

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
(SSCAFCA)
MINUTES OF FEBRUARY 17, 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 1:05 p.m.

ROLL CALL OF DIRECTORS.

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

Mr. Stoliker stated that there has been one addition to the Agenda since the draft was mailed out. It goes under Executive Director's Report, Contract Renewal Without Changes. Surveying Control, Inc. submitted its request for renewal after the Agenda was mailed out.

A motion was made by Donald Rudy to approve the 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 and that the microphones are voice activated.

CONSENT AGENDA.

1. Action/Acceptance of Minutes of January 6, 2004, Regular Meeting.

A motion was made by John Chaney to approve the minutes of the January 6, 2004 Regular Meeting. It was seconded by Donald Rudy and passed unanimously.

2. Action/Acceptance of Minutes of January 27, 2004, Special Meeting.

A motion was made by John Chaney to approve the minutes of the January 27, 2004 Special Meeting. It was seconded by Donald Rudy and passed unanimously.

RECOGNITION/ACKNOWLEDGMENT OF THE TREASURER'S REPORTS FOR DECEMBER 31, 2003 AND JANUARY 31, 2004.

A motion was made by John Chaney to table this matter until the treasurer arrived. It was seconded by Donald Rudy and passed unanimously.

PUBLIC FORUM.

None.

Mark Conkling arrived at 1:15 p.m.

PUBLIC INPUT ON THE EFFECTIVENESS OF SSCAFCA'S STORMWATER QUALITY NPDES PROGRAM.

Mr. Stoliker stated that this item is placed on the agenda and advertised to allow for public input to satisfy NPDES requirements for public input. Therefore, once a year the Board will have an open forum where the public can come in to voice any comments, concerns, complaints, etc. on the NPDES program.

Chairman Yarbrough asked if there was anyone that wished to address the Board regarding SSCAFCA's NPDES storm water quality program or permit. There was no public comment.

RECOGNITION/ACKNOWLEDGMENT OF THE TREASURER'S REPORTS FOR DECEMBER 31, 2003 AND JANUARY 31, 2004.

Mark Conkling indicated that the Treasurer's Reports for December 31, 2003 and January 31, 2004 were in the Board members' packets for review, acknowledgment and recognition and that he would be happy to answer any questions on it. He stated that everything has been scaled back because of the failed bond issue. The only unusual items that money had been spent on was the amount of money that was spent on the bond issue attempt and the public relations activity, which was unique from last year's budget.

Perry Baird stated that on page 1 of the January Report, General Fund Revenue, might be of interest to the Board. The ad valorem tax received, current period, which is SSCAFCA's biggest single tax revenue receipt of the year, exceeding last year's amount by 5% - 10%. Actual year to date revenues from the tax are almost \$490,000.00 against a budget of \$770,000.00.

CHAIRMAN ' S REPORT.

1. Action/Acceptance of Resolution 2004-6 Designation of Legal Holidays.

Dub Yarbrough stated that he and Richard Deubel had not had a chance to get together and go over this matter and that he would like to table it.

A motion was made by Dub Yarbrough to table this item. It was seconded by John Chaney and passed unanimously.

BOARD OF DIRECTORS COMMENTS.

1. Action/Acceptance of Alternative Funding Sources.

Mr. Conkling stated that a Budget Committee meeting was held this morning to talk about alternate funding sources. He stated that the alternatives range from increasing the tax to seeking additional government funding and lowering the needed improvements, and/or doing another bond issue attempt. Looking at all the different alternatives, the committee concluded, along with SSCAFCA ' s financial advisors, that it would be best to leave the total mil rate the same, allow the debt and operating to equalize, and approach the federal delegation to see if SSCAFCA can get a highly visible project funded with federal funds, such as the Sportsplex Dam. SSCAFCA could also run a parallel track of getting another bond issue ready for November.

Mr. Conkling stated that the Committee also thought that SSCAFCA should quicken its pace and eagerness to help the City to come up with a solution for on-site ponding, or an alternative impact fee for lot owners which would reduce what SSCAFCA will need to build in the future by about 30%. If SSCAFCA could get the Sportsplex Dam built and get on-site ponding approved, SSCAFCA would substantially reduce its capital outlay needs by more than half over the next ten years. He stated that if the bond program fails at the November election, there will still be these other alternatives in place. If the bond program succeeds in November, though SSCAFCA would have the authority to sell bonds, SSCAFCA wouldn ' t need to sell as many.

Donald Rudy stated that one other thing they were looking at is to check with SSCAFCA ' s control agencies on the way SSCAFCA balances its operating mil levy and its capital outlay. If SSCAFCA does continue to retire bonds, it is the only way to keep the mil levy perfectly constant. The other is that as SSCAFCA progresses during the next 20 to 30 years, the number of projects will begin to diminish. Maintenance, enforcement control and other items will then begin to dominate.

Mr. Conkling stated that SSCAFCA failed to convince the public of the need for these projects. John Chaney stated that he thinks that SSCAFCA needs some flooding

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before the public will get squarely behind what SSCAFCA wants to do. Mr. Rudy stated that the Committee needs Board authorization for bonding whether or not SSCAFCA chooses to go for a bond election and raising the mil levy. Mr. Yarbrough stated he is against raising the mil levy. However, SSCAFCA can keep it constant. Mr. Baird stated that if no more bonds are issued, this coming fiscal year, SSCAFCA's debt service levy could drop \$.07 just because of the need to pay principal and interest.

Mr. Conkling stated that a developer does not necessarily pay for what SSCAFCA wants them to do. The consumer ultimately pays for it through the purchase of the land. There are different neighborhoods and different drainage areas, and therein lies SSCAFCA's allocation of fairness. Mr. Chaney stated that SSCAFCA also facilitates the flow of economic information to the developers so that they can make a judgment on whether or not the final unit price of their product is affordable to the public. He stated that if SSCAFCA is limited in terms of its resources because the bonds continue to be turned down, SSCAFCA needs to have staff look at the full impact of any proposed subdivision.

Mr. Stoliker stated that any new subdivision that comes in is forced to comply with SSCAFCA's rules. SSCAFCA could look at having new single lot development doing ponding. Mr. Yarbrough stated that when a single lot owner comes in for a permit, he needs to be made aware that he will need on-site ponding. Mr. Rudy stated that this is where SSCAFCA needs to work most closely with the City of Rio Rancho because SSCAFCA will need the City's help both in the application and in enforcement. Mr. Stoliker stated that if a subdivision contains five units or more, it falls under the subdivision rules and regulations and will have on-site ponding which the City enforces.

Bob Strumor, SSCAFCA's bond counsel, stated that the trend among the governmental entities in the single owner subdivision is to require a lot of infrastructure through an improvement district. That will take some of the burden off of SSCAFCA. It is very difficult to do on a one or two lot basis. Mr. Conkling asked if the City of Rio Rancho could form a 15,000 lot assessment district and put a \$200.00 assessment on every lot for drainage. Mr. Strumor stated that this is conceivable; however, the tax payers can always protest that they don't like it.

Bob Strumor stated that another option that SSCAFCA does have is to look at restructuring its existing debt as part of an overall plan of lowering SSCAFCA's debt service over several years. He stated that as far as starting a bond issue, the Legislature reduced the time down to 50 days, but once the process is started, SSCAFCA will be spending a lot of money on publications and other administrative items. His recommendation is that SSCAFCA wait until July to decide whether to have an election or not. SSCAFCA would reduce its expenses by not having a special election and being part of the general election. He stated that if SSCAFCA is going to look for federal money, it probably isn't a bad idea to also get on the capital outlay list. Mr. Strumor stated that

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SSCAFCA could speak with other governmental entities who have had lobbyists at the federal level to find out who does that sort of thing.

Perry Baird stated that June 1st is the deadline for SSCAFCA 's preliminary budget, so if there is some action that the Board is contemplating that will change the tax rate in any way, it must be in the preliminary budget. The preliminary budget is usually approved at the May Board meeting so that it can be sent to DFA by June 1st. Mr. Conkling stated that it is conceivable that the City of Rio Rancho, through its assessment district process, could encompass the entire city limits as an assessment district, levy an assessment on every lot that is undeveloped at this point, of an amount that would build all the flood control projects that SSCAFCA needs.

2. Continued Discussion of Full Impact Development Drainage Issues.

This item was covered in the discussion held above.

ATTORNEY ' S REPORT.

Mr. Metzgar stated that the Board has in its packets a fax that talks about the lawsuit concerning Angel Road. The letter sets forth Curb, Inc. 's position. Curb, Inc. is proposing to have two roads and that they would not change the location of Angel Road; and it would now be up to the Village of Corrales if both of those roads would go through to Corrales. Because there are so many Defendants, the case has been set for trial on April 29 - 30, 2004. SSCAFCA still must determine whether it has any definite position to take on the case, or whether to agree with the proposal.

Mr. Metzgar stated that he has received, from the attorney for Jack Westman, a proposed agreement between Tierra de Corrales, LLC and SSCAFCA concerning the sale of SSCAFCA 's lots to Mr. Westman for his subdivision. The Board had previously indicated that SSCAFCA would sell the lots to him for the present appraised value, but then SSCAFCA would attempt in some way to be part of the development itself and get some additional compensation, assuming a successful development. He stated that Mr. Westman asked his attorney to put together an agreement to encompass that. Mr. Metzgar has the draft agreement in his possession but has not yet had a chance to go over it. He will report on it at SSCAFCA 's next meeting. Any agreement of this nature must be approved by DFA.

EXECUTIVE DIRECTOR ' S REPORT.

1. Action/Acceptance of Contracts.
 - a. New Contract:
 - 1) Professional Accounting Services - Perry Baird

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Mr. Stoliker stated that SSCAFCA advertised for the professional accounting services and only received one submittal by Mr. Baird. Staff is recommending approval. Mr. Baird stated that he is requesting a \$5.00 per hour increase from \$40.00 to \$45.00 per hour. Mr. Metzgar stated that he has gone through the proposed contract and it is fine.

A motion was made by Dub Yarbrough to accept the professional accounting services new contract as presented. It was seconded by Mark Conkling and passed unanimously.

- b. Renewal with changes:
 - 1) Fencing
 - a) Sunny Fence Company
 - b) ASCG Engineering

Mr. Stoliker stated that the next contract to consider is for Sunny Fence Company and there are some changes in the contract. Mr. Service stated that the contract was initially awarded on linear feet price, which last year was \$2.90. This year, Sunny Fence is asking for an increase of \$0.35, to \$3.25 on linear feet price. He spoke with the president of Sunny Fence to find out the reason for the increase. The basic reason is twofold. One, the EPA new regulations for treating the posts has increased. Now, instead of a single dip process, it is a triple dip process which increases the price per wooden post. Second, the cost of barbless wire is increasing. Sunny Fence Company is also requesting an increase for the lockable gates and the maintenance for those gates from \$640.00 to \$650.00. The hourly rates are going up \$3.00 each, which is a COLA cost. An increase in the linear foot cost was given to Sunny Fence last year in the amount of \$0.10. Staff is recommending approval.

A motion was made by Mark Conkling to accept the fencing contract renewal for Sunny Fence as presented. It was seconded by Donald Rudy and passed unanimously.

Mr. Stoliker stated that ASCG has adjusted its engineering amounts company wide. Mr. Stoliker stated that staff is recommending approval.

A motion was made by Mark Conkling to accept the ASCG contract as presented. It was seconded by Donald Rudy and passed unanimously.

- c. Renewals without changes:
 - 1) O & M
 - a) Santiago ' s Native Landscape Services
 - 2) Surveying
 - a) ASTS, surveying
 - b) Bohannan/Huston, surveying
 - c) Community Sciences, surveying

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- d) Huitt-Zollars, surveying
- e) *Surveying Control, Inc.*
- 3) Engineering
 - a) Bohannan/Huston, engineering
 - b) Huitt-Zollars, engineering
 - c) Stantec, engineering

Mr. Stoliker stated that these are all renewals without changes.

A motion was made by Mark Conkling to approve the above-listed contract renewals without changes. It was seconded by Donald Rudy and passed unanimously.

2. Action/Approval Giving Staff Authority to Pursue an Amendment to the Rainbow JPA.

Mr. Stoliker stated that SSCAFCA signed a JPA with a "sunset clause" which expired at a certain point. It expired before the City was able to bill SSCAFCA. The City has completed the work and they would like SSCAFCA to share in the cost of it. The change is in Item III and reads, "the term of this renewed JPA shall be from the effective date of November 1, 2001 until the project is complete, or two years from the renewed effective date, *whichever comes last.*" The addition of the italicized language allows the City to get the money from SSCAFCA.

A motion was made by Mark Conkling to give staff the authority to amend the Rainbow JPA as discussed. It was seconded by Donald Rudy and passed unanimously.

3. Action/Acceptance of Annual Reports:

- a. 2002-2003 SSCAFCA Annual Report.
- b. NPDES Annual Report.

Mr. Stoliker stated that the annual report has been expanded. The executive summary now includes SSCAFCA's goals, commitments, vision statement and the mission statement. Some of the projects that have been completed are included in the report, which includes Enchanted Hills and the 528 Storm Drainage System. The Black Arroyo, the Venada and the Montoyas Arroyo Drainage Management Plans were also completed this past year. All of the urban area now has a drainage management plan over it. SSCAFCA upgraded its computer system. SSCAFCA now has digital mapping with the City and the County, which will be wonderful for SSCAFCA. SSCAFCA completed the land acquisition of the Upper Venada Arroyo bottom from Paseo del Volcan up to Unser Boulevard, which was through a donation by AMREP. The Sportsplex dam site acquisition is almost completed. The NPDES permit was completed and submitted.

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Mr. Stoliker stated that development is incredibly fast in Rio Rancho right now. Staff is trying to streamline its operations to work better with the City. Bob Foglesong meets with the City once or twice a week just on development issues. The issue of alternative funding sources is critical to SSCAFCA's success. SSCAFCA must also review its drainage policies which fit in well with the single lot development issue. Staff is hoping that it can push the personnel issue off a little bit until some of this other stuff settles down. He stated that staff is having its first meeting with Jim Hartogensis tomorrow. He is SSCAFCA's auditor and is going to work on the GASBY with SSCAFCA.

Mr. Stoliker stated that the annual report shows the development SSCAFCA has done in the past year. Staff has looked at over 609 dwelling unit in the last year, and over 3,000 acres have been reviewed and approved. He stated that being able to utilize the GIS and the digital mapping is going to be critical to SSCAFCA's efficiency and effectiveness.

Mr. Stoliker stated that the Chairman has asked that he look at getting Lot 1A and Dam 4 appraised and get it sold. Mr. Yarbrough stated that Laura told him that it will cost about \$1,000.00. Mr. Metzgar stated that this is a reasonable fee. Mr. Stoliker stated that the last cost was around \$600.00 or \$800.00 a couple of years ago.

Mr. Stoliker stated that the building was built this past year and the Ivory Channel reconstruction. He stated that there were also no major rain events. He stated that the Harvey Jones Channel is being cleaned out under the Corrales Road Bridge. It is not completed yet, but sediment has been pushed out in the area adjacent to the river, on the soil cement. Roskos Field Pond was completed in that period of time. He stated that with regard to environmental issues, they have the bat program going where bats are used to eat mosquitoes to keep the West Nile Virus down. One of the things that need to be done is that the Bosque needs to be cleaned up at the end of the Venada.

Mr. Stoliker stated that some of the goals of SSCAFCA identified are to tie all the records to the GIS system, which will help in the long run, but it will take some time and effort to do that. Staff wants to develop in-house planning, right of way acquisition and stewardship capability; verify, document and photograph all SSCAFCA facilities and right-of-way; and prepare our first annual right-of-way report, which has never been done. He wants to go through and do SSCAFCA's position descriptions and personnel evaluations this year. He would also like to prepare a system for renewal of contracts. He would like to get the "reads" data on the web page.

Mr. Foglesong stated that the Enchanted Hills project is being advertised and they hope to have it awarded by the end of March with work to begin after that. Mr. Stoliker stated that it should get done pretty quickly.

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A motion was made by John Chaney to approve the 2002-2003 SSCAFCA Annual Report as presented. It was seconded by Donald Rudy and passed unanimously.

Mr. Stoliker stated that the NPDES Annual Report will be sent to the EPA. It includes the manuals that SSCAFCA is part of, the pocket books that are being handed out, and all the things that SSCAFCA has done over the year. They also attended the NPDES training. The idea is that SSCAFCA will give them the information and they will do the work.

A motion was made by Mark Conkling to approve the NPDES Annual Report as presented. It was seconded by Donald Rudy and passed unanimously.

Mr. Stoliker stated that if a lot owner disturbs more than one acre, they are required to get a storm water management permit. The pocket books explain how to get the permit and what you need to do. When the lot owner goes through the building process at the City, they will be given a sheet of paper that tells them what they are required to do. Staff will also give a copy of the entire package to the other entities within its jurisdiction so that they have a template to work off of when they do this. SSCAFCA is almost 75% complete with its five year program in the first year. The total cost is what it cost for the addendum, plus staff time, which is less than \$20,000.00. Mr. Stoliker stated that the way the program is set up is that EPA has jurisdiction in New Mexico and the State is under contract for the program. The way the NPDES is set up is that the local entities have to do certain things to ensure the public knows what it needs to do when it builds.

4. Review/Discussion of Resolution 2004-8 Concerning the Board of Directors Election.

Mr. Deubel pointed out that there was a typographical error in the resolution. It was suggested that this be brought back for approval.

A motion was made by John Chaney to table the discussion of Resolution 2004-8 Concerning the Board of Directors Election. It was seconded by Donald Rudy and passed unanimously.

5. Action/Acceptance of Drainage Policy Amendment 2004-1 Regarding Storm Water Quality.

Mr. Stoliker stated that this drainage policy amendment deals with formalizing what the Board did with Mariposa and the Hawk Site, which is that SSCAFCA will be looking at not only the 100 year event, but also the first 1/4 inch of run-off and the ten year event. What they're finding is that if you take care of the 1/4 inch of storm water run-off, they still get erosion from the larger events. He stated that the applicant is being required to look at this issue. Mr. Conkling asked if the City of Rio Rancho cooperated with SSCAFCA's

eagerness to implement the on-site ponding system, or some alternative, would it have any impact on this policy. Mr. Stoliker stated that he did not believe so. He stated that this would only work for development. He stated that all development that comes in must assume full development upstream. If single lot development were administered differently, that would change the run-off calculation significantly, but not affect the issues that are addressed in this resolution. By adding the ten year event, it will really help with erosion problems. Mr. Rudy stated that it is going to be pretty difficult for a single lot person to do the 1/4 inch analysis. The policy amendment should be more specific as to the size of the development. Mr. Metzgar stated that SSCAFCA's Drainage Policy has a definition for major subdivision, which is a subdivision of more than five acres or five lots. He stated that he has not yet had a chance to review this policy in detail and urges that the matter be tabled until he has the time to review it in relation to the actual Drainage Policy.

A motion was made by Donald Rudy to table the acceptance of Drainage Policy Amendment 2004-1 Regarding Storm Water Quality. It was seconded by John Chaney and passed unanimously.

6. Action/Acceptance of the Middle Rio Grande Regional Water Plan and Resolution 2004-7: A resolution concerning the future management of water in the Middle Rio Grande Region; acknowledging a comprehensive water planning process; and accepting the Middle Rio Grande Regional Water Plan.

Mr. Mike Trujillo, of MRCOG, stated they have been working on a regional water plan for the last seven years. As part of that water plan, there has been a partnership between the MRCOG, the Water Resources Board, and the private non-profit all volunteer group of The Water Assembly. They have finally come to a compromise document which contains two key elements. First, by accepting the Regional Water Plan, SSCAFCA will be one of many local governments that will be required by the Interstate Stream Commission to do so, even if it is conditioned. Secondly, the State is going to designate where all requests for water or waste water projects must be in the Regional Water Plan. SSCAFCA does not get to contribute to the ICIP (Infrastructure Capital Improvements Program) of the local government division of DFA. Mr. Stoliker has given him all potential water or waste water related projects that SSCAFCA might seek State funding for. In order for SSCAFCA to qualify for State funding through the Water Trust Board, it will need to have its projects on a State list, which is this Regional Water Plan.

Mr. Bob Prendergast, the Vice-Chair of the Water Assembly, stated that the plan is one of 16 regional plans being developed for the water plan at the behest of the New Mexico Interstate Stream Commission. The ISC has requested that regional water plans be accepted by each of the local jurisdictions in the region. The plan has been in development over the past five years by a partnership between the Water Assembly and the MRCOG Water Resources Board. David Stoliker is SSCAFCA's representative on the Board. All of this information can be downloaded from the Water Assembly web-site,

which is waterassembly.org. He stated that the plan is to resolve over 100 public meetings throughout the region; assemble a number of briefings to agencies, groups, governing bodies within the region, etc.; about 30,000 volunteer person hours and about \$1.2 million in State, local government and private funds. The bottom line is that the plan contains 42 recommendations to address the ongoing overspending of the water resource. The mission of the plan is to balance water use with a renewable supply. The recommendations are named in the overview and described starting on page 37 of the summary document.

Mr. Prendergast stated that it is important to recognize that these are recommendations, not caveats nor requirements. The plan contains no directives. The plan is also preliminary. They ask for SSCAFCA's vote in accepting this plan to enhance the future of New Mexico. Mr. Trujillo stated that the next step is the implementation phase. Once the plan is accepted, within the next six to 18 months, they will be asking SSCAFCA to have a workshop at which point they will ask SSCAFCA to start a local plan of action of the recommendations. He stated that there are 16 regions statewide. There are several along the Rio Pecos, who are in worse trouble now because the State is retiring water rights there. Socorro/Sierra is one region and the lower Middle Rio Grande is another region which is below Elephant Butte. There is no authority for enforcement because the actual authority rests with the governing bodies. There is no regional water authority, although there is one being proposed for one part of the State, but that legislation is in trouble.

Mr. Trujillo stated that the Interstate Stream Director and the State Engineer have statutory and constitutional authority regarding water rights, but that goes above SSCAFCA's local governance. The Pueblos are not officially a part of this plan. All tribal governments in this region, which are eight, have chosen to observe the regional water planning process, but have chosen not to participate. The tribal governments have indicated that since they have the most senior water rights, that by participating they might compromise any future position. Since this process has not gone through adjudication, they did not wish to contribute, but would rather observe. To date, they have made no comments on the plan.

Mr. Chaney suggested having the staff report on how SSCAFCA might participate in this plan. He would like to hold off for a month or two until that report is done and further discussion can be had before this plan is actually approved. Mr. Trujillo stated that they are hopeful that SSCAFCA would approve the Resolution accepting the plan today. They are trying to get it on the March ISC agenda and are on a fast track. SSCAFCA is the ninth entity that they have approached and anticipate that, by the end of this month, they will have everyone's acceptance of the plan. He stated that implementation will require some money and they are hoping that the Legislature will approve it this year. Implementation is the next logical step. Today, they are just asking that SSCAFCA accept the development of the plan as it stands now and have the implementation later.

Mr. Trujillo stated that they have a contractual obligation to the Interstate Stream Commission because their contract runs out on March 22, 2004. They are trying to get on and just meet the deadline for meeting their contractual obligation. Although they will have turned it in, under their contract, the ISC has to formally accept the plan, which is based on SSCAFCA's acceptance of the plan. He stated that SSCAFCA only has statutory authority within the boundaries of its particular flood control authority and, as such, any of the recommendations that SSCAFCA chooses to implement can only be within those boundaries. He stated that Sandoval County has already approved the plan; the City of Rio Rancho will be meeting tomorrow night on the plan; the subregions will be meeting on the plan soon. Jemez Springs has already adopted their resolution. It is a matter of simply accepting it at this time.

Mr. Rudy stated that there is a potential for higher authorities to preempt and simply do what they want on their own if SSCAFCA does not provide input. This document is informative and permissive and without SSCAFCA forwarding the contents of this to the higher authorities, there is a very good chance that this material could simply be ignored. He has been very impressed with the quality of the work that has been produced and he would hate to see all of this contribution, particularly since it has a lot of information appropriate to SSCAFCA's area, not included in the deliberations of the other authorities. Mr. Chaney stated that if SSCAFCA accepts this, it is under an obligation to implement it. Mr. Trujillo stated that this is not true. He stated that the plan, as part of the implementation phase, is to work with them to see which of the recommendations SSCAFCA feels it could implement or wished to implement, and what plan of action that will be needed.

Mr. Metzgar stated that he would like the Board to focus on the Resolution, which is that SSCAFCA accepts the Middle Rio Grande Regional Water Plan as a guidance document for developing and coordinating local and regional water management programs, recognizing the constraints and management limitations of local and state government. It is not in any way requiring implementation of any particular nature. SSCAFCA will decide that when it goes into the implementation phase. Mr. Trujillo stated that they are hoping to analyze each of the issues thoroughly enough that SSCAFCA would have some background during the implementation phase.

Mr. Prendergast stated that if they don't take action, as a group, in the Middle Rio Grande Valley, somebody else will. Mr. Trujillo stated that they will come back to the Board to find out how the Board wants to implement it. He stated that they are hoping, through SSCAFCA's representation on the Water Resources Board, that any overlapping jurisdiction issues would be dealt with on a regional basis. They will also be adopting a regional plan of action and, based on previous comment, he knows that SSCAFCA works well with other entities anyway, so when those issues come up SSCAFCA is ahead of the game.

A motion was made by Mark Conkling to accept the Middle Rio Grande Regional Water Plan and Resolution 2004-7 as presented. It was seconded by Donald Rudy.

Mr. Stoliker stated that page 39 of the plan states, "This section recommends specific actions that the general public, state and local governments and water management agencies could take to meet the water plan's goals and objectives." The whole plan is to not be a dictatorial ordinance, but to suggest possibilities. On page 46, two areas that did affect SSCAFCA, are the watershed management plans. Under that heading it says, "The preservation and management of water resources must be conducted on a regional basis of watersheds and geological basins is recommended specific watershed management plans should be established in the Middle Rio Grande planning region to achieve common objectives such as.... It is recommended that governmental jurisdictions, water management agencies and private water system developers should utilize standard best management practices for watershed protection."

That's what SSCAFCA has already gone through with NPDES. The second area is on the bottom of that page, under Storm Water Management Plan, which says pretty much the same thing. "Storm water run-off can and should be utilized by the region when practicable. It is recommended the local government's storm water plans be enhanced and expanded to control run-off using swales, terraces and retention ponds...." He stated that the workshop will be with members of the Water Assembly and with the MRCOG and the Board, not just staff.

Mr. Stoliker stated that the last "WHEREAS" clause was put in specifically for SSCAFCA. "WHEREAS, local government *may* select specific alternative actions for implementation based upon the particular needs of the community, the mission of the entity and its constraint". They did it that way so that the Board would not be forced into anything because they were very concerned about that. Staff does recommend approval of the Resolution accepting the plan.

Roll call vote: John Chaney, yes; Mark Conkling, yes; Donald Rudy, yes; Dub Yarbrough, yes. The motion passed 4-0.

FOR BOARD INFORMATION:

- a. Sediment Removal is Ongoing Under the Corrales Bridge of the Harvey Jones Channel.

Mr. Stoliker stated that this was discussed above.

- b. The following subdivisions have been deferred to the SSCAFCA designee for review and approval because the development constituted less than 50 acres, the

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discharge is less than 500 cfs, and the development does not directly impact a SSCAFCA owned facility:

Greystone Ridge; 9.83 acres, 20 dwelling units, approximately 31 cfs discharge;
Wallen Subdivision; 16 acres, 63 dwelling units, approximately 48 cfs discharge;
Chamisa Hills Country Club - North; 29.64 acres, 26 dwelling units, approximately 90 cfs discharge;

Chamisa Hills Country Club - West; 4.99 acres, 5 dwelling units, approximately 16 cfs discharge;

Mirador Del Sol; 12.513 acres, 68 dwelling units, approximately 48 cfs discharge;
Ridgecrest; 2.754 acres, 8 dwelling units, approximately 9 cfs discharge;

Sandoval County Judicial Complex; a courtesy review was provided to Sandoval County

Mr. Stoliker stated that staff is going to show the Board all of the developments that are coming in that are being handled by SSCAFCA ' s designees.

- c. December 29, 2003 statement of Continuing Disclosure Undertaking Requirements for Southern Sandoval County Arroyo Flood Control Authority, New Mexico General Obligation Bonds. Annual data updating necessary information to comply with requirements as agreed upon in the Continuing Disclosure Agreement for issues beginning in 1995 through current 2003 Financial Audits.

Mr. Stoliker stated that they have taken care of all of the disclosure information needed for SSCAFCA ' s bonds and it has been posted on the web page.

- d. January 26, 2004 Loma Larga Road, Cabezon to Meadowlark Lane, Meeting Synopsis.

Mr. Stoliker stated that this is contained in the Board ' s packets. He stated that the Village has submitted the plans and is ready to move forward with it. The Village would like to utilize SSCAFCA ' s Tree Farm Pond B. He spoke with the Village yesterday and it does not appear that the Village is going to be able to take care of all development and drainage from the escarpment. However, the Village will be able to take care of the roadway drainage, with the new project. This means that it will be an improved condition. SSCAFCA ' s requirements are that, unless there is approval from the Board, the Village should be required to do all the drainage with any new development. He stated that the last project that was done on Loma Larga, they worked out an agreement that said that if they improved the situation and committed to working on the escarpment issue, then SSCAFCA would be okay with that project. He is asking for direction from the Board.

Mr. Stoliker stated that he believes there is extra storage in the pond to handle it. The road is all paved now anyway and all the water flushes through there. The Village is

going to put roadside ditches and berms in to take care of the drainage. The Village is asking to do it in a more comprehensive way. Mr. Chaney stated that this is more of an Executive Committee decision once the facts are in. Mr. Yarbrough stated that he is concerned that if we get a 100 year event, and the pond is filled to capacity, and the Village dumps more into the pond, if SSCAFCA might be liable for some sort of flooding. Mr. Stoliker stated that if a 100 year event happened today, that area would fill up and eventually flush into the irrigation ditch. This same thing would happen after the Loma Larga project is built. He is pretty comfortable that SSCAFCA's lower Tree Farm Pond B would receive minimal damage because it has been constructed below the surrounding ground level and the "berm" area on its eastern edge is a long distance with a road on it. This would be the area that would be eroded by run-off and it is very protected by the road and the distance.

Mr. Stoliker stated that the Village wants to move fast on this. The Village is collecting the data right now and expects to have it to SSCAFCA by Thursday and it looked like the Village wanted to get approval before the next Board meeting. There are a couple of options; the Board can allow him to handle it, but he prefers to have the Board involved; the Executive Committee can handle it, which is a wonderful solution, or he can tell the Village "no" and that they will have to wait until next month when it is brought back to the full Board. It was the consensus of the Board to allow the Executive Committee to review this issue.

- e. Discussion notes with Bob Strumor regarding Legislative Lobbying efforts.

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

- f. January 21, 2004 Insurance Proposal from Manuel Lujan Insurance Inc.

Mr. Stoliker stated that this is contained in the Board's packets. He stated that SSCAFCA has chosen not to select the terrorist insurance.

- g. We wish to announce the passing of former Board Member, Annette Jones, on February 15, 2004. Ms. Jones was a member of the first SSCAFCA Board.

Mr. Stoliker stated that a few members of the staff are going to go to the viewing. Mr. Conkling stated that the family has asked the community to make memorial contributions to the Corrales Fire Department and the Library in lieu of flowers.

OTHER BUSINESS.

- 1A. Dub Yarbrough stated that he has asked David to get an appraiser to appraise Lot

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Mr. Yarbrough stated that he also got a call yesterday from a man interested in buying the three lots down by the Dulcelina Curtis Channel. He wants to tell the man that before SSCAFCA goes through the expense of an appraisal, that it needs some kind of written commitment from him. He stated that he is leery about doing the individual negotiated sales. Mr. Rudy asked if it was possible to get an appraisal and keep it private until some kind of agreement is entered into. Mr. Metzgar stated that, in the past, SSCAFCA has done appraisals on property which have then put out for bid, and no bids were received. So money was spent and nothing was received. He stated that there is no incentive for a potential buyer to enter into any kind of agreement with SSCAFCA to possibly buy excess property if SSCAFCA is going to put it out for bid. If there is a chance of selling the excess property, then SSCAFCA will need to bite the bullet and go forward with getting the appraisals. He also stated that he understands that Mr. Yarbrough is concerned about going through the process and then having the individuals turn SSCAFCA down and the money has already been spent.

Mr. Metzgar stated that the DFA says that SSCAFCA needs to do the appraisal prior to going out for a bid because SSCAFCA will not be able to accept less than the appraisal amount as an opening bid. Mr. Conkling suggested putting it out for bid and, if it brings some interest, have it quickly appraised, and accept or reject and submit it to DFA. Mr. Metzgar stated that he would have to look at the policies again but, as he recalls the policy, the appraisal had to be done before the bid goes out because SSCAFCA has to publish the minimum amount of the bid. He stated that once a bid is successful, SSCAFCA takes a certain amount of money immediately subject to DFA approval, and as soon as DFA approves, the buyer has to come up with the balance within a very short time. If property is going to be sold, SSCAFCA needs the appraisal no matter what. Mr. Metzgar stated that the Board could authorize the Executive Committee to accept a process with regard to sale of excess property.

Mr. Yarbrough stated that he would like to go ahead with the sale of Lot 1A. He wants Mr. Stoliker to call Joe Roos to find out what he would charge for the appraisal.

ADJOURNMENT.

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


Mr. Stoliker asked that, without an acting secretary at today's meeting, who should sign documents. Mr. Yarbrough appointed Donald Rudy as acting secretary for today's meeting.

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**WM. C. YARBROUGH
Chairman**



**DONALD RUDY
Acting Secretary**

DATE APPROVED:

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