

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY  
(SSCAFCA)  
MINUTES OF APRIL 20, 2004  
BOARD OF DIRECTORS REGULAR 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.

**ROLL CALL OF DIRECTORS.**

Directors in attendance were John Chaney, Richard Deubel, Donald Rudy and Dub Yarbrough. David Stoliker, Executive Director, Bernard Metzgar, SSCAFCA's attorney, SSCAFCA staff and members of the public were also present.

**PLEDGE OF ALLEGIANCE.**

The Board was led in the Pledge of Allegiance by Dub Yarbrough.

**APPROVAL OF AGENDA.**

A motion was made by Donald Rudy to approve the Final Agenda. It was seconded by John Chaney and passed unanimously.

**ANNOUNCEMENTS.**

Announcements were made by Dub Yarbrough that all electronic devices needed to be turned off during the meeting.

**RECOGNITION/ACKNOWLEDGMENT OF THE TREASURER'S REPORT FOR MARCH 31, 2004.**

Mr. Yarbrough indicated that the Treasurer's Report for March 31, 2004 was in the Board members' packets for review, acknowledgment and recognition.

**REPORT FROM THE BUDGET COMMITTEE.**

**Action/Acceptance of the FY 2005 Preliminary Budget.**

Richard Deubel moved to table the report from the Budget Committee until the Personnel Committee can look at the budget. It was seconded by Dub Yarbrough and passed unanimously.

## **GASB 34 UPDATE: ACTION/APPROVAL OF A LIST OF INFRASTRUCTURE CLASSIFICATION LIVES.**

David Stoliker stated that in the Board members' handouts is a list of capital assets, classifications and estimated lives prepared by staff. Staff is looking for approval of the list.

Mr. Rudy asked if the list could be modified and updated as needed. Mr. Stoliker stated that it could be done.

A motion was made by Donald Rudy to approve the classification list as presented. It was seconded by Richard Deubel and passed unanimously.

### **PUBLIC FORUM.**

None.

### **CHAIRMAN'S REPORT.**

#### 1. Discussion/Action on FY 05 Bond Election.

Mr. Yarbrough stated that he would like to open up a discussion on the question of having a bond election with the general election in November. Mr. Rudy stated that this year's election will have a large number of persons running for election. He would like to know how this will impact a possible bond election. He said that the Finance Committee has been working very hard at finding alternate ways of funding SSCAFCA's projects and operations. There are a number of those options which are in their early stages. Mr. Yarbrough stated that the track record for SSCAFCA going into a general election is good. SSCAFCA usually comes out winners, but it doesn't mean that will happen this time. Mr. Rudy stated that it will be at least a year before any of the alternate funding will come to any serious fruition. The passage of a bond would make the SSCAFCA Board's life easier. Mr. Chaney stated that Mr. Stoliker has a proposal to present to SSCAFCA's congressional delegation. If the Board decides to take action on that, the Board should discuss the feasibility of a bond election after it has some input as to whether or not this will happen. Mr. Rudy stated that if SSCAFCA goes that way, it will not have money quickly because it will take a while to work through the various pieces of the state and federal government and back to SSCAFCA. Mr. Stoliker stated that if SSCAFCA is going to go for a bond election at the upcoming general election, it must be advertised fifty (50) days in advance. He believes that if the Board is going to do a bond election this year, it is already too late for a thorough public relations campaign.

Mr. Stoliker stated that the budget that has been put together does not include a bond election this year. At the last bond election, SSCAFCA spent over \$50,000, which included the public relations firm and getting onto the ballot. If the Board wants to go for a bond election this year, the money will have to come out of O & M or right-of-way acquisitions. Mr. Deubel stated that the failure of the last two bond elections was a function of the low turnout and he agrees with Mr. Yarbrough that if the bond election is held during the general election that SSCAFCA would get a much greater turnout. This,

## **BOARD OF DIRECTORS REGULAR MEETING**

**APRIL 20, 2004**

however, does not guarantee anything. If SSCAFCA passes up this opportunity, it will be at least two more years before another bond election can be scheduled during another general election. He would be in favor of having a bond election during this general election. Mr. Rudy stated that he would like to see if the Board can reduce the face value of the amount it is requesting from the public because it would have a very good public relations effect in the process. Mr. Deubel stated that he questions the value of a public relations firm and the expenditure of money for brochures, etc., when you have a low turnout and he does not want to do that for the next bond election. Mr. Stoliker stated that in 2003, which is when SSCAFCA had the mail-out bond election, there was almost 30% turnout. The one before that was about 5% - 6% turnout.

Mr. Yarbrough stated that rather than make a decision today, he would like to appoint a committee to look at the absolute necessary projects. Mr. Deubel asked if working with the state and federal government meant that SSCAFCA would be changing the nature of the organization to a storm water utility. Mr. Stoliker stated that this is one of the funding options, but federal funding is another separate option. Mr. Stoliker stated that this will be Pete Domenici's last term. Senator Domenici is the Chair of the Appropriations Committee that appropriates money for SSCAFCA's type of work. As the Chair, he has a lot of leverage. Mr. Stoliker stated that it would most likely be a 75% / 25% match. Based on a \$24 million project, SSCAFCA could feasibly get \$20 million from the federal government, \$2 million from the state and \$2 million by SSCAFCA. The projects this money would go to would be the Sportsplex Dam all the way down to the Harvey Jones, which includes all the channelization, the Lomitas Negras Dam and the channel around the school. There is no guarantee that the state would match a certain percentage. Mr. Deubel stated that he believes SSCAFCA has a much better chance of getting federal money than state money.

Mr. Rudy stated that he agrees that the idea of SSCAFCA getting money out of the legislature is almost ludicrous in its low probability. However, there are organizations such as the Energy Committee in the Senate who do have access to monies that they don't have to go to the legislators for. He stated that there is a nearly 50/50 split on the bond issues that have passed and the ones that have lost. Then there is 1% or 2% that make the difference, plus or minus. Mr. Yarbrough stated that it will cost money to go up against the high powered lobbyists in Washington. There will be a certain amount of cost in trying to track these funds. Mr. Stoliker stated that it will cost about \$50,000 to start chasing the money. Mr. Yarbrough stated that \$50,000 is just a drop in the bucket with no guarantees, and then you'll have less funding for a bond election. Mr. Stoliker stated that it couldn't hurt to at least get Senator Domenici's input on what it might entail. Mr. Deubel stated that it would be wise to pursue the bond election at the general election and pursue state and federal monies at the same time. Mr. Rudy proposed that SSCAFCA at least start doing some planning. Mr. Deubel stated that he would like this to be a "bare bones" type of election where SSCAFCA does not spend money on PR or brochures, relying solely on newspapers. He stated that when you have just a bond election, all of the people

**BOARD OF DIRECTORS REGULAR MEETING**

**APRIL 20, 2004**

against it are going to turn out; but when you hold it with a general election, you have a much better chance of having it pass because more voters turn out.

Mr. Yarbrough suggested that he and Mr. Chaney meet with David Stoliker to explore this issue further. It was the consensus of the Board that this occurs.

**BOARD OF DIRECTORS COMMENTS.**

1. Continued Discussion of Full Impact Development Drainage Issues.
2. Discussion/Action of Capital Improvement Funding Action Plan and Review of the April 6, 2004 Work/Study Meeting.
3. Task Orders from Bohannon-Huston for the Sportsplex Dam and Channel Improvement Project Preparation Materials and Huitt-Zollars for Lomitas Negras Channel Project and the Enchanted Hills Elementary School Drainage Improvements to Request Alternative Funding for SSCAFCA.

Mr. Stoliker stated that there is an issue of inequity and fairness between fully developed development that is under subdivision rules and regulations which allow SSCAFCA to exact drainage funds and provide improvements versus single lot development, which escapes any kind of infrastructure requirement or doing anything else that helps drainage. He stated that losing the bond election last year forces SSCAFCA to not be able to correct any existing deficiencies. There are some ways to get around the single lot development problem, blighting being one of them. Impact fees were also discussed at the work/study meeting although SSCAFCA does not have the authority to do that. Policy changes were discussed which would deal with the on-lot ponding. Legislative funding and special assessment districts were also looked at. He stated that staff is recommending that with new development, SSCAFCA continue as it is doing. Mr. Stoliker stated that SSCAFCA should really start pursuing on lot ponding and SAD's. He stated that, as an example, in the Los Rios area, which is east of 528 and South of Corrales Road, SAD's have been considered. SSCAFCA might be able to work with the City and the County and do a plan as a comprehensive resolution of the problems. He stated that blighting is a good thing to correct drainage problems, especially with raw land, and pointed to Cabezon as to how it solved drainage problems in the community. He stated that SSCAFCA should support the City in its blighting efforts. He also stated that SSCAFCA should also pursue legislative funding, U.S. and State; along with partnering.

Mr. Rudy stated that some of these items are complex and will not occur quickly. He stated that there are some areas which are more appropriate at this point for SSCAFCA to be doing rather than trying to implement them. With respect to things like blighting and partnering, he would like to start working with the governmental entities immediately. Mr. Chaney stated that this seemed to be a checklist of possible ways to approach the problem, but until SSCAFCA has something concrete from other entities and more feedback, Mr. Stoliker should pursue all of the above. Mr. Deubel stated that he was

## **BOARD OF DIRECTORS REGULAR MEETING**

**APRIL 20, 2004**

concerned about the amount of money that would be spent pursuing money with regard to the legislative approach. He suggested that there should be a threshold of how much money should be spent pursuing the money. He stated that with the bond election, if it passes, SSCAFCA has the money, but with these other ideas, there is no telling how much money can be spent before any money is received. Mr. Stoliker stated that, if it is the \$50,000 in task orders that worry him, he could use \$10,000.00 to prepare the documents necessary to take to the delegations and show them what SSCAFCA is planning and at least have an initial discussion. Mr. Chaney stated that he would like to see the proposals go to the Executive Committee before any money is spent.

Mr. Ken Curtis, of the City of Rio Rancho, stated that it would be very helpful if SSCAFCA would look at the individual blighting, at least specifically with regard to Unit 13. State law allows blighting for the health, safety and welfare of residents. One of the City's major problems is drainage and flooding and this is one of the main reasons that the City has blighted in the past. He stated that the Cabezon development has taken the drainage from dangerous, antiquated and uncontrolled platting into a higher and best use for the community. Mr. Curtis stated that, in order to blight an area, the City must take the lead. The legislation is written toward counties and municipalities functioning in their duly elected authorities. Blighting generally works best with undeveloped land. The City does not desire to go in and take structures. The state law calls it "premature platting" because of the dirt roads, insufficient easements on the arroyos and they're uncontrolled. The arroyos meander onto private property, threaten structures, etc. After blighting, the property would come under the City's existing codes and SSCAFCA's jurisdiction for newly platted lands. The developer brings everything up to current standards for its entire infrastructure.

Mayor Gary Kanin, of the Village of Corrales, stated that Corrales is in the process of trying to make on-lot ponding work. It hasn't worked very well yet but they are enforcing it from a Planning & Zoning standpoint when new developments are applied for. He stated that he does not think that the general public really understands how important flood control is. He stated that Corrales is applying for federal funding and assistance from Representative Udall in connection with implementing a flood control program throughout Corrales. He stated that there is general compliance with the on-lot ponding in the beginning, but it is then generally forgotten later. Mr. Stoliker stated that staff is looking at getting easements for on-lot ponding.

Mr. Stoliker stated that he would like to form a capital improvements program committee consisting of private citizens, local leaders, and a representative from each of the local governmental entities and task them with preparing and prioritizing a list of projects. This will provide outreach and input to the public, and would help with other governmental entities. He suggested that this committee be chaired by the Budget Committee. Mr. Rudy stated that if the Budget Committee chairs the committee that it at least be "bounced off" the Executive Committee before it comes to the Board.

It was the consensus of the Board to allow Mr. Stoliker to proceed with this matter as presented (i.e., pursue all issues with no expenditures of funds unless the Executive Committee allows).

**ATTORNEY'S REPORT.**

1. Action/Approval of Mariposa Easement and O & M Agreement.

Mr. Metzgar stated that Mr. Collister spoke about this at the last regular Board meeting about how it had worked in High Desert and that a draft of an easement to SSCAFCA for Mariposa would be done in the same vein. It is an agreement whereby the homeowners association that would be formed in Mariposa would take care of some of the minor O & M of the drainage facilities and SSCAFCA would be charged with the greater O & M for the facilities. It is broken down into a four-part agreement. SSCAFCA would be charged with levels 3 and 4 maintenance and the homeowners' association will do levels 1 and 2. The agreement has a procedural way of doing the maintenance and a way of enforcing the maintenance if the association or SSCAFCA fails to do its part. If either party fails to do its part of the maintenance or the other party feels that it has failed, the party can ask for arbitration under the New Mexico Arbitration statute. At first he was not particularly in favor of arbitration because he thought that it could be a very expensive and ineffective process. However, the New Mexico Arbitration statute states that the parties can pick one arbitrator to arbitrate the problem and if they can't agree to that arbitrator, then they can go to the court and the court will name an arbitrator. The arbitrator will make the decision and it is a final decision that cannot be appealed to the court. The court way of bringing about solutions to these types of problems is usually so long and tedious that it would not be the best way of going, so the arbitration provisions in this draft are very good. He recommended that the Board approve the Agreement subject to minor technical changes that might still have to be completed. The Agreement will not be signed until the association is formed.

Mr. Metzgar stated that he sees no drawbacks from using easements versus ownership of the arroyos. Because the association is going to put in facilities for the public, including trails, etc., he prefers the easement because you limit your liability. Doug Collister, President of High Desert Investment Corporation, stated that the easement itself would be public ownership, but the underlying property would be either in the ownership of the association in the case of the larger arroyo systems, or the property owners with the easement over their property, but the property owners would be prevented from doing anything within those arroyo systems. He stated that the form of the document came from their experience with AMAFCA in High Desert. It helps with the concept of keeping the arroyos as near natural as possible. He stated that a reserve account would be put into place to make sure that the association was in a position to take care of its levels of maintenance.

Mr. Metzgar stated that a homeowners association can be formed by any means that it wishes. It can be incorporated if it wants to, however, a homeowners association is a legal entity that can sue and be sued. Mr. Collister stated that their homeowners association will be a corporation. They anticipate having 6,500 different owners who would be required to be members of the association. Currently, at High Desert, they have about 1,200 owners who are required to be members of the association. The members are assessed monthly fees. If they fail to pay their fees, that can become a lien on their property. The High Desert association has an annual budget of just over \$1 million at this point. He stated that they will have all the permits that they are legally required to have to do any work that they pursue. There is a little confusion between neighborhood associations, which are legally recognized entities in both Rio Rancho and the City of Albuquerque and homeowners associations. Homeowners associations are legally formed corporations or entities that have legal standing and can be held accountable in one way or another.

A motion was made by Richard Deubel to approve the draft Mariposa Easement and O & M Agreement as presented. It was seconded by Donald Rudy and passed unanimously.

2. Real Estate Purchase Agreement for Tierra de Corrales, LLC.

Mr. Metzgar stated that this is the Jack Westman subdivision. The Board has already approved SSCAFCA selling the lots that are immediately adjacent to the subdivision to Mr. Westman, which would then be incorporated into the subdivision. SSCAFCA would sell the lots to him at present market value and SSCAFCA would get additional funds as part of the development if it is successful. The status of this matter is that staff has sent the appraisal to the Tax & Rev Department for approval. If it is approved, then staff will go to DFA and see if they will approve the sale of the property to Mr. Westman for present value, with potential additional money if the development proves successful.

3. Action/Acceptance of Draft Middle Venada Unser Dam Property Exchange Agreement.

Mr. Metzgar stated that when SSCAFCA did the Enchanted Hills project, it acquired 6.6579 acres of certain property in the La Bona Tierra subdivision in order to complete that project. The agreement had been that AMREP would reimburse SSCAFCA for the costs of acquiring that property, since AMREP could not acquire the property if the owners refused to sell. Because of its condemnation power, SSCAFCA agreed to acquire it. Instead of reimbursing SSCAFCA this money, AMREP has suggested that it exchange same value properties to SSCAFCA that SSCAFCA wanted. They are Lots 10 through 14, Block 11, Unit 25. This amounts to 7.8 acres. AMREP sent a signed Agreement, along with some

## **BOARD OF DIRECTORS REGULAR MEETING**

**APRIL 20, 2004**

signed Quitclaim Deeds on the property in case the Board approved the agreement. Mr. Metzgar notified AMREP that SSCAFCA cannot get the property by Quitclaim deeds; rather they had to be Warranty deeds under DFA policy. Mr. Metzgar stated that this is different than when AMREP donated property to SSCAFCA on the Venada Arroyo. That property was conveyed by Quitclaim deed because no consideration was paid.

Mr. Metzgar stated that there was one additional piece of property that SSCAFCA is going to get in this process. In the lower Venada, the darkened portion on the east of the Venada will be given to SSCAFCA by AMREP in exchange for property that SSCAFCA had on the west side of the Venada. This western property should be part of Mr. Rudy Tenorio's other adjacent property.

Mr. Chaney asked why an easement approach would not have worked just as well as ownership in this instance. Mr. Stoliker stated that ownership is best for Lots 10 through 14 because it is SSCAFCA's future Unser dam site with high hazard structures. With respect to the eastern property that SSCAFCA gets on the Venada, it is where Bernalillo intends to put in a sewer line. He would like Bernalillo to get the property, with SSCAFCA retaining an easement on it. Mr. Metzgar stated that this is the second step of the process. The first step is to exchange one part of the arroyo for the other. SSCAFCA got fee ownership of the lower Venada from AMREP several years ago and this would exchange some additional fee ownership on the east side rather than the west end.

A motion was made by Richard Deubel to accept the draft Middle Venada Unser Dam Property Exchange Agreement as presented. It was seconded by Dub Yarbrough and passed unanimously.

Donald Rudy left the meeting at 2:45 p.m., prior to the above vote.

### **EXECUTIVE DIRECTOR'S REPORT.**

1. Action/Acceptance of the Venada Property Donation by AMREP.

A motion was made by John Chaney to approve the Venada property donation by AMREP. It was seconded by Richard Deubel and passed unanimously.

### **FOR BOARD INFORMATION:**

- k. Mariposa Planning Area 1 Drainage Management Plan Revisions.

Mr. Stoliker stated that item k in the Final Agenda deals with the Mariposa development. He wanted to go ahead and mention this item so that Mr. Collister and Mr. Stone can leave at their discretion. He stated that there is a letter in the Board members' folders which states that there are some technical issues with the Mariposa Drainage



Management Plan that they are in the process of working out. He stated that they are still within the Watershed Management Plan parameters. Instead of the 30,000 foot view, they are down to the 500 foot view. There are some slopes that are in excess of 10%, 20%, and 30%, which, by SSCAFCA's models, is modeled a little differently. It increases the flow rate because it comes off quicker.

Mr. Stone stated that the new calculated flow rates were based upon the fringe areas near the top of the basin that had a 30% slope. He went over the diagram with the Board. He stated that the net effect is that when you get all the flow down to the proposed Unser Dam site, there is less flow occurring there mainly because of the two arroyos that have zero flow. He stated that, in his opinion, this does not affect the health, safety and welfare of the public.

Mr. Stoliker stated that the increase in flows is minor, plus, when you get down to the dam site, it is still well within ASCG's flows. Since SSCAFCA now owns the arroyo bottoms, he does not believe there will be a problem. Mr. Stoliker asked that staff be allowed to adjust the historic and fully developed flow rates based upon this technical information and that, in the future, staff be allowed to continue this technical oversight practice bringing the resolution to the Board as an information item. General consensus was given by the Board for this request.

**EXECUTIVE DIRECTOR'S REPORT (continued).**

2. Action/Acceptance of Loma Larga Drainage Plan.

Mr. Jim Buckman, of Parsons-Brinkerhoff, stated that they are the engineers for the Village of Corrales for Loma Larga Road. The next phase of the project is from Cabezon Road to Meadowlark Road. The Village is requesting the use of the Tree Farm Pond B for both roadway flows from the right-of-way and also for off-site flows from the areas to the west. As part of the design, they are proposing some minor changes to Tree Farm Pond B. It won't affect the pond's operation or the way that SSCAFCA maintains it. Also, with the design, they have addressed some of the safety concerns that have been brought to them by the SSCAFCA staff during construction.

Mr. Stoliker stated that this does not take care of the 100 year event for the entire watershed, but it does take care of the 100 year event for the roadway project, like was done on Loma Larga North of Meadowlark. It also takes care of a one/two year event for the watershed. Mr. Buckman stated that it takes care of the 100 year for part of the off-site watershed, and the one to two year event for most of the rest of it. Mr. Stoliker stated that the water already goes there today. This allows a good outlet for the one year event and allows for water quality because there is an oil-water separator in Tree Farm Pond B.

**BOARD OF DIRECTORS REGULAR MEETING**

**APRIL 20, 2004**

Mr. Yarbrough stated that the Tree Farm Pond was designed for the 100 year event to start with. Now, it is being proposed to bring roadway water and off-site flows into the pond. Mr. Buckman stated that most of the water that is being put into it is water that was designed to get into it originally, but it hasn't had a way to get in there. The Loma Larga and Meadowlark intersection floods all the time. They are primarily making a way for that water to get into the pond. Mr. Yarbrough said that he is concerned that the Tree Farm Pond will be overwhelmed if this work is done. Mr. Buckman stated that they have been very careful to not allow that to happen. From their point of view, they would like to be able to design for the 100 year storm for everything west of Loma Larga Road. However, because of the topography, they can't do that. They have come up with the best possible solution for now, which is to take care of the roadway water for the 100 year storm and then some of the off-site water. He stated that they will be very careful not to let the off-site water cause problems with the pond as it operates now.

Mr. Yarbrough stated that there are some areas between the roadway and the Conservancy ditch or the roadway and some of the properties that could be purchased to put in some ponds. Mr. Buckman stated that is what they have done with the design and they have purchased some additional property for some small ponds adjacent to the roadway. The Conservancy has wanted to keep as much of its property as it could because they need it for stockpiling and maintenance operations. Mr. Yarbrough stated that the horse owners along the road are giving them a hard time about the size and depth of the ponds so the Village is accommodating them rather than the public. Mr. Buckman stated that they have met with some of the horse people to try to improve the situation. He stated that the horse people have had some access problems and concerns about getting in and out of the trail, which is the bottom of a ditch. As a result of that, they haven't changed the drainage design. Rather, they have tried to make the access for them easier up and down across the driveways. The Village, rather than provide access for equestrians, wanted to provide a horse trail on the west side of the road to keep them from crossing the road.

Mr. Yarbrough stated that he is concerned that they are trying to accommodate certain people rather than using good engineering practices. He stated that Tree Farm Pond B is limited to 5 cfs discharge into the Conservancy ditch and cannot handle any more water. He stated that there are other avenues to be explored rather than using SSCAFCA's facility. Mr. Buckman stated that they have looked at property in three different areas. The west side of the road is primarily developed with homes. They have purchased property in two places to build small ponds to help with drainage which are about ½ acre foot apiece. They also looked at areas within the MRGCD's right of way that they might have extra. The MRGCD said that having those areas was important to them and they did not want to use them for drainage purposes, so that was not considered further. He stated that they also looked at doing different kinds of ponding, either uphill from the road or even across the ditch on the other side. Those last two are maybe

**BOARD OF DIRECTORS REGULAR MEETING**

**APRIL 20, 2004**

workable in the context of a larger drainage scheme but it was beyond what could be considered for this project.

Mr. Buckman stated that one of the things they are hoping to do with this project is take care of some of the off-site drainage. They weren't trying to just focus on the roadway. If the Village is not allowed to use the SSCAFCA pond, they will have to reconsider the options and make sure they can take care of the drainage problems without it. Mr. Yarbrough asked if the Village has the money to do this project and complete it at this time. Mr. Buckman stated that he does not know the answer to that question.

Mr. Stoliker stated that the Village is going to put the road in whether SSCAFCA likes it or not. The question is, does SSCAFCA want them to utilize what flows into its pond with SSCAFCA's approval, or not. The water is going to get into the pond anyway. He would like to tie it in together and at least use an outlet so that they can work the system and SSCAFCA can have some control over it. Mr. Yarbrough stated that the west embankment of the Tree Farm Pond B is higher than Loma Larga Road. Mr. Yarbrough stated that SSCAFCA is already accommodating the water off Ruffles Lane with the underground pipe.

Mr. Stoliker stated that this project splits the jurisdiction between SSCAFCA and AMAFCA. AMAFCA is working with this project also and is going to allow the use of its ponding systems to accommodate the project.

A motion was made by John Chaney to table this matter until further review by the Executive Committee. It was seconded by Richard Deubel and passed unanimously.

3. Action/Acceptance of:  
***New Contracts:***

a. Appraisal Services - Roos & Owens and Godfrey Appraisal Services.

Mr. Stoliker stated that SSCAFCA had two submittals for appraisal services, Roos & Owens and Godfrey Appraisal Services. Roos & Owens was within the time frame allotted; Godfrey was about 6 - 8 minutes late. He stated that SSCAFCA needs to have at least two firms, and each of these companies have different types of qualifications. They are currently both under contract, as is Travis Engelage, however, Mr. Engelage did not submit. He stated that he would like to waive the slight irregularity of submission of the RFP late and recommends approval of both companies. No contracts have been issued; this is to merely get the Board to approve the companies.

Mr. Yarbrough stated that if David Stoliker has the authority to waive the late submission of the RFP for the appraiser, he should also waive the late submission of the RFP by the second law firm which submitted its proposal. Mr. Stoliker stated that there

**BOARD OF DIRECTORS REGULAR MEETING**

**APRIL 20, 2004**

were two law firms which submitted and Mr. Metzgar's firm submitted its proposal within the time frame allotted. There was a firm that came in after the fact which was also 6 - 8 minutes late. He made the determination that SSCAFCA only needs one general counsel firm, so he made the decision that the late submission should not be considered. He stated that he did not speak with Mr. Metzgar regarding this issue because it affected him and he did not want any conflict on Mr. Metzgar's part. He stated that there is justification to waive the late submission of the appraiser proposal because SSCAFCA needs more than one appraiser.

Mr. Chaney asked if SSCAFCA undertakes any kind of liability by taking this sort of stand. It is still up to the Board to decide which proposal it wants to accept. Mr. Metzgar stated that his experience has been that if someone is late, they are not accepted, period. What has happened in the past is that when SSCAFCA needs more than one person or firm for a particular service, SSCAFCA has rejected all of the submissions and done it over to try to get more response. Generally, he has not seen anyone take a late proposal. He stated that his feeling is that the Board should either reject both appraiser submissions or accept both.

Mr. Stoliker stated that the Board can either reject both late submittals and then work a contract with Mr. Metzgar for the legal and possibly work a contract with Roos & Owens and then re-advertise for more appraisers. That will take more time. Or, SSCAFCA can accept both and go with both appraisers and have a selection committee to go over the two attorneys. The latter option is probably the easiest for SSCAFCA. Mr. Deubel stated that the question now becomes a problem that SSCAFCA does accept late RFPs and, in the future, how late an RFP do you accept? Mr. Deubel asked whether the appraiser RFP stated that SSCAFCA desired more than one firm, to which Mr. Stoliker answered yes. Mr. Deubel stated that the fact that SSCAFCA advertised that it wanted more than one firm might cover any problems as far as accepting the late proposal.

A motion was made by John Chaney to approve Roos & Owen's submission and reject Godfrey Appraisal Services because they were late; that the Board approve the submission of Lamb, Metzgar, Lines & Dahl and reject the other because it was late; and that Dain Rauscher be renewed. It was seconded by Richard Deubel and passed unanimously. There was general consensus for Mr. Stoliker to readvertise for additional appraisers.

- b. General Counsel Services - Lamb, Metzgar, Lines & Dahl, P.A.

Discussed above.

**Renewal:**

- a. Financial Advisory Agreement Extension - Dain Rauscher.

Discussed above.

4. Discussion/Review of the Fischer Property Agreement.

Mr. Chaney stated that this matter should be referred back to the Executive Committee. Mr. Stoliker stated that this will need to be sent to the Fischers at some point after that.

5. Action/Acceptance of Drainage Policy Amendment 2004-2 Accepting all Drainage Ponds/Dams for O & M.

Mr. Stoliker stated that the only change since the last time the Board saw this policy amendment was that it did not specifically say that it applied to subdivisions and the Board was worried that it might include private property. The document now says, "within major subdivisions" which are only public.

A motion was made by Dub Yarbrough to accept the drainage policy amendment 2004-2 as presented. It was seconded by John Chaney. Roll call vote: John Chaney, yes; Richard Deubel, yes; Dub Yarbrough, yes.

**FOR BOARD INFORMATION (continued):**

a. March 22, 2004, Lot 1-A, Unit 13 (Dam 4) appraisal was submitted to the State Taxation and Revenue Department for approval.

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

b. February 26, 2004 Letter from the City of Rio Rancho Regarding Unit 13 Blighted Condition for an Amended Redevelopment Plan.

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

c. March 19, 2004 Letter to Vincent Carrica of Tierra West Regarding the Pipe Penetration at the Encantado Channel.

Mr. Stoliker stated that this is contained in the Board's packets. There were some things going back and forth with respect to the new Home Depot going in at Enchanted Hills. They wanted a pipe penetration in the Encantado Channel. This has been done. The City owns the pipe penetration.

d. The Following Developments were Reviewed by Staff and Comments Provided to the Engineer:

**BOARD OF DIRECTORS REGULAR MEETING**

**APRIL 20, 2004**

Northern Meadows Units 14 & 15, 76 acres, 286 dwelling units, approximately 163 cfs discharge;

Northern Meadows Unit 20A & 20B, 29.96 acres, 147 dwelling units, approximately 55 cfs discharge;

Enchanted Hills South, approximately 475 acres, approximately 1500 dwelling units (zoning had not been approved at the time of this writing), discharge in conformance with the Venada Arroyo Watershed Management Plan;

The Following Developments Have Been Received for Review and Comment:

Northern Meadows Unit 11, 93 acres, 494 dwelling units, approximately 277 cfs discharge;

Tierra de Corrales, approximately 100 acres, approximately 100 dwelling units, approximately 27 cfs discharge.

- e. The annual READS Breakfast was held on Saturday, March 27, 2004. In attendance were 11 READS Volunteers and 7 new Volunteers. Also attending were SSCAFCA Board members Dub Yarbrough and Donald Rudy and all SSCAFCA staff members.

Mr. Stoliker stated that this was quite a good turnout at the READS breakfast.

- f. April Rain Event Information.

Mr. Stoliker stated that this is contained in the Board 's packets. The number one spot that got 2.86 inches was at the SSCAFCA offices.

- g. The Infrastructure Capital Improvement Planning Process Workshop will be held April 28th.

Mr. Stoliker stated that this is contained in the Board 's packets. SSCAFCA is going to go through the Council of Governments to submit its CIP to the State which is required to get any kind of state funding.

- h. Task Order from Wilson & Co. for \$3,590.00 for Plans, Specifications and Final Cost Estimate for the Lomitas Negras Arroyo.

Mr. Stoliker stated that this is contained in the Board 's packets. SSCAFCA approved this item months ago and just recently got the approval back from the City. There is something happening within the City and part of it is causing some friction between the City and SSCAFCA.

**BOARD OF DIRECTORS REGULAR MEETING**

**APRIL 20, 2004**

- i. NPDES Presentations Will be Made on April 15, 2004 for the American Public Works Association and on April 30th for the City of Las Cruces.

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

- j. Staff monthly reports are available for review if you so desire. Please see Erica for further information. Reports include: O & M, Field Operations & Maintenance, READS, Personnel, Right-of-Way, Miscellaneous Projects, Election, Contracts and Development Review.

Mr. Stoliker stated that this is contained in the Board ' s packets. Monthly reports are a new initiative by staff to keep abreast of and record all that is happening. The reports will be contained in their own separate books as stated above. Any Board member that wishes to see the reports can contact any staff member. This message will be shown to the Board one more time as a reminder.

- k. Mariposa Planning Area 1 DMP Revisions.

See above.

- l. April 14, 2004 Memo to David Stoliker and Bob Foglesong regarding the Black Arroyo Watershed Managements to Cabezon Drainage Implementation Plan.

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

- m. April 15, 2004 Letter from Bernard Metzgar to Matthew Spangler Regarding the Venada Arroyo Deed Changes.

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

- n. April 15, 2004 News clipping from the Observer Regarding the April 6, 2004 Work/Study Meeting.

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

**OTHER BUSINESS.**


None.


**ADJOURNMENT.**

A motion was made by John Chaney and seconded by Richard Deubel to adjourn the meeting. It was carried unanimously. Meeting adjourned at 3:45 p.m.

**BOARD OF DIRECTORS REGULAR MEETING**

**APRIL 20, 2004**

  
RICHARD DEUBEL  
Secretary

  
WM. C. YARBROUGH  
Chairman

DATE APPROVED:

C:\Documents and Settings\Administrator\My Documents\Board Minutes\Minutes.4.20.04.doc