

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
(SSCAFCA)
MINUTES OF MAY 20, 2003
BOARD OF DIRECTORS REGULAR MEETING**

CALL TO ORDER.

The regular meeting of the SSCAFCA Board of Directors was called to order by John Chaney, Vice Chairman, at 1:05 p.m.

PLEDGE OF ALLEGIANCE.

The Board was led in the Pledge of Allegiance by John Chaney.

ROLL CALL OF DIRECTORS.

Directors in attendance were John Chaney, Mark Conkling, and Richard Deubel. Dub Yarbrough and Donald Rudy were noted as absent. David Stoliker, Executive Director, and other staff were present. Bernard Metzgar, SSCAFCA's attorney, was also present.

APPROVAL OF AGENDA.

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

ANNOUNCEMENTS.

Announcements were made by John Chaney that all electronic devices needed to be turned off during the meeting and that the microphones are voice activated.

CONSENT AGENDA.

1. Minutes of March 18, 2003, April 15, 2003 Regular Meetings and April 22, 2003 Special Meeting.

A motion was made by Richard Deubel to approve the Minutes of March 18, 2003, April 15, 2003 and April 22, 2003 as presented. It was seconded by Mark Conkling and passed unanimously.

2. Treasurer's Report for April 30, 2003.

Mr. Conkling asked if there were any questions regarding the Treasurer's Report. There were none.

PUBLIC FORUM.

None.

CHAIRMAN ' S REPORT.

Mr. Deubel stated that he saw an advertisement the other day by the Water Trust Board entitled, "Water Trust Board Accepting Letters of Interest for Long-Term Water Projects." It appears that they have money to give away. He thought that SSCAFCA would qualify for the solicitation of funds for flood control projects. He gave the ad to Mr. Stoliker for his review.

BOARD OF DIRECTOR ' S COMMENTS.

None.

ATTORNEY ' S REPORT.

Mr. Metzgar stated that the new insurance coverage was issued by Manuel Lujan Agencies. He has gone through the document and he believes that SSCAFCA is well covered in all the necessary areas. There are no exclusions in this policy that concerned him with other policies.

Mr. Metzgar stated that the Personnel Committee had met for David Stoliker ' s evaluation, which has to be done 90 days before contract renewal. The report of the Personnel Committee will be done at the next regular meeting in closed session.

EXECUTIVE DIRECTOR ' S REPORT.

1. Action/Acceptance of the Drainage Report for the Del Norte Gun Club Recreational Shooting Facility.

Mr. Stoliker stated that the plan for the Gun Club has been reviewed by staff and it looks fine. The land consists of a little more than a square mile on which the club is going to put some berms, some buildings and some drainage ponds. This matter was originally heard before the Executive Committee meeting; however, Mr. Rudy did not feel comfortable enough to approve it without the entire approval of the Board. Staff is recommending acceptance of the plan.

A motion was made by Mark Conkling to approve the report as presented. It was seconded by Richard Deubel and passed unanimously.

2. Discussion/Comment of the Draft Hazard Mitigation Plan.

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Mr. Stoliker stated that adoption by SSCAFCA renders validity and authority to the plan and is a pre-requisite for approval of the Plan by FEMA. Approval by FEMA is required to ensure continued eligibility for certain categories of federal disaster relief and mitigation funding, both before and after disaster events. The Plan was funded through a grant to Sandoval County from FEMA. The Resolution being proposed for approval at the next meeting states that, if an emergency happens, SSCAFCA has done everything it could up front in order to get funding. The number two priority in the Plan is to develop a county-wide storm water management on flooding and erosion in Sandoval County. The number three priority is to develop a city storm water management plan in Rio Rancho. Of all the emergencies that have happened in the last 17 years, flooding and flood disasters is number 1. He stated that no action is needed on this item today, but that Sandoval County is asking that comments on the draft Plan be provided by Friday. The lead agency is Sandoval County.

Mr. Conkling stated that three priorities in the Plan have to do with reducing sediment and erosion and providing flood protection in the Black, the Montoyas and the Venada Watersheds. He is wondering if they are complementary to SSCAFCA's existing plans on these watersheds, or if they conflict with SSCAFCA's existing plans. Mr. Stoliker stated that he will follow up on this issue.

3. Montoyas Dam Site Purchase Update.

Mr. Stoliker stated that SSCAFCA has purchased AMREP's property in the Los Montoyas arroyo. The next part is to purchase the three remaining private parcels and to meet with the City of Rio Rancho and acquire an easement over the public parcels. Staff received approval from the Board to proceed with obtaining the rest of the private properties and an easement over the publicly held properties.

4. Ivory Channel Construction Update.

Mr. Stoliker stated that the contract has been signed for the base bid, which is approximately 450 feet of concrete channel north of Spur Way. The project is proceeding on schedule and concrete should be poured by Thursday. Most of the concrete should be poured by a week from Saturday. There was, however, a problem discovered yesterday on the compaction of the dirt just below where the concrete needs to be placed. The material appears to be a type of soil that dissolves in water. The concrete channel being built is reinforced steel bars built like a mat that you can walk on. Then, eight inches of concrete will be poured on top of that. Therefore, the liability to SSCAFCA in the future with regard to this is very small, but the matter will be investigated. If actions are necessary to correct the problem, the timing is so short that the Chairman or the Executive Committee may be called upon for approval.

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5. Action/Acceptance of the Plan Presented by SSCAFCA 's Public Relations Firm, Hirst Cordova.

Mr. Stoliker stated that the plan is complete and enclosed in the Board 's packet. This matter has been previously discussed and that there is no real action needed on this item. Mr. Metzgar stated that the plan has been shown to the directors and they have had an opportunity to provide their input, and that there is no real reason for approval by motion.

6. Discussion/Action on the Date of the SSCAFCA Bond Election.

Mr. Stoliker stated that a date for the bond election needs to be set. Mr. Chaney stated that he would like the full board to hear this matter. Mr. Metzgar stated that the directors present might want to listen to the financial advisors to find out availability, and then the vote could be postponed until the next month 's meeting but the financial advisors wouldn 't have to come back.

Lisa Dreisner stated that they had previously discussed a couple of dates at the end of August because it 's at the end of flood season and children are back in school. Kevin Powers stated that there is a statewide election scheduled for September 23, 2003, which carries with it some blackout dates before and after it. The last date to hold a special election before then will be August 12th; the first date afterwards would be October 23rd. There is another option, which would be to combine SSCAFCA 's election with the special election. The September 23rd election is a polling place election, not a mail-out election, and is somewhat controversial in that it deals with the education situation where they are trying to reconfigure the state controlled public education from the current school board to a cabinet secretary. The second controversial item is to change the way money is distributed from the permanent fund. It is his opinion that SSCAFCA would be better off doing it before the September 23rd election, either sometime during the first full week of August or the first two days of the following week. Mr. Chaney stated that he thinks that the October date would work better because there would be more time for SSCAFCA 's public relations plan to mature and there would be more time to complete the projects that are highly visible associated with this election. Kevin stated that the reason they were looking at the August date is that because of the monsoon season, it might raise the public 's awareness of flood control.

Mr. Chaney stated that he does not like the August date because so many people are still on vacation and it is easier for SSCAFCA 's opponents to mobilize during those time frames. He would like to see the election held in either October or January. Mr. Metzgar stated that, unless SSCAFCA approves an August date today, the election would have to be held in October because having the matter decided at the June Board meeting will not leave SSCAFCA enough time to hold a vote in August. Mr. Powers stated that, by

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state law property tax notices must be sent out by November 1st, so he wants to be sure that SSCAFCA doesn't get tangled up with that date.

Mr. Deubel stated that he is concerned about the proximity of the October 23rd date to the tax notice. They are only one week apart and seem to be too close to be asking the public for money. Kevin stated that SSCAFCA is not raising its tax rate, so there will be no bad publicity about SSCAFCA. The only problem would be if the tax bills beat the ballots to the public. Mr. Chaney stated that if SSCAFCA has flooding in July and August, not enough time has gone by for people to forget it. If anything, he believes they will be more concerned with the flooding. SSCAFCA may have some time to document any flooding before the vote to educate the public even more of the need for the bonds. Mr. Conkling stated that, if a story does come out in regard to any tax increases, it would be good publicity for SSCAFCA that it isn't raising taxes.

A motion was made by Richard Deubel to have the bond election on October 23, 2003. It was seconded by John Chaney and passed unanimously.

7. Action/Acceptance of the Contract for RBC Dain Rauscher, Inc., Financial Advisor.

Mr. Stoliker stated that staff is asking for approval of the contract for RBC Dain Rauscher, Inc., Financial Advisor.

A motion was made by Mark Conkling to approve the contract for RBC Dain Rauscher, Inc., Financial Advisor as presented. It was seconded by Richard Deubel and passed unanimously.

8. View Tape of Past Flooding Within the Jurisdiction.

Mr. Stoliker played a tape regarding past flooding and implementation of SSCAFCA. Mr. Stoliker stated that the tape was prepared and helped to provide information to form SSCAFCA.

Mr. Conkling stated that he would like to talk with AMAFCA about expanding SSCAFCA's boundaries to include the city property where the annexation would occur. It will be awkward to manage the flood control with another agency. Mr. Stoliker stated that he has not spoken with AMAFCA with regard to this. Mr. Conkling stated that he would like to pursue talks with AMAFCA once the annexation has taken place.

9. Web Page Update.

Mr. Stoliker stated that the web page is available for viewing after the meeting in the office and comments are requested from the Board.

6. Discussion/Action on the Date of the SSCAFCA Bond Election (continued).

Mr. Stoliker stated that Eddie Gutierrez had arrived. Eddie Gutierrez, the Bureau of Elections Manager in Sandoval County, stated that there are time-lines for holding elections. You cannot have an election forty-two days before any state election and you have to wait thirty days after a state primary election, so SSCAFCA is correct in its assumption. He stated that SSCAFCA has four options: 1) have its own full blown, special election, including all 30 precincts, with 21 locations, at an estimated cost of \$27,000.00; 2) to have its own special election, but that it consolidate all its precincts to five or six, at an estimated cost of \$18,000.00; 3) to have an all mail-out ballot, at an estimated cost of \$32,000.00, which takes care of postage, the counting of the ballots, etc. This option will reach approximately 99% of SSCAFCA's voters; 4) to 'piggyback' off of the County's election on September 23rd, at an estimated cost of \$14,000.00. If SSCAFCA wants to hold its election with the County's, it will need a resolution filed on or before the 50th day of the election.

Mr. Gutierrez stated that when you have a mail-out ballot, you follow the same procedures you would if you had a regular election and you wanted to have absentee or early voting. Statute allows you to mail them out 40 days before the election. You do have a timeline, though, that you can't mail out later than the Thursday before. If SSCAFCA mails out its ballots 40 days before October 23rd, there should not be a problem with interference with the election on September 23rd; however, Mr. Gutierrez will confirm this. He stated that history has shown that the longer the public has the ballot, the more response you will receive.

10. Action/Acceptance for Right-of-Way Acquisition of Lomitas Negras Dam Site.

Mr. Howard Stone stated that the map he was referring to shows the entrance to Lomitas Negras channel in white. The proposal is to put a detention dam at the entrance to the channel to cover an area of around 11 acres. The total volume of storage would be about 50 acre feet. SSCAFCA currently owns most of the property inside the dam, but lacks a piece of 2.9 acres which is owned by AMREP. The proposal is to work out a deal with AMREP to acquire the property to have enough area to put the dam in at a future date. Mr. Conkling stated that the property is currently platted and available for development by AMREP and is not in the arroyo. Mr. Stoliker stated that staff is asking that the Board allow it to proceed in having the property appraised and put the money aside to acquire it. He stated that he would like to look into working an exchange of property also.

Mr. Metzgar stated that for purposes of proceeding to get appraisals, no motion is needed. He stated that all that is needed is the consensus of the Board to allow Mr. Stoliker to proceed with this matter, because Mr. Stoliker would need to come back later to the Board for final approval. Mr. Stoliker stated that Mr. Yarbrough's concerns are that

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SSCAFCA goes ahead and does something with the Montoyas Sportsplex Dam Site and the Lomitas Negras Dam Site, rather than addressing what he considers the main problem, which is raising the Corrales Road Bridge. Mr. Stone stated that if the bridge is raised, SSCAFCA could probably get away with not having this dam site for flow reasons. However, this dam site provides the only opportunity to put in any type of environmental pond in this system prior to going to the river as there is no other place to capture it. Mr. Conkling stated that this dam site will lessen the impact on the flow on the bridge as well.

Mr. Conkling stated that the consensus of the Board is to move forward with this option and bring back any proposed contracts, trades, sales, purchases, etc. that are worked out. Mr. Deubel stated that SSCAFCA has spent money on cleaning up the soil cement in that channel where the pond is being proposed. Mr. Stoliker stated that SSCAFCA did spend some money on taking out the larger chunks, but it was a situation where the top four inches was laminated off. They would have needed to be removed, regardless of whether this dam was built or not.

11. Recognition of El Dorado de Corrales Access.

Mr. Stoliker stated that this is a request from the Village of Corrales, which is part of the El Dorado de Corrales subdivision. There is a roadway that the subdivision is constructing which is obstructed by a berm. SSCAFCA has a trail system that runs across the Dulcelina Curtis Channel that ties into the bridge. The road services the subdivision and will eventually tie into the entire area. Right now, the road is blocked, because there is no place for it to go. They have asked SSCAFCA to allow them to tie the road into the trail system. SSCAFCA has asked the developer to put in gates and fences so that the public can't get access to the trail system. The trail system is a non-vehicular road for horses and walking and for SSCAFCA to do its maintenance. Staff is asking for approval to allow the Village to maintain any access that they currently have, with this temporary easement, but at the same time getting SSCAFCA into a position where it can force the Village off it at some point in the future.

Mr. Chaney stated that it was the consensus of the Board to let staff go ahead with this matter.

FOR BOARD INFORMATION:

1. May 6, 2003 Letters of Invitation Sent to Storm Monitors.

Mr. Stoliker stated that these are contained in the Board's packets.

2. May 6, 2003 Thank You Letters to Legislators.

Mr. Stoliker stated that these are contained in the Board's packets.

3. April 25, 2003 Letter from MRCOG Stating Membership Fees for 2004.

Mr. Stoliker stated that this is contained in the Board ' s packets and that SSCAFCA will go ahead and get this paid.

4. April 29, 2003 Executive Committee Meeting Minutes.

Mr. Stoliker stated that these are contained in the Board ' s packets.

5. Signing of Summary Plat for Encantada Channel Drainage.

Mr. Stoliker stated that this is contained in the Board ' s packets. He stated that it is prepared for Mr. Yarbrough ' s signature, but since he is not here he asked if Mr. Chaney could sign it. Mr. Metzgar stated that he would prefer to have Mr. Yarbrough sign it rather than Mr. Chaney because that is how it is printed on the plat.

6. Middle Rio Grande Water Resources Board Regional Water Plan Survey.

Mr. Stoliker stated that this is contained in the Board ' s packets. All elected officials are asked to fill this out and send in their responses by May 30, 2003.

7. May 21, 2003 Letter to Franz Springer Regarding Property Exchange.

Mr. Stoliker stated that this is contained in the Board ' s packets.

8. May 21, 2003 Letter to Claudia Smith Regarding Temporary Access North of the Dulcelina Curtis Bridge.

Mr. Stoliker stated that this is contained in the Board ' s packets.

9. May 15, 2003 Draft Letter to Subhas K. Shah Regarding Aerial Acquisition Request.

Mr. Stoliker stated that this is contained in the Board ' s packets. He stated that the City of Rio Rancho and Sandoval County are looking at charging for this information. This would help defer some of the cost of having the GIS system. Discussions in the past had been that the public paid for it and the public should have access to it. Mr. Stoliker is unsure as to what they are looking at with regard to recouping costs. He stated that MRGCD had been asked to cost share the project, but refused. They said no, but now are asking for the information. He is leaving whatever the City and County are charging up to

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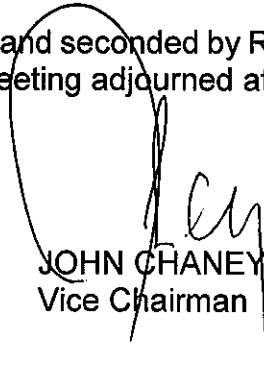
them. The Board believes that this information should be given to the public free of charge and asked Mr. Stoliker to research this information and get back to the Board. If the charges are nominal, they will be acceptable.

OTHER BUSINESS.

Mr. Stoliker stated that he and Mr. Metzgar developed a storm water pollution prevention plan and signed it this week as part of the Ivory Channel. It was a Corps of Engineers and EPA requirement in order for SSCAFCA to do the project. It will become SSCAFCA 's standard for future projects.

ADJOURNMENT.

A motion was made by Mark Conkling and seconded by Richard Deubel to adjourn the meeting. It was carried unanimously. Meeting adjourned at 2:30 p.m.



JOHN CHANEY
Vice Chairman



RICHARD DEUBEL
Secretary

DATE APPROVED: 6-17-03