

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
(SSCAFCA)
MINUTES OF APRIL 18, 2008
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 9:05 a.m.

ROLL CALL OF DIRECTORS.

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

Mr. Stoliker stated that Item F2 under the Executive Director's Report is not ready.

Mr. Stoliker stated that the City called Bernard Metzgar and told him that they didn't have enough funds to front the money as presently set forth in the draft JPA. This causes consternation with SSCAFCA because the City is preparing all of the appraisals and SSCAFCA either works with them and goes to the negotiations, or SSCAFCA would have to take over negotiations. This is generally not done and will require additional work before it is brought to the Board.

A motion was made by Mark Conkling to delete item F2 from the Agenda and to approve the remaining Agenda items. It was seconded by Steve House 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. **Action/Acceptance of City Center Footprint in the Upper La Barrancas.**

Mr. Stoliker stated that SSCAFCA had been preparing to study two watersheds to try to footprint the dam sites in these areas. They are the Venada and the Barrancas. UNM and CNM came in about a month after SSCAFCA signed the agreement with Clint Dodge to do this work and informed everyone that they wanted to put in a campus in the City Centre area. Because of this announcement, SSCAFCA had Mr. Dodge focus on the City Centre area because of the issue of the CNM and UNM campus.

Mr. Clint Dodge, of WHPacific, stated that the CNM development is right below the upper SLO dam and they are anxious to get started. The purpose of the investigation is not so much to

design the dam itself, but to review it to the point where the footprint can be identified. For the SLO dam, they are looking at two phases. The yellow in the draft Summary is the first phase, with the intention of getting something that will handle the existing runoff and get something that will protect the downstream property. CNM owns a little piece of triangle property in the area and discussions have been held about getting them to donate that as part of the project. The rest of the property is about ten acres of private land. It has been estimated that it will cost \$100,000.00 per acre to acquire. This means it will cost an estimated \$1 million for the property for the project.

Mr. Dodge stated that the SLO property is still owned by the State Land Office. They have agreed to put a reserve on about four acres of the property for future acquisition by somebody, or the developer that ultimately develops the property for the dam. Phase II of the project, as the area develops, the dam will have to be enlarged and the idea is that that part of the property in the footprint will be needed at that time. There is a potential to divert some of the runoff into the Progress Dam. It is not required for this facility, but it has to be part of the development along Progress Boulevard.

Progress is a much bigger facility, about 185 acre feet of storage. On SLO, the initial Phase I is 30 acre feet, which is about the size of Urban Pond or Tree Farm Pond. It is not quite as big as Sportsplex, but it is a large facility. The footprint extends from the SLO section, currently still owned by the SLO, to Progress. The PNM power line extends parallel to Progress and within that right-of-way they propose slope grading, but not in a flood pool construction. Mr. Stoliker stated that the State Land Office has a statute that says that its property has to be sold so it cannot be given to anybody. Mr. Dodge stated that they have had several meetings with regard to this project and have looked at several options for this footprint, and this footprint is the consensus from those different meetings. These facilities are not required for CNM to develop its property.

Mr. Dodge stated that the next step is for the stake holders to review the details. Mr. Conkling stated that this is a major change in how SSCAFCA has done things in the past in that it is proactive and he thanked the staff for their work in this regard.

Mr. Stoliker stated that CNM may be willing to offer to give SSCAFCA some land. The SLO will reserve some land and then it's a matter of SSCAFCA being able to buy some land for the dam site. SSCAFCA doesn't have enough money to pay for it, and it then becomes an issue of whether SSCAFCA can partner with CNM, UNM and the City, and possibly the County to do this. Mr. Stoliker stated that when this matter gets to negotiations, the Board will be included in the process.

Mr. Dodge stated that the triangular piece of land is not very usable by them and that is an option at this point. They also looked at a no dam alternate, and primarily, CNM and UNM lose the 300 foot width through the campus. This is designed as a cut-off dam, which allows them to put in a storm drain all the way to the SLO property so that CNM and UNM can recover that 300 feet of land.

Mr. Dodge stated that they looked at the same alternate at Progress. They looked at sliding it down as far onto SLO property as they could, and all the options are workable, but this is the footprint that is desired by the stakeholders. All of these footprints cut off roads and existing platted streets. They have allowed for a way to locate those within the footprint on the upper part of the slope so that the traffic pattern is not disrupted too much.

Mr. Dodge stated that the big facility is the PDV facility. There is a major drainage that comes in from the northeast into the facility and the primary purpose of this facility is to reduce the flow downstream in the arroyo. There is a 3/4 mile stretch where there is no, or very little, drainage right-of-way. The idea is to reduce the flow as much as possible and reduce the public cost downstream. This is a 419 acre foot pond, which is a little bigger than Sportsplex. It has a bigger footprint because it is being kept shallow, 12 or 13 feet deep at the dam. The layout of this facility is intended to overlay as much as possible a proposed city park. The footprint is about 86 acres and 71 of those acres are private, subdivided property.

Mr. Dodge stated that all of the dams have plenty of room for the Watershed Park and they are keeping the depth shallow for that purpose as well. They also have discussed with the stakeholders and there is concurrence that, along the conveyances, even where they put in a storm drain, they maintain a 50 foot wide easement of some kind for trails, etc.

Mr. Dodge stated that on the very last page of the handout is a cost summary for the Board's information. The upper part of the table is the different design parameters and the cost. The upper SLO dam, the total cost is about \$2.9 million, assuming \$100,000.00 per acre for the private property. The benefit, which is the bottom half of the table, represents the acreage recovered from the LEE line, plus, if there wasn't the storm drain, it would have to be channelized in some way. Most of the cost is the recovery of the land and the reduced cost of the conveyance. They have been telling everybody that they are responsible for the conveyance across their property. In this case, the cost of the benefits outweighs the cost of the dam.

Mr. Dodge stated that the Progress Dam is about \$8 million and the PDV is about \$16 million. The benefits are quite a bit less because there are fewer downstream properties to recover. There is also less in benefits to the upstream properties. Enough volume can be put into the dam to allow the SLO to free discharge. The total footprint area for all of these is 160 acres. The cost for the private property is about \$12 million.

~~2. Action/Acceptance of Joint Powers Agreement for the Guadalajara Drainage Project.~~

3. Action/Acceptance of State Capital Project Funding for Guadalajara Drainage Project.

Mr. Stoliker stated that there is a form that needs to be sent to the state regarding \$332,000.00 that the state wants to grant SSCAFCA for Unit 17. The state has changed the way it does business. It sends out an initial form for SSCAFCA to get on the state's bond election and then it cuts the agreement. Erica has the form; he has a fax of the initial documents the state sent. He would like approval of the receipt of the money without the grant agreement, and to allow the State Department of Transportation to put it on the bond election for this year. He doesn't know if there is a match, but he assumes it will be in there. Staff only found out about it late last week and the state needs a decision today, or the state will put it on the next bond election in either November or December and it may not be available for including in the current project. It is generally a 25% match and this money will be used for Unit 17, but the grant has not been drawn up.

A motion was made by Mark Conkling to authorize the Chairman to sign this agreement as presented, based on matching funds. It was seconded by Steve House and passed unanimously.

4. Request for a Special Board Meeting on May 2, 2008 at 9:00 a.m. to Award Sunset Pond and Aldaba Storm Drain Construction Contract.

Mr. Chaney asked if there was a problem having the meeting on this date. Mr. Metzgar stated that he would be out of town, but it was no problem for the meeting to go forward. Mr. Stoliker stated that this meeting was to talk about the Sunset Dam and Aldaba Storm Sewer projects. Mr. Dodge wants to bring in a final adjusting change order on Dam 1 as well. They will also try to get Unit 13 on the agenda.

It was the consensus of the Board to have the special Board meeting as presented.

Mr. Swisstack, Mayor of Rio Rancho, stated that he would like to encourage that the City and SSCAFCA sit down collectively to see whether or not they can start putting together the picture of what the City's needs are, which include flood issues, but also roads, curbs, gutters and water acquisition. If these entities can partner on these projects, it would be helpful to get the message to the public at one time. The chances of the public rising to the occasion to deal with the issues are a positive thing. The problem is when it is broken up into separate parts they don't know if it's inter-related and this can cause problems.

5. Action/Acceptance of Resolution 2008-5 Board of Directors Election.

Mr. Metzgar stated that this is essentially the same Resolution that has been done when there is more than one person running. The County also made changes to the polling locations which are shown. He stated that a change has also been made as to when the nominations have to be submitted, and the publications of the notices, as well. Basically, it simply follows what was done before. The deadline for nominations is June 26, 2008.

A motion was made by Mark Conkling to accept Resolution 2008-5, Board of Directors Election, as presented. It was seconded by Donald Rudy. Roll call vote: John Chaney, yes; Mark Conkling, yes; Steve House, yes; Donald Rudy, yes and Dub Yarbrough, yes. The motion carried 5-0.

6. Action/Acceptance of Intergovernmental Agreement regarding the Operation, Function, and Fund of the Storm Water Team.

Mr. Stoliker stated that there are some advertisements about a duck running around in the river and it talks about pollution. That ad is run by this group. The group has extended offers to many other entities to join and they are asking SSCAFCA to join. The group provides for public outreach and water quality education. This can be used as part of SSCAFCA's Best Management Practices to show the EPA in its annual reports that it is complying with the intent and the letter of SSCAFCA's permit. It costs \$10,000.00 per year.

A motion was made by Steve House to accept the Intergovernmental Agreement as presented. It was seconded by Donald Rudy. The motion passed unanimously.

7. Action/Acceptance of Preliminary Budget.

Mr. Stoliker stated that this has gone through the Budget Committee and the Personnel Committee. There was a meeting with the Chairman and the Treasurer, who is also the Chair of the Budget Committee. It has been revised many times. With the Budget, he also wants to talk about the long term projects needs list.

Perry Baird stated that the general fund is a \$2 million budget. SSCAFCA is assuming 15% growth in the tax base. SSCAFCA is experiencing over 18% growth in collections in the general fund this year. The Financial Advisor is using the same growth assumption for bonding purposes. Page 1 of the cover memo contains cost of living adjustments for salaries at 2.8%. There are two new positions in the budget, a half time contract specialist and a full time planner, right-of-way person. Those two are funded for the entire year, assuming hiring at the end of the year. The operation and maintenance budget is approaching \$400,000.00. The general fund has increased to \$650,000.00 from \$450,000.00. In the debt service fund, SSCAFCA currently has \$19.6 million in outstanding principal, general obligation bonds. SSCAFCA will make a \$1.1 million principal payment in August, bringing it to \$18.5 million in outstanding bonds compared to a \$30 million cap on what can be outstanding at any one point in time. SSCAFCA's financial plan calls for bond elections every four years, and the next one would be coming up in November if the plan is followed. The construction fund shows how SSCAFCA would fund by project carry over funds from previous bond issues, about \$5.7 million is in the bank right now from those bonds.

Debbie Casaus stated that for the current year SSCAFCA has approximately \$2.2 million that is expected to be spent by the end of the year and that consists of various rights-of-way acquisition, some outstanding task orders and various projects. That would take SSCAFCA into next year with about a \$4.2 million carryover. Staff has identified about \$6.9 million in projects, right-of-way acquisition, outstanding task orders, and about \$2 million of those projects that are dependent on timing as far as getting reimbursement and resources that should be available to SSCAFCA sometime next year.

Mr. Baird stated that the budget, if approved today by the Board, will be transmitted to the DFA in Santa Fe. The statutory deadline is June 1, 2008. There will be another opportunity to do some fine tuning to the budget based on some estimated cash balance at the beginning of the fiscal year, July 1, 2008. Resolutions will be presented then to approve a final budget, operating mil levy, debt service mil levy and transmit final numbers to Santa Fe for approval. By then, hopefully the new tax assessment number will be known.

Mr. Chaney stated that he noticed that salaries have gone up, not for everyone, but for a substantial number of the staff over and above COLA. Mr. Rudy stated that the salaries that are listed in the budget and the increases have been around every part of the Board through the Personnel Committee, the Budget Committee, and the Executive Committee. They began with a prepared recommendation and estimate by the staff. They have been modified and changed. Among the consideration are comparisons of the salaries and the wages, including benefits, both with the New Mexico averages, and with the National averages, and other comparable positions in the locality. It was felt that most of the positions were slightly below where they wanted them; otherwise, there probably would not have been a raise at all. Most of the raises this year are to bring salaries in line compared to all of the rest of both government and commercial operations. The implication for next year is that salary increases will probably comprise cost of living adjustment only. Depending on major economic changes in the region, it could be modified.

A motion was made by Steve House to approve the preliminary budget as presented. It was seconded by Mark Conkling.

Mr. Stoliker stated that, with regard to the Business Plan, he has taken all of the drainage plans of which he is aware and has tried to accumulate all of the projects and then prioritize them, put a budget number in there, but when something like this is done, there are bound to be a few issues. He stated that in the Black Watershed, he put the 19th Avenue Dam at the top. SSCAFCA is not building the 19th Avenue Dam, as it will be built by others, but is planning on buying the right-of-way for 19th Avenue Dam in the next bond election. He stated that SSCAFCA will buy the right-of-way for Tributary A Dam, which will be the next big project. Right-of-way acquisition is a major impetus in this plan.

Mr. Stoliker stated that the estimated schedule in the plan is assuming that SSCAFCA stays at its current bonding rate. SSCAFCA can get \$12 million issued next year. Next month, or the month after, the financial advisor will come in for Board discussion about the mil rate. If SSCAFCA approves a tax increase, more of these projects can be done quicker.

Mr. Stoliker stated that SSCAFCA has \$5 million for the Sugar Dam. Bo Johnson is going to take the dirt out, SSCAFCA needs to build the outlet structure, and that becomes a usable facility. Tributary A Dam in the Black Watershed, under the estimated schedule is on plan for 2009, and it will cost \$3 million for that right-of-way. In the Montoyas, the plan is for a check structure below the Sportsplex Dam for 2009, which is a channel stabilization project. In Unit 17, the plans are for \$1 million to be spent in Alberta. In SSCAFCA's current budget, there is \$1.5 million in Guadalajara for that to be built. SSCAFCA has been told by the City that this is what they would like to be done next.

Mr. Stoliker stated that in the Barrancas, City Centre Drainage Dam sites, is listed at \$700,000.00, which picks up the seven private acres needed for Phase I as shown on Mr. Dodge's study for the upper SLO dam. In the Venada, there is \$200,000.00 shown to put in some rip-rap for some soil that was eroded in the Town of Bernalillo area. The Village is listed at \$200,000.00, which could go to purchasing a property next to Tree Farm Pond or somewhere else in the watershed. On his total needs list, Mr. Stoliker said that he originally came in at \$250 million, but when he went through and took another look at it, it came up to \$335 million. For the next 20 years, SSCAFCA is only going to get \$72 million at current tax rates.

Mr. Stoliker stated that this exposes SSCAFCA to risks that someone is going to buy and build on an antiquated lot in one of SSCAFCA's dam sites. Not many dams will be built with this money; it is really to capture right-of-way and does minimal construction. The second thing it does is show that Unit 17 will be finished in 2017. He has started talking with other agencies about Unit 17 and asking if matching funds can be obtained. He needs to bring this plan back with Kevin Powers through the Budget Committee and look at the tax rate and come back to the Board about what it wants to do.

Mr. Conkling stated that he would like to see a thread of thought in the plan that shows when a project is built, how does it relate to the rest of that area in terms of the trails network and the

BOARD OF DIRECTORS REGULAR MEETING

APRIL 18, 2008

Watershed Park integration. Mr. Rudy stated that he would also like to see the level of protection provided by each project.

The motion approving the Preliminary Budget passed with four in favor and one abstention.

ACTION/APPROVAL OF THE MINUTES OF MARCH 21, 2008, MARCH 25, 2008, AND APRIL 4, 2008.

A motion was made by Steve House to approve the minutes of March 21, 2008, March 25, 2008 and April 4, 2008 as presented. It was seconded by Donald Rudy and passed unanimously.

TREASURER'S REPORT.

1. Recognition/ Acknowledgment of the Treasurer's Report for March 31, 2008.

Mr. Rudy stated that the Treasurer's Report is available for review by the Board. There were no questions on the report and it was acknowledged by the Board.

CHAIRMAN'S REPORT.

Mr. Chaney stated that SSCAFCA has a lot of visionary ideas and projects and the hard work will be in trying to obtain funding for the projects. He hopes to work with other entities to bring success to this.

BOARD OF DIRECTOR'S COMMENTS.

None.

ATTORNEY'S REPORT. None.

PUBLIC FORUM.

Several comments were taken by Susan Barton and Eric Maddy.

FOR YOUR INFORMATION.

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

1. March 26, 2008 newspaper article "Flood Control Solutions Sought".
2. March 28, 2008 newspaper article "Halting SAD Work May Cost \$500K".
3. Lyle Losack, son of former board member, Evelyn Losack, passed away on March 24, 2008.
4. The following infrastructure plans were signed by the Executive Director:
 - a. Loma Colorado Dr. Realignment Construction, the Executive Director signed the mylars on March 26, 2008;

BOARD OF DIRECTORS REGULAR MEETING

APRIL 18, 2008

- b. Blue Grama/Reservoir Road Landscaping, the Executive Director signed the mylars on March 26, 2008.

The following plats were signed by the Chairman:

- a. Montoyas Arroyo Summary Plat (Sportsplex Dam) was signed by the Chairman on March 21, 2008;
 - b. The Peaks @ Mariposa Vacation Plat was signed by the Chairman on March 21, 2008;
 - c. Summary Plat, 36.4 Acre Tract, Block 86, Unit 16, Rio Rancho Estates, was signed by the Chairman on March 21, 2008;
 - d. Summary Plat Lot 8, Block 142, Rio Rancho Estates, Unit 17, was signed by the Chairman on March 21, 2008.
5. April 3, 2008 newspaper article, "Sandoval County Updates Flood Damage Ordinance".
 6. April 3, 2008 newspaper article, "Stonegate Estates April 1 Ground Breaking".

OTHER BUSINESS.

Special Board Meeting on Friday, May 2, 2008 at 9:00 a.m.
Next Board Meeting on Friday, May 16, 2008 at 9:00 a.m.


ADJOURNMENT.

A motion was made by Donald Rudy and seconded by Steve House to adjourn the meeting. It was carried unanimously. Meeting adjourned at 10:25 a.m.

JOHN CHANEY
CHAIRMAN



STEVE HOUSE
Secretary


DATE APPROVED: 4/20/08

C:\Documents and Settings\Authorized User\My Documents\Board Meeting Minutes\Minutes.4.18.08.doc