the taxpayers within the jurisdiction. The standards are so unreasonable they cannot be enforced economically, if treatment is required.

5. Discussion/Direction Regarding October 6, 2000 Correspondence from M. Brott.

Mr. Stoliker stated that Mr. Brott owns A-1 Storage located on the north side of the Montoyas Arroyo, east of 528. Mr. Brott is having problems with erosion. Mr. Yarbrough stated that the erosion is coming directly off the roof of Mr. Brott's building. Mr. Stoliker stated that it appears that when he built his building, Mr. Brott intruded into the arroyo, as did most development abutting the arroyo. He recommends telling Mr. Brott that the matter is being placed on the improvements list, but that he and his neighbors need to check the erosion on their own property before involving SSCAFCA. This was agreed to by the Board.

6. Approval of Replacement/Purchase of Copier @ \$10,000.

Mr. Stoliker stated that the current copier is getting old and he would like to have it replaced. The copier he is recommending is on a state purchase agreement and does not have to be bid again. Ms. McGrath stated that the staff runs anywhere from between 3,000 and 4,000 copies per month.

Mr. Stoliker was instructed to look into a lease arrangement and bring it back to the Board.

7. Final Payment/Completion of Sheriff's Posse Road Project.

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Mr. Stoliker stated that SSCAFCA has finished paying its portion of the Sheriff's Posse Road Project and the project is complete.

8. Acceptance of Urban Pond #4 Easement.

Mr. Stoliker stated that the Chairman of SSCAFCA signed off on the acceptance of the Urban Pond #4 Easement yesterday and that the project is now almost complete. The state engineer did a walk-through and was very pleased. There are still a couple of items that need to be completed, but for the most part it is complete.

9. Action/Approval to Increase Building Fund.

Mr. Stoliker stated that the increase in the building fund is needed only if the Board wants to do the maintenance facility and completely landscape the entire site (i.e., 2.8 acres). Some landscaping could be done with money in the fund now, but it wouldn't be totally covered.

Mr. Yarbrough stated that it is not known what kind of equipment SSCAFCA will have and how large the maintenance facility will need to be. He would like to postpone the maintenance building until more is known. If the landscaping is to be included with the architectural bid, there will be a mark-up from the architecture firm. The landscaping can be put out to bid after the building is completed. Mr. Yarbrough does not want to authorize the architects to be involved in the landscaping.

No action was taken.

10. Action/Approval of Goals and Commitments.

Mr. Stoliker stated that the listing of Goals and Commitments made by the Board should be adopted.

A motion was made by John Chaney to adopt the Goals and Commitments as presented. It was seconded by James Dorn and passed unanimously.

PERSONNEL COMMITTEE REPORT.

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Mr. Stoliker stated that the Personnel Committee Report is attached for the Board's information.

A motion was made by John Chaney to approve the Personnel Committee Report as presented. It was seconded by James Dorn and passed unanimously.

CLOSED SESSION.

None.

DIRECTOR'S COMMENTS.

None.

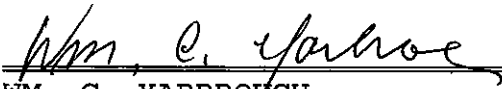
OTHER BUSINESS.

Mr. Stoliker stated that he was asking approval of a task order to complete the LOMR for Dam 4 and Dam 1. Mr. Yarbrough stated that he would like to get the LOMR completed.

A motion was made by Dub Yarbrough to approve the Map Revision task order for Wilson & Company in the amount of \$14,800 plus NMGRT subject to deducting the amount from any future request by Corrales for local government assistance. James Dorn seconded it. Roll call vote: John Chaney, abstain; James Dorn, yes; Dub Yarbrough, yes. The motion passed 2-0, with one abstention.

ADJOURNMENT.

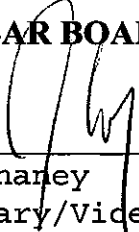
A motion was made by Dub Yarbrough and seconded by John Chaney to adjourn the meeting. It was carried unanimously. Meeting adjourned at 3:40 p.m.



WM. C. YARBROUGH
Chairman

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John Chaney
Secretary/Vice-Chair

DATE APPROVED: