

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY  
(SSCAFCA)  
MINUTES OF JANUARY 2, 2001  
SPECIAL ORGANIZATIONAL DIRECTORS MEETING**

**CALL TO ORDER.**

The special organizational meeting of the SSCAFCA Board of Directors was called to order by Dub Yarbrough, Chairman, at 1:00 p.m.

Directors in attendance were Richard Deubel, Guy McDowell, and Dub Yarbrough. Staff members present were David Stoliker, Executive Director, and Yolanda Guerrero, Recorder. Perry Baird, SSCAFCA's contract accountant, and Bernard Metzgar, SSCAFCA's attorney, and members of the public were also present.

**APPROVAL OF AGENDA.**

A motion was made by Guy McDowell to approve the Agenda as presented. It was seconded by Richard Deubel and passed unanimously.

**SWEARING IN NEW BOARD MEMBERS.**

Judge Brown, of the Thirteenth Judicial District Court, swore in Mark Conkling as the newest member of the SSCAFCA Board.

**ANNOUNCEMENT ON THE ELECTION OF OFFICERS.**

Mr. Yarbrough stated that Mr. Chaney is out of the country at the moment and the election of officers will take place at the regular board meeting on January 16, 2001. Mr. Metzgar stated that since Mr. Chaney was re-elected last November, he also has to be sworn in before he becomes an official board member for the new year.

**PUBLIC FORUM.**

Mr. Conkling stated that SSCAFCA Resolution 1994-5 relates to disclosures of conflicts of interest. Mr. Conkling owns Western Heritage Realty, which is a real estate company that

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manages the 4200 Meadowlark office building. SCAFCA currently holds a sublease on Suite 6 of 4200 Meadowlark and pays rent to Western Heritage Realty.

Mr. Yarbrough stated that SCAFCA is adopting a policy that the public can comment on all issues, however, they need to comment on only one item at a time and hold their comments to three minutes or less.

No one spoke under the public forum.

**RESOLUTIONS FOR APPROVAL.**

1. Resolution 2001-1 Notice of Meetings.

Mr. Yarbrough stated that the standard resolutions for each year have been prepared. Mr. Metzgar stated that Resolution 2001-1 sets out SCAFCA's regular meeting dates and also provides for special meetings and emergency meetings.

A motion was made by Mark Conkling to approve Resolution 2001-1 as presented. It was seconded by Guy McDowell and passed unanimously.

2. Resolution 2001-2 Designation of Official Newspaper(s).

Mr. Yarbrough stated that Resolution 2001-2 sets out the official newspapers of SCAFCA as The Observer and The Albuquerque Journal. In the past, SCAFCA has also put notices in the Corrales Comment, but since it comes out every two weeks, it is not designated as an official newspaper.

A motion was made by Mark Conkling to approve Resolution 2001-2 as presented. It was seconded by Richard Deubel and passed unanimously.

3. Resolution 2001-3 Banking Designation.

Mr. Yarbrough stated that Resolution 2001-3 sets out who can sign the checks for SCAFCA.

A motion was made by Richard Deubel to approve Resolution 2001-3 as presented. It was seconded by Guy McDowell and passed unanimously.

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### **4. Resolution 2001-4 Designation of Legal Holidays.**

Mr. Yarbrough stated that Resolution 2001-4 sets forth SSCAFCA's legal holidays. Mr. Metzgar stated that SSCAFCA follows the same holiday schedule as state government, except for Martin Luther King, which is a floating holiday.

A motion was made by Richard Deubel to approve Resolution 2001-4 as presented. It was seconded by Guy McDowell and passed unanimously.

### **5. Acceptance of Haynes Park/Roskos Field Design Concept Report.**

Mr. Stoliker stated that the JPA between SSCAFCA and the City of Rio Rancho was approved last month. He stated that a concept design report has been completed for this project and that approval is requested at this time. Mr. Stoliker introduced Mr. Clint Dodge from ASCG to present the report.

Mr. Clint Dodge stated the basic idea is to rebuild the field by reconstructing it with a depression to use it as a pond. There is also a plan for storm water treatment (i.e., wetland area) as part of this project. The field will contain the 100-year event and drain it very slowly into the 528 Channel. The initial flows will be directed into the wetlands area for storm water treatment. It will remove the oils; sediment and it might possibly reduce the fecal coliform. These wetlands will be a demonstration project. A third component of the project will be to provide park amenities in exchange for use of the property. The park amenities to be built will be in accordance with the previously approved JPA and will not exceed \$300,000. The budget is approximately \$600,000 for actual construction for storm water improvements, plus the \$300,000 for park amenities, plus another \$100,000 for contingency money. Ross Coleman has been hired to do the actual wetland design, as well as the plantings for the wetlands as a sole source contractor. This is a specialty item and will not exceed \$20,000.

Mr. Deubel stated that with this plan, the water diverted to Roskos Field after the wetlands is full would not be treated. Mr. Dodge stated that the water would be contained in Roskos Field for up to 24 hours and any heavy sediment in that water would drop to the bottom. Because the storm water is coming from an urban area, the sediment load will be minimal.

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Mr. Deubel asked if the State Engineer would be involved. Mr. Stoliker stated that there is no permit needed from the state engineer's office to construct this project. The water will be released from the field within 96 hours and the pond is less than 10-acre feet in volume. He stated that the wetlands system was set up to provide a demonstration project to see what might work. Mr. McDowell questioned SSCAFCA's position on the cleaning of the water. He stated that SSCAFCA is a flood control authority, not a water clean up authority.

Mr. Stoliker stated that SSCAFCA is trying to reduce the water in the 528 Channel to less than 1000 cfs, which was set up as the design flow by AMAFCA. When SSCAFCA did its 528-watershed report, the flow was 1056 cfs. The project was presented to the Board and approved as a possible solution to this problem.

Mr. Conkling stated that he would like to support the project to show that SSCAFCA is concerned about water quality. However, it would be as a joint partner with other entities, who would take the lead in the clean up part. He would like to be sure that SSCAFCA does not accept a primary water clean up role.

Mr. Metzgar stated that the JPA for this project stated that the City recognizes that the recreational portions of the facility, including the irrigation, landscaping and its use is the City's responsibility. SSCAFCA took on the responsibility for the drainage portion and will provide for all future maintenance at its cost. The drainage portion of the facility includes the wetlands area.

Mr. Dodge stated that the pond itself is big enough, without the wetlands, to control the water. The sediment trap would still stop the heavier sediment and other pollutants.

Mr. Deubel stated that, since the project is completely in the City of Rio Rancho, the City should have some burden of financial responsibility for the wetlands portion of the project. Mr. Yarbrough stated that the City is putting up \$1.2 million worth of property for the project. Mr. Stoliker stated that the appraised value of the entire property was \$1.2 million, which includes the wetlands portion. Without the wetlands portion, the value of the project could possibly be reduced. The project was not looked at without the wetlands portion because of the preceding Board's directions.

Mr. Dodge stated that the field could not be downsized very much and keep the project viable. Mr. Stoliker stated that the \$300,000 is a budgetary number for the property. To do the project, just for drainage purposes, was roughly estimated at \$400,000. The

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wetlands portion was budgeted at \$300,000. The remaining \$300,000 would be for improvements. The funds are remaining funds from other projects, which would not be affected by this project. To get an easement over four acres across from Intel was more expensive than Mr. Stoliker had originally estimated. The City's contribution to this project is the land and the maintenance of the field forever. The maintenance cost is estimated at \$1,500 to \$5,000 per acre per year.

If grant money were received from the State, it would go to the project for the wetlands. SSCAFCA should know by the end of the month if it will get the grant money. The grant would be for \$315,000, which would be \$300,000 for the construction of the wetlands, plus \$15,000 for two years of testing at approximately \$7,500 per year.

Mr. Yarbrough stated that it is a possibility that a 100-year event would overtop 528 and go down to the Tree Farm Pond project. The Tree Farm and Urban pond are able to take that overflow, but with further development, he is concerned that it may not be able to do so.

Mr. Stoliker stated that when the Tree Farm Pond project was designed, it was designed for fully developed conditions, including the 28-cfs going across 528. The problem with the 528 Channel is that the 1000-cfs is only for existing conditions. The fully developed conditions in the 528 Channel are 1400 cfs.

Mr. McDowell stated that he is still concerned with how SSCAFCA spends the public's money. Mr. Yarbrough stated that SSCAFCA did not go looking for a project to spend the money on. This project came up, needs to be done and SSCAFCA has the money.

Mr. Yarbrough stated that the only reason the money is being pulled out of the other projects is because they are not as high on the priority list as is this project. He stated that once the recently issued bonds are sold the money would go back into the other projects.

Mr. Yarbrough stated that joint projects have happened before. SSCAFCA entered into a JPA with the City of Rio Rancho and the developer to do the Urban Pond 4 project and saved \$800,000. On the Dams 4 to 1 Project, SSCAFCA put \$50,000 into the walking trail, but the easement for the property would have cost a lot more than that.

Mr. Dodge stated that the project is now at preliminary design. The plan is being reviewed by all the parties involved. The project will then go into final design. He is looking at advertising toward the end of this month, have the bid opening, and come to the Board at the February board meeting with the recommendation for award. It is accelerated so

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A motion was made by Guy McDowell to accept the Haynes Park/Roskos Field Design Concept Report as presented including the Wetlands Water Quality Demonstration Project. It was seconded by Mark Conkling and passed unanimously.

### **6. Discussion/Action on Skateboard Facility.**

Mr. Yarbrough stated that any facility built, especially for young children, in conjunction with a flood control facility is a good thing. He stated that he mentioned building a skateboard facility at the Parks and Recreation meeting on the project but it was not accepted. He stated that the multiple use playing field is smaller because neighborhood activists don't want any organized sports in the neighborhood. The neighborhood doesn't want outside people to come in and use their park. He felt that if SSCAFCA funds part of this, some of the money should go to a skateboard park for the kids.

Mr. McDowell stated that this is another possible problem for liability for SSCAFCA due to possible injuries in the Skateboard Park. Mr. Metzgar stated that SSCAFCA's policy is not to own any recreational facility. When SSCAFCA has put in bike trails with its facilities, the entity requesting the facility is the owner and SSCAFCA has an easement only for its purposes.

### **7. Acceptance of Annual Report.**

#### **Design and Construction Projects.**

Mr. Stoliker briefly summarized the Annual Report for 2000. He stated that the outlet project on the Harvey Jones Channel has now been completed and will not be on next year's report. Northern Meadows has also been completed and SSCAFCA now has O & M responsibilities on that project. Tree Farm Pond A emergency spillway and storm drain project has also been completed. The O & M responsibilities include getting rid of graffiti, mowing, removal of the weeds, removal of silt and etcetera.

Sheriff's Posse Road was the first project done in cooperation with the Town of Bernalillo and is completed.

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The Urban Pond system is now essentially finished, and was done in cooperation with the developer. SSCAFCA put in around \$300,000 and the developer put in around \$800,000. There are only a few small items that need to be completed on this project.

### **Planning, Right-of-Way and Environmental Projects.**

The Corrales Master Drainage Plan was finally approved by the Village of Corrales this past year. The plan showed some local deficiency problems, like the Corrales Main Canal. The Board has directed that SSCAFCA not take the lead on any of these Corrales problems unless asked by the Village and approved by the Board.

The Black's Arroyo and the Montoyas Arroyo studies are being done right now. When these projects are completed, SSCAFCA will have all of the urban center of Rio Rancho master planned, which will help SSCAFCA identify potential projects with estimated costs. This will help identify what projects SSCAFCA will place on its next bond election and when they will be done.

Mr. Metzgar stated that the Village of Corrales filed a lawsuit against the developer and the City of Rio Rancho related to the Urban Pond project. They alleged that the developer was going to drain into the Urban Pond, thereby causing a problem with possible flooding in the Village. SSCAFCA was not initially involved in that lawsuit, yet was a principal in developing the Urban Pond so SSCAFCA then filed a motion to intervene, which was granted. The Village was also attempting to stop the development of Urban Pond 3/4, which did not happen. The Village also wanted a plastic liner placed in the bottom of the pond so that there would be no drainage into the ground. SSCAFCA, based on the studies it had done on the pond, did not feel that a plastic liner was needed. The developer did put in a structural seepage blanket liner. A city council meeting was held and a motion was passed to approve the development and expansion of the Urban Pond, with the addition of a liner to the pond.

Mr. Metzgar stated that the Village has recently filed a motion in the same case stating that the developer failed to put in the liner that was required under the motion approved by the city council. The motion asks that the Court order the City of Rio Rancho and SSCAFCA to put in the liner as required by the city council. SSCAFCA is only mentioned in the "prayer" of the motion. It is not mentioned in any of the allegations. A hearing should be held on this soon.

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Mr. Yarbrough stated that some material was imported from the Harvey Jones Channel, mixed with the native soil, and compacted in the pond. Martin Vinyard tested the liner and it meets with state engineer's criteria and has been approved. Mr. Metzgar stated that every expert that has looked at the issue has said that the groundwater is completely protected.

Mr. Stoliker stated that SSCAFCA has an agreement with the City of Rio Rancho and the County of Sandoval to work mutually on a Geographic Information System (GIS). It is a joint project where the two entities store SSCAFCA's information and the cost is free from the City and SSCAFCA pays \$5,000 annually to the County.

SSCAFCA has a program with the NRCS for five years, at the approximate cost of \$50,000, to develop a program and procedure to reseed SSCAFCA's projects. Mr. Popper stated that the only problem so far has been with rabbits. There is growth of plants, but the rabbits eat everything that has grown so far. Some plants have survived, but not many. With some decent rain, the rabbits will have other food sources, and might leave the plants alone.

Mr. Stoliker stated that the Middle Venada Arroyo Right of Way Acquisition is in the process. Mr. Metzgar stated that SSCAFCA is acquiring the property because AMREP doesn't have the right of condemnation. AMREP will reimburse SSCAFCA for the cost of the acquisition, plus administrative fees.

Mr. Stoliker stated that the Dam 4 to 1 project is completed and SSCAFCA is selling the excess property. When the Corrales Watershed District built the Dulcelina Curtis Channel and the Harvey Jones Channel, it ended up with extra property, and SSCAFCA is in the process of selling the excess property from that project.

Mr. Stoliker stated that the last remaining portion of the \$7 million bonds are going through the process of being sold. The sale will most likely be in February 2001. The mil levy rate decreased in 2000. Revenues have increased because of increased appraised value and more developed property. The property valuation went up 2.7% this year.

All professional services under contract include Perry Baird, accounting & budgeting services; Bernard Metzgar, legal services; Dain Rauscher, financial services; Hughes & Strumor, bond counsel; Matthew Reed & Company, auditors; Travis Engelage, Godfrey & Associates, Cavallo, and Roos & Owens, appraisers; Bohannon-Huston, Leedshill-



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Herkenhoff, and Wilson & Company, engineers; and two surveyors. Those contracts are brought in to the Board for renewal every year up to a period of four years.

Mr. Yarbrough stated that the original alignment on the Dam 4 to 1 Project followed the escarpment and property was acquired along that alignment. After further study, the alignment was changed to keep the alignment west of the Thompson fence line in a more direct alignment so SSCAFCA ended up with excess property. Mr. Metzgar stated that most of the property was acquired by agreement and the condemnations were a small percentage of the total acquisition of the properties.

Mr. Stoliker stated that the benefits portion of the Personnel Policy was revised. A cost of living policy was set up and the office hours were established.

He stated that a study was done on the 100-year event that happened in June 1999. In the future, that study can be reviewed to determine the damage that occurs. Goals for 2001 include finishing all outstanding projects, planning, right of way and environmental issues. Other goals are to develop a water quality strategy toward an NPDES permit by March 2003 and to comply with GASB 34. By 2002, SSCAFCA will have to identify all of its infrastructure and come up with policies on how to account for them. He and Perry Baird will be working on that over the course of the next year.

Mr. Stoliker stated that the budget has been attached to the annual report, but it will be covered with Perry Baird when he goes over the audit at the next meeting.

Mr. Metzgar stated that the new board members have been briefed more on the water quality issues than anything else at this point. Mr. Conkling stated that there are four different standards for fecal coliform discharge between Highway 44 and Alameda, which have not been coordinated yet. Also, the standards used for measuring are different in New Mexico than in almost every other state. Mr. Stoliker stated that collectively, all the local entities involved have applied for a \$1 million grant to do a study on the sources of the fecal coliform. SSCAFCA's contribution for the match would be up to \$10,000 per year for three years. This would be brought to the Board for approval, if the grant were approved.

A motion was made by Mark Conkling to accept the Annual Report as presented. It was seconded by Dub Yarbrough and passed unanimously.

### **INFORMATION PRESENTED TO THE BOARD.**

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1. Resolution 1991-2 Information From Closed Meetings.
2. Resolution 1991-7 Reading File for Public.
3. Resolution 1992-6 Official Correspondence.
4. Resolution 1992-7 Per Diem and Mileage.
5. Resolution 1992-8 Greenbelt Concept.
6. Resolution 1993-18 Board Members Attendance and Conduct at Board Meetings.
7. Resolution 1994-5 Adoption of Conflict of Interest and Code of Conduct Regulations.
8. Resolution 1995-4 Political Advertisements.
9. Resolution 1999-9 Public and Private Comment by Board Members.
10. Resolution 2000-6 Designation of Standing Committee.
11. Assignment of Committee Membership by the Chairman.
  - A. Budget.
  - B. Personnel.
12. Executive Director's Responsibilities and Authority.

Mr. Yarbrough stated that the new board members should review the Resolutions presented. Mr. Stoliker stated that he asked Pam McGrath to pull all the resolutions that would be of particular interest to the new board members. He further stated that he attached his Responsibilities and Authority for the Board members' information.

Mr. Metzgar stated that the offices up for election at the next meeting are Chairman/President, Vice-Chairman/Vice-President, Secretary and Treasurer. Historically, offices have not been combined in order to have a greater distribution of work among the board members. There are two standing committees, Budget and Personnel, and the Chairman appoints to those committees.

He also stated that he had reviewed the SSCAFCA statutes and copied certain sections for the Board members that set out responsibilities and authority of SSCAFCA.

### OTHER BUSINESS.

None.

### DIRECTORS COMMENTS.

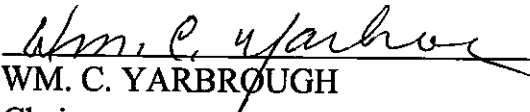
None.


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**ADJOURNMENT.**

A motion was made by Mark Conkling and seconded by Richard Deubel to adjourn the meeting. It was carried unanimously. Meeting adjourned at 4:10 p.m.

  
WM. C. YARBROUGH  
Chairman

  
Secretary

DATE APPROVED: