

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
(SSCAFCA)
MINUTES OF DECEMBER 21, 2007
BOARD OF DIRECTORS REGULAR MEETING**

CALL TO ORDER.

The regular meeting of the SSCAFCA Board of Directors was called to order by John Chaney, Chairman, at 9:10 a.m.

ROLL CALL OF DIRECTORS.

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

PLEDGE OF ALLEGIANCE.

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

APPROVAL OF AGENDA.

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

ANNOUNCEMENTS.

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

EXECUTIVE DIRECTOR'S REPORT

1. **Presentation/Discussion of SAD 7 in Unit 17.**

Mr. Dan Aguirre, of Wilson & Co., stated that in addition to Unit 17, the SAD has several outlying areas. Today, they will be talking about Unit 17. The district was created as a drainage district. At this point, they have gone through several studies which have been combined into a larger study. At this point, they would like to present to SSCAFCA projects that would be considered regional and would help everybody in the area. They have identified seven projects that SSCAFCA could help with that would help Unit 17 residents as a whole. The best way to convey the drainage will be to put in streets and curbs. They looked at leaving some of the areas unpaved, but putting in the culverts and large ditches outside of the road and continuing to try to deal with erosion would still mean a lot of pavement and different treatments. Putting in streets with curbs and gutters is actually the cheapest solution. Mr. Stoliker stated that SSCAFCA had a bond election in December 2006 and, of that, there was \$2 million for Unit 17 and \$1 million for Barrancas Arroyo. To date, SSCAFCA has already spent approximately \$2 million in this area.

Mr. Aguirre stated that they looked at seven regional projects that would go hand in hand with the projects that would be built by the SAD and they are actually part of the SAD. The first option for SSCAFCA is to not do the projects on SSCAFCA's own but put the money into the SAD as a general contribution. The second option would be to purchase the property for construction of

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the Carson Road Storm Retention Pond, including the interim outlet structure. They would then make the connection across the road into the arroyo as a temporary outlet structure to tie into the pipe system that would be put in as part of the SAD.

The next piece of the project would be to construct the Carson Road Storm Drain, the 54" to 48" pipe. Any pipe system 48" and above would be considered regional pipe and not simply local. This is the pipeline that would connect to the pond. Item #4 is to construct the Guadalajara Road Storm Drain, which consists of the 66", 54" and 48" portions of the line to get it to the Monterrey Pond. The fifth project would be the purchase of property for construction of the Nez Perce Storm Retention Pond. The next project would be upstream of Item #2 and a continuation of that system. This would include purchase of the property and construction of the Ilif Road Storm Water Retention Pond and the interim outlet structure until it can be connected permanently. The seventh item identified as a regional project would be the purchase of property for the construction of the Inca Road Storm Water Retention Pond, the interim outlet structure, and part of the storm drain system to get it into the pond.

Mr. Yarbrough stated that he heard that the cost to property owners would run between \$10,000.00 and \$14,000.00 per lot. Mr. Aguirre stated that right now, for the majority of the lots in Unit 17, the estimated cost is \$13,500.00 +/- . The size of the lots do not enter into the equation for this district. Mr. Aguirre stated that he did not mention anything in Los Rios because they have some improvements going on that are regional in nature. There will be additional projects in that area, but in looking at the assessments, everyone will benefit from these projects. There are approximately 4,200 lots in the entire district. He stated that if the SAD is delayed, he would still recommend these same projects be done by SSCAFCA. They are in order of importance as listed. The entire SAD will be \$56 million worth of improvements, not including SSCAFCA's portion. By doing it this way, the SAD can be constructed by the end of 2009.

Mr. Chaney asked for public comments.

Mr. Don Chapman, President of Chamiza Estates Neighborhood Association, stated that they started this process in August 2006 when they realized they had a drainage problem in their neighborhood. There are over 775 residents within the boundaries of the Neighborhood Association. They are the most homeowners within the boundaries of Unit 17. With all the entities involved, there is some bureaucratic tape to get through. The reality is that the SAD may not happen. There are a couple of streets in the area that were wiped out and to this day one of the streets is still closed. The intersection of Chihuahua and Kim Road was undermined and has not been permanently fixed. One thing that concerns him about this proposal is retention pond 6, which basically borders the embankment of Highway 528. He thinks it's wrong to have a potential retention pond to rest against the embankment of a highway. The embankment is already significantly eroded. He does not think that this will be a good place for a pond. His solution is to move the pond one more lot to the west. He agrees with projects numbered 3 and 4 on Wilson & Co.'s list. The residents' solution is to pave the streets, put in curbs, and pipe the water to ponds. The Homeowners' Association is overwhelmingly against the SAD. They have \$450,000.00 from Representative Powdrell and Senator Lovejoy; \$50,000.00 of which can be used for acquisition and \$400,000.00 to be used for improvements. He said that SSCAFCA has indicated in the past that it would match that amount. Councilor Bency has told them that he can get \$150,000.00 for the area, and that can be matched, for a total of \$300,000.00 from him.

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Representative Powdrell stated that she has worked closely with these entities to address this issue. Unit 17 makes up a big portion of the west side of her district. She has also made a commitment to them to ask for another \$300,000.00 during this upcoming legislative session to try to move forward to address these drainage issues. Prior to the rain event in 2006 she had been working with Los Rios to address some of their road issues. Nobody could have been prepared for the rain received in the summer of 2006. Some of the lots in Unit 17 cannot be built on. Dr. Rudy stated that what is holding SSCAFCA up is a setting of priorities. Most of the work that needs to be done in this particular area is local, but the local work can't be done until there is a regional facility in which to dispose of the water. SSCAFCA is waiting to put in the regional facility, but needs the priorities. This report from Wilson & Co. will be the next step in getting the facilities built.

Mr. Conkling stated that by looking at Exhibit 7 and then moving up to Exhibit 4, which is the Carson/Kim Pond, he asked if there was a little money to do something to help the neighborhood, if that pond would be the most effective use of the money. Mr. Aguirre stated that it is one of the most effective uses of money. Final design won't be done until August 2008. This is just to the point to do cost estimates on getting projects done. If SSCAFCA were to get all promised monies together and took the leadership, SSCAFCA could build both Carson and Kim Pond, Teton and Carson Pond, whether or not the SAD is approved. It would be considered improvement to the whole. Dr. Rudy stated that SSCAFCA should get these cost estimates first in order to get the projects done as quickly as possible.

Susan Barton, a board member of the Neighborhood Association, stated that her street washed out last year during the flood. The culverts underneath the streets were full of tumbleweeds. They live in an area that is hilly and she wonders what provisions are being made for future home building on these lots that will impact the drainage improvements being put in if there is no city ordinance or drainage plan for the whole lot.

Mr. Chaney stated that there is a consensus among the Board to proceed independently with improvements in this jurisdiction. He directed staff to prioritize what improvements staff recommends and whether or not SSCAFCA has the monies to implement them, regardless of whether or not the SAD goes in.

Scott Sensanbaugher, Acting City Engineer, stated that this list was prepared with the City's blessing and he is very thankful to SSCAFCA for all the work that it has done and will be doing. The City is committed to working with SSCAFCA on all projects.

Cheryl Ganche stated that Mr. Stoliker indicated to her that projects that had been on the book the longest are the ones that are typically addressed first. The Alberta Watershed has been on for almost 20 years. This has been one of the longest projects and if the monies came available, it would be addressed near the top. This project would protect the people in Los Rios. Dr. Rudy stated that SSCAFCA will work with any agency to help to control flooding. Projects that are put together by other jurisdictions or the public are not under SSCAFCA's control.

Mr. Stoliker stated that a task order was approved months ago. He is ready to start design and would like it out to bid by March or April. This project will have the most profound effect on the public. There was general consensus from the Board to proceed with designing and constructing a

drainage project in the Carson/Guadalajara area using the existing, \$150,000 task order with ASCG and subcontracting with Wilson and Company to speed the project.

- 2. Action/Acceptance of Joint Powers Agreement with City of Rio Rancho for the Black Arroyo Watershed in the Amount of \$1,000,000.

Mr. Stoliker stated that the City has approved this JPA and has signed it. The City agrees to commit the amount of \$1 million, it does not say anything with respect to timing or if it will be split up.

A motion was made by Steve House to accept the Joint Powers Agreement as presented. It was seconded by Mark Conkling and passed unanimously.

- 3. Action/Acceptance of selection/budget for Architects for SSCAFCA building expansion.

Mr. Stoliker stated that there are a couple of policy issues to be brought to the Executive Committee at the meeting in January 2008. Mr. Metzgar stated that there are several issues that he would like to address at the Executive Committee that were raised as a result of the proposed contract from the architect. Among them was the architect's liability, as limited in their proposed contract. Mr. Stoliker asked that this matter be tabled until a later date. Mr. Metzgar stated that this matter was deleted from the Final Agenda, so it does not have to be formally tabled.

- 4. Action/Acceptance of Contract Renewals:

Without Changes:

<u>Surveying</u> ASTS	<u>Engineering</u> Stantec	<u>Appraisers</u> Shipman/Foley & Assoc.	<u>Insurance</u> Manuel Lujan
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With Changes

<u>Surveying</u> Huitt-Zollars Bohannon-Huston	<u>Engineering</u> Huitt-Zollars Bohannon-Huston ASCG	<u>Appraisers</u> Howden and Holzhauser	<u>Lobbying</u> Larry Horan
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Mr. Stoliker stated that staff is asking for acceptance of these contract renewals, as presented. The increases range is anywhere from 2.5% to 3.5%. The lobbying contract renewal is to the \$20,000 discussed previously by Mr. Metzger.

A motion was made by Steve House to accept the contract renewals as presented. It was seconded by Donald Rudy and passed unanimously.

- 5. Action/Approval of Final Adjusting Change Order for Sediment Removal Phase II Venada Channel.

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Mr. Clint Dodge, of ASCG, stated that this is the final adjusting change order for the sediment removal from the Venada Channel east of 528. AJAC was the contractor. There was an under run of the total contract of about \$33,000.00. The project has been inspected and approved.

A motion was made by Mark Conkling to accept the final adjusting change order as presented. It was seconded by Steve House and passed unanimously.

6. Action/Approval of HEC-HMS, Emergency Action Plans, Operations & Maintenance Plans and Dam Footprinting Task-Order for ASCG and Stantec.

Mr. Stoliker stated that this is a task order with ASCG with a subcontract to Stantec to do everything needed to identify dam sites and convey that information to the City in the La Barrancas and Venada Arroyos. The City would mark these places on its maps, and would prevent the public from building on any land that was earmarked for future dam sites. There is a state engineer requirement that an emergency action plan and an operation and maintenance plan be done by SSCAFCA by 2008 or 2010. This allows SSCAFCA to start that process. In addition, conversion to the HEC model is included. The total is \$371,886.00. This task order anticipates most of the O&M and EAP development will be performed by the new engineering staff currently in the budget.

Mr. Dodge stated that he would like SSCAFCA to focus on the upstream part of the La Barrancas as the initial emphasis because of the activity that is going on up there and then see if the funds are available to perform all the dam site footprints in both watersheds.

A motion was made by Mark Conkling to accept the task order as presented. It was seconded by Steve House and passed unanimously.

7. Selection of Date for Special Board Meeting for Drainage Policy Review.

Mr. Chaney stated that the Executive Committee needs to meet several times and identify major issues that need to be brought to the Board. He would like to avoid talking about non-controversial items by the Board. He would like the Executive Committee to identify those items that are controversial and need discussion and clarification and bring those to the Board at a special meeting. The Executive Committee has not yet met on these issues, so he would like to postpone this matter until a later date. Mr. Yarbrough suggested having minutes on these Executive Committee meetings.

ACTION/APPROVAL OF THE MINUTES OF:

OCTOBER 19, 2007;
NOVEMBER 16, 2007.

A motion was made by Steve House to approve the minutes of the meetings of October 19, 2007 and November 16, 2007. It was seconded by Dub Yarbrough and passed unanimously.

RECOGNITION/ACKNOWLEDGMENT OF THE TREASURER'S REPORT FOR NOVEMBER 30, 2007.

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Dr. Rudy presented the Treasurer's Report for November 30, 2007 and asked if there were any questions. There were none.

Dr. Rudy stated that the Budget Committee met on December 3, 2007, and had an exit interview with SSCAFCA's auditor, Chester Maddox & Company. They carefully went through the audit review and there were no substantial surprises. The audit had been submitted to the State on time and there are copies available for review.

CHAIRMAN'S REPORT.

Discussion/Direction for 2008 Lobbying Initiatives.

Mr. Larry Horan, SSCAFCA's lobbyist, stated that last year was the first year SSCAFCA was represented by a lobbyist, and it was the first time ever a flood control authority has received an outlay from the state according to staff at the Department of Finance. He hopes to continue that success this coming year. There is not as much money this year in the legislature, only about 40% to 50% of the money that was available last year. The other thing that was significant last year that wasn't on the radar was ESCAFCA. They are formed and up and running. His understanding is that it went smoothly and SSCAFCA's role is supportive, but is not tapping SSCAFCA's resources. They will work on the capital funding to be sure that it goes where it needs to go. The bonding capacity for SSCAFCA needs to be raised and looking at the climate right now, with it being a short session and the elections coming up next year, they did not feel it was appropriate to raise the bonding capacity right now. SSCAFCA does not want to give the perception that taxes will be raised right before an election. The other significant part of this is that it is a short session and to raise the bonding capacity, there would have to be a message from the Governor to get anything raised, and right now he is denying 80% of requests.

BOARD OF DIRECTORS' COMMENTS.

Discussion/Approval of Jurisdictional Brochures.

Mr. Conkling stated that, as an initiative, he thought it would be useful to overlay the voter districts upon SSCAFCA's work. He and Laura have worked together to create a brochure that anyone running for office can answer questions regarding flood control in their district. It is a map of voting districts overlaid on Rio Rancho showing SSCAFCA projects. The back shows how much money has been spent on each project. SSCAFCA is not taking a political position; rather SSCAFCA is giving information to the public regarding what SSCAFCA has done in a specific district.

ATTORNEY'S REPORT.

None.

PUBLIC FORUM.

None.

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FOR YOUR INFORMATION.

Mr. Stoliker stated that the following was for Board information only and/or contained in the Board's packets:

1. November 26, 2007 Correspondence from AMAFCA transmitting FY-08 Project Schedule.
2. Pictures of board members will be taken at this meeting.
3. The following infrastructure plans were signed by the Executive Director:
 - a. Lomas Encantadas Offsite Improvements Phase 2, the Executive Director signed the mylars on November 29, 2007.
4. RBC Capital Markets Continuing Disclosure Requirements.

Mr. Yarbrough asked what this issue was about. Mr. Baird stated that Kevin Powers' firm used to be RBC Dain Rauscher, now Capital Markets, helped prepare submittals to the rating agencies repositories of information regarding SSCAFCA's outstanding bonds. This is a requirement to SSCAFCA's covenant to its bond holders.

OTHER BUSINESS.


The next regular Board meeting will be held on January 18, 2008 at 9:00 a.m.

An Executive Committee meeting will be held on January 7, 2008 at 9:30 a.m.

ADJOURNMENT.

A motion was made by Steve House and seconded by Donald Rudy to adjourn the meeting. It was carried unanimously. Meeting adjourned at 10:50 a.m.


STEVE HOUSE
SECRETARY


JOHN CHANEY
CHAIRMAN

DATE APPROVED: 1/18/08