

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
(SSCAFCA)
MINUTES OF AUGUST 15, 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 9:08 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.

A motion was made by Mark Conkling to approve the Agenda as presented. It was seconded by Donald Rudy 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/Award of General Maintenance Services Selection.**

Mr. Stoliker stated that SSCAFCA had originally recommended three general maintenance services entities. Staff has since re-thought its position. There were four firms that submitted: CBKN, RAC Construction, Joiner and Santiago's. Each of them has a specific expertise. Staff is asking the Board to allow staff to select all four and as projects come up they can be issued to the particular firm. These would be under an on-call contract system.

A motion was made by Mark Conkling to have all four as on-call general maintenance service companies. It was seconded by Donald Rudy.

Mr. Rudy asked that an upper limit figure be put on the expenditures for everything and it will be disbursed and distributed as the need arises. Mr. Stoliker stated that the amount in the budget is \$370,000.00 for operations and maintenance so that is the upper limit and that would go toward all four of these contracts. He has not spoken with the vendors yet as to the "sharing" of the contract.

The motion passed unanimously.

2. **Action/Award of Public Outreach/Public Relations Program.**

Mr. Stoliker stated that there were two firms that submitted proposals for this RFP: Eric Maddy and Edit House. Staff went through the selection process and Edit House was selected and staff asks for that contract to be approved by the Board.

Mr. Ed Smith, of Edit House, stated that Edit House has been in business in Rio Rancho since the year 2000 and they are a full service high definition television production company. He and his wife have each been in the television business for 25 years. They create television and radio commercials for many clients that are outlined in their prospectus.

A motion was made by Donald Rudy to approve Edit House as SSCAFCA's public relations firm. It was seconded by Dub Yarbrough. (See Item 3 below.)

3. Action/Acceptance of special advertising for a cost of \$5,346.88 with NMGRT with Edit House.

Mr. Ed Smith, of Edit House, stated that the first phase of providing television support for the bond initiative is contained in its letter. This amount would pay for air time for the airing of television commercials that they would create. They would air on RioVision for free and on Rio Rancho, Cable One with the remainder of the funds, based on those with whom they could communicate. They would also encourage SSCAFCA to agree to put them on broadcast television as well.

Mr. Conkling asked if the spots could be produced so that SSCAFCA could have DVDs and/or links on its Internet site. Mr. Smith stated that this is possible and they could even be compressed to attach to emails. Mr. Conkling stated that there are two facets to any potential motion. One, that SSCAFCA hires Edit House and the second, to create a public relations contract. Mr. Stoliker stated that he was thinking between \$20,000.00 and \$30,000.00 for the contract. Edit House is under contract right now to produce some things and this is their recommendation on how to reach the most people for the bond election. Mr. Stoliker stated that a few years ago, SSCAFCA spent \$27,000.00 putting out fliers on one of its past bond elections, which was not very effective. Staff recommends approval of the contract.

Mr. Conkling stated that he has a distant financial relationship with Edit House in that he manages a building in which Edit House is a tenant and he is going to abstain from the vote. He has, however, seen their work and he is impressed.

On Item 3, a motion was made by Donald Rudy to accept and approve the special advertising contract as presented. It was seconded by Steve House and passed unanimously.

Mr. Chaney then called for a roll call vote on Item 2 above. Roll call vote: John Chaney, yes; Mark Conkling, abstain; Steve House, yes; Donald Rudy, yes; Dub Yarbrough, yes. The motion passed 4-0 with one abstention.

4. Presentation of Funding Analysis.

Mr. Stoliker stated that SSCAFCA had hired Jennifer Martinek to look into grant funding that might be available to SSCAFCA. He also asked Jennifer if she would make a phone call to

Congressman Tom Udall to get the remaining FEMA funding and she did so. She has been very cooperative and effective on what she has done.

Ms. Jennifer Martinek, of Martinek Consulting, stated that the packet contains a short report of the Funding Analysis. She went through about eleven different funding sources for which SSCAFCA is eligible. She highlighted the top five and wants to go through an action plan on how to get SSCAFCA money. The top five funding sources include the State Appropriations Fund; a STAG grant (which is a state and tribal assistance grant) out of Washington, DC; US Corps of Engineers; the New Mexico Water Trust Board; and funding through the Corps of Engineers called the Snagging and Clearing for Flood Control.

She stated that, from the State Appropriations Fund, they are looking at an average funding award of \$200,000.00. SSCAFCA could probably walk away with about \$2 million in STAG Grant money. The catch is that it will cover 55% of SSCAFCA's project and the remaining funds will have to come from a non-federal source of fund. The US Corps of Engineers is an earmark and the Corps will work with the entity and come in and talk about possibly doing a planning job first and then coming in and helping to get additional monies to go into the design and construction of a larger project. Depending on what SSCAFCA goes for, the Water Trust Board has some grant monies, usually around the \$900,000.00 range. With the Snagging and Clearing for Flood Control, you can get around \$50,000.00 to clear flood channels.

She stated that right now is when you need to start preparing for State Appropriations' requests. The 2009 session is just around the corner and elections are going on right now. The ICIP that has been done by SSCAFCA to prioritize projects needs to be reviewed to see which is the best project to take to the State Appropriations Fund. Then, SSCAFCA needs to create a briefing package that gives a history and reason why SSCAFCA wants its elected officials to fund this project over another project; work closely with its lobbyist to meet with the Legislators, not only the ones that represent SSCAFCA's district, but those in surrounding communities. Each has a certain amount of money each year, so if SSCAFCA can get some money from each of them, it all adds up to SSCAFCA's cause. This, of course, goes through the Legislative Session and SSCAFCA representatives will need to go up to Santa Fe to see how many commitments it can get from them. She stated that she likes to use this funding source for planning or preliminary design of a project because it's the best money to be used for the early stage of a project.

She stated that the STAG Grant is a great product to use for final design or construction. Congress likes to see somebody who has done a lot of their homework and has already completed the preliminary reports and designs. SSCAFCA representatives would need to visit with Congressional delegates, prepare briefing packages, and go to Washington, DC because if you meet face to face there is less of a chance of them getting mixed up on what you need. She has been successful in getting an average of \$2 million through this process.

Ms. Martinek stated that they have already started the process of getting money through the Corps of Engineers for SSCAFCA. They have asked for some preliminary planning money to look at the Harvey Jones Channel. The Congressional delegation, particularly Senator Bingaman's office is supporting this, but the Appropriations Bill is still within Congress, and they haven't looked at any Corps of Engineer earmarked money yet. She stated that she would like to follow this same process for the next delegation to get SSCAFCA some money then as well.

She stated that the New Mexico Water Trust Board has money to protect the waters of New Mexico, depending on the project. Again, SSCAFCA representatives will need to visit with them on how to get the monies. There have been other entities that have gotten money from the Water Trust Board. The key is getting to know the Board and attending some of their meetings.

She stated that the last source, Snagging and Clearing for Flood Control, is just to go in and clear out, for example, culverts that are filled with junk and it will provide about \$50,000.00 for cleanup of this sort.

Mr. Martinek stated that the next stage right now is to sit down to determine the best projects for these funding sources because SSCAFCA must pick the right project to meet the funding needs.

Ms. Martinek stated that they have the contract already and it is set up not to exceed \$20,000.00. Doing all five of these choices it will get close to the ceiling of the contract by about February or March 2009.

Mr. Stoliker stated that Jennifer has done a great job so far. He also stated that Larry Horan is present at today's meeting to hear this presentation and SSCAFCA's ICIP presentation for submittal to the state at next year's session.

- ~~5. Presentation of Sportsplex Dam PMF Analysis.~~
(This item will be presented at the September 19th Board Meeting)
- 6. Action/Acceptance of City Center Design Report.

Mr. Stoliker stated that the State Land Office owns the parcel of land where the City Center is located. UNM and CNM several years ago asked SSCAFCA to focus on the drainage in that area in anticipation of expansion of the City Center through private structures, and also by UNM and CNM development. SSCAFCA had a contract to look at the Venada and Barrancas Arroyo Watersheds, but altered the scope to perform this drainage study first and eliminating some other design functions in other areas of the task order. Mr. Dodge has focused on the facility planning in this area. They have had many meetings with all entities involved and Mr. Dodge is ready to get concept approval of his report.

Mr. Clint Dodge, of WHPacific, stated that they started out to do the footprints of the dams in the La Barrancas and Venada Watersheds. This got moved to the forefront because of the rapid development in the area. They looked at the flooding situation right around the State Land office. There are three dams in the area, the Upper SLO Dam, the Progress Dam, and the Paseo del Volcan (PdV) Dam. They are asking for concept approval of this facility plan, which basically comes out of the Watershed Management Plan. The second thing they are going to ask for is the actual right-of-way acquisition for the Upper SLO Dam as the first priority. They are basically stopping the flow from the upper part of the watershed and releasing it slowly. The idea being that downstream of PdV there is almost no public right-of-way for drainage. The Progress Dam is to capture flow and feed it through the PdV dam. The priority is Upper SLO first to protect the area and allow the development of the UNM/CNM area. PdV second because it protects downstream; and then Progress third. Mr. Dodge stated that they want to reduce the flow and put in a storm drain so that CNM and the other developments can recover the LEE line.

Mr. Chaney asked if it was necessary to put in the upper dam prior to any construction commencing in order to protect the public. Mr. Dodge stated that part of the concept was that CNM is ready to start its campus in a very short time period, prior to anybody having the money to build a dam or buy property. The idea is that CNM will build its Phase I outside of the LEE line, but they would be allowed to build parking inside the LEE line acknowledging that it is possible CNM will lose part of its parking lot, as an interim measure until the dam is built. Then, the LEE line will basically go away because the water will be in the storm drain.

Mr. Chaney asked if you put in a storm drain then you would eliminate a watershed park for the area. Mr. Dodge stated that the concept in the report is that along the pipeline there will be a fifty foot wide easement that will function as the conveyance for the pipeline and the trail system that will connect the area. Mr. Chaney stated that the developers should be asked to help SSCAFCA with this.

Mr. Conkling asked what right-of-way is available to SSCAFCA now. Mr. Dodge stated that there is approximately 25 acres of total property that will be needed. CNM has agreed to dedicate 1.9 acres as part of its contribution. Part of it is on State Land Office land and that has been set aside on their plat as a reserve area for purchase for flood control. His understanding is that it must be purchased, as the State Land Office cannot dedicate it. There are about 14 or 15 acres of privately owned antiquated platted lots. There are about five acres of already owned public right-of-way in that area. He doesn't know if the land can be leased from the State. SSCAFCA has no identified land ownership in the area.

Mr. Conkling asked if the 400 acres was on private land. Mr. Dodge stated that it is entirely on private property. There is a SSCAFCA arroyo right-of-way through there, but the rest of it is antiquated private lots. Mr. Conkling stated that he understood that the City was working on some sort of overall plan for drainage and parkways for the City Center, but that SSCAFCA is way ahead of them in terms of design work. Mr. Dodge stated that this is a more global plan than the specific City Center plan.

Mr. Randall Carroll, of the City of Rio Rancho, stated that the City is working on some drainage plans; however, they are not anything that would either preclude or enhance anything being done here. Mr. House stated that SSCAFCA and the City have a meeting next week to discuss coordinating a bunch of these issues. Mr. Conkling stated that he really wants to welcome CNM to Rio Rancho and help in any way SSCAFCA can; yet, SSCAFCA and the City don't want to duplicate efforts. He stated that the cost of these particular locations might need to be investigated further. He doesn't know if anything could be changed to trim the cost at all, but he would like to get into these issues. Nevertheless, if this is the concept that it must be a pipe, as long as SSCAFCA has protected its watershed, then he can certainly work with it.

Mr. Dodge stated that there have been many meetings with the City of Rio Rancho, SSCAFCA, UNM, CNM and the State Land Office. Representatives from all of these entities have looked at different options, several different footprints, no dam, with a dam, big dam, little dam, etc., and this was the end result of the input from those meetings. It doesn't fit very well trying to "scoot" it over more onto the State Land Office land and will cost more than the land acquisition.

Mr. Stoliker stated that staff is requesting to reserve \$1.9 million for right-of-way acquisition from the next bond election in order to request the moratorium. There are no funds for this project at this time. Mr. Dodge stated that the LEE line is approximately 300 feet wide and in the plan it is shrunk to 50 feet. Mr. Rudy asked if they had considered using the basin of the upper dam for a park for a CNM recreation facility. Mr. Dodge stated that these facilities incorporate multiple use concepts.

Mr. Dodge stated that the idea is that the value of the property that is lost for development across the CNM site has two problems. First of all, if it is left natural, it will look like the east branch of the Black. To stabilize it as a naturalistic arroyo is expensive but it could be done. But then you would have a wide open channel through the middle of the campus, with a possible dangerous situation. The option of no dam, stabilizing the channel, and losing the LEE line property versus building the dam, constructing the pipeline and recovering it down to the 50 feet is very cost effective. The no dam option is \$15 million; with the dam option is \$11 million.

Ms. Sharon Procopio, of WHPacific, stated that the construction of the pipeline from the State Land Office down to the next dam, part of the agreement was that it would be funded by the development. Mr. Chaney asked if there was a downside to increasing the LEE line. Mr. Dodge stated that the only downside is that CNM would lose property dedicated to the campus.

Randall Carroll, of the City of Rio Rancho, stated that part of the decision in the 50 foot width was because of construction and maintenance concerns and the City is behind this project.

Luis Campos, of CNM, stated that he is the director of physical planning. He stated that they have 15 acres that they purchased from UNM and 25 acres which they bought from the State Land Office. It just so happens that the arroyo is right in the center of those two pieces. They have been working with Rio Rancho and SSCAFCA and UNM from the beginning to develop a campus. As they began the planning process, they began placing all their buildings around the arroyo with plazas in between to create a trail all the way through up to the park. Their first phase will start in May 2009 and will build a 60,000 square foot facility in the corner. They will then do one phase of permanent parking and some temporary parking, which will be removed as they build.

Susan Murphy, the Vice President of External Affairs of CNM, stated that they are eager for planning at this campus to lead to reality. They are scheduled to have their doors open in August 2010. They have already had meetings with regard to what classes will be offered. Workforce development and training, customized training for businesses, the likely arts of the operation of the building has taken place. Their partnerships with Rio Rancho High School are already in place and are quite strong and they expect them to grow. Plans for the 40 acre site include five to six buildings that can only become a reality with SSCAFCA's support.

Mr. Stoliker stated that he would like to focus on the agreement and how to work it with CNM. He believes CNM is offering the 1.9 acres as part of that. In the first phase they would stay away from the LEE line until the engineers can work out the kinks. The arroyo will stay intact right now. Stipulations can be put into the contract to work on trail connectivity, etc.

Mr. Stoliker stated that staff is asking that the Board request the City to place a moratorium on this land and that funding be identified as part of the next bond election to buy it. There is no

formal agreement for CNM to build the dam. The report shows that CNM could build the dam for what it would cost to stabilize the arroyo across the property. Mr. Stoliker stated that the idea is that SSCAFCA would buy the right-of-way. The pipe size would go down so much that the encroachment would go down and the cost savings out of the reduction in the pipe size and the allowance for the land provides the money to construct the dam. SSCAFCA's requirements are, if they want to build and encroach in the LEE line, they have to either accept the flow or do something to mitigate the flow. What Mr. Dodge has done with his plan is tell them that SSCAFCA thinks they need to build the dam, but if they don't want to build the dam and want to put in channel work, they have the right to do that. But then they come back to the Board again and the Board can advise what it needs in the channel. This is in the future.

John Salazar, of Rodey Law Firm, who represents CNM, states that they have had discussions about the cost share of the dam and SSCAFCA's engineers have done a very good job of indicating what the cost would be for everybody. The understanding is that CNM can get its first building going without needing the dam and staying out of the LEE line except for the parking area, but then if CNM is the first one that will need the dam, it is prepared to advance the cost of the dam with the understanding that there will be pro-rata contributions from other entities that the dam will benefit. Mr. Chaney stated that SSCAFCA will buy the land and that would be its contribution.

A motion was made by Mark Conkling to:

- A. Approve the conceptual drainage development plan for the City Center as presented by Clint Dodge;
- B. Allocate \$1.9 million of the next bond election for right-of-way acquisition of the dam site;
- C. Request from the City a moratorium on the dam footprint lots;
- D. Accept 1.9 acres from CNM for the Upper SLO dam site and the pro-rata agreement prepared by legal counsel; and
- E. Include an analysis of Watershed Park principles of habitat, public use, and the exchange of LEE line for other acreage.

It was seconded by Steve House and passed unanimously.

Mr. Chaney stated that it has been requested that Item J be moved up. There were no objections.

ATTORNEY'S REPORT.

Mr. Metzgar stated that he has two items to discuss, but the other one doesn't have to be moved up at this time.

Action/Acceptance of Easement Agreement with Santa Ana Pueblo.

Mr. Metzgar stated that the Board has a survey in front of it that is marked up to show where the properties are located. This easement request has been brought to the Board before and the Board instructed staff to go forward with it. Attorney Richard Hughes introduced himself. He represents the Pueblo of Santa Ana. He stated that with him today is Governor Ulysses Leon, Governor of the Pueblo of Santa Ana, Robert Ortiz, and Nathan Sosie, who are members of the

Pueblo staff. The agreement is quite important to the Pueblo's plans with regard to the area that is adjacent to the affected area.

Mr. Metzgar stated that he has marked in yellow on the survey the Pueblo properties and then marked in red the 20 foot access easement to the main easement. The City owns 5.691 acres, which is the entire property set out. SSCAFCA has an easement with the City on that property and a 48 inch diameter pipe that runs under the property for O & M, etc. The Pueblo owns those three tracts as indicated in yellow. The Pueblo has asked the City and SSCAFCA if they can have an easement over the lined portion of the total easement. That amounts to 2.8 acres. They want it for two reasons. One is to develop their properties, and they need access to them. The 20 foot easement which runs over their properties on the left of the survey goes through and would give them access to all of their properties. That 20 foot easement does not change. Now the Pueblo also wants, in the lined area, to use it for several purposes. One is for pedestrian and vehicular access and roadway between the Pueblo parcels. They want it for landscaping and irrigation of the landscaping. They want to be able to install utilities subject to SSCAFCA and the City's review and approval. They want it for storm water detention and/or retention for water coming off of the developed areas. That would be subject to City and SSCAFCA approval as well. The Agreement also states they want it for "any other uses" to which all three parties would agree. There are no other improvements, other than those listed above, that will be done without acceptance in writing by SSCAFCA and the City.

Mr. Metzgar stated that SSCAFCA has the right under the agreement to inspect the installation of any pavement or other facilities in the easement area and if problems appear, SSCAFCA would give notice to the Pueblo and the agreement says that both parties would work in good faith to resolve any possible problems. SSCAFCA has the ability to go in and repair its facilities. If it is just a general review and repair of the facilities, SSCAFCA would give them a month's notice. In an emergency situation, SSCAFCA does not have to give any notice. The Pueblo does ask that a phone call or written notification be made.

Mr. Metzgar stated that the Pueblo is liable for any damages to the drainage facility with notice requirements by SSCAFCA. If SSCAFCA thinks that its pipeline is being damaged by anything, SSCAFCA would give the Pueblo notice and they would take care of the problem. If SSCAFCA has to go in to work on its facility and SSCAFCA has to mess with their landscaping, etc., SSCAFCA does not have to replace it. It is not now a paved road, but it will be paved. The Pueblo can only go down 30 inches with its landscaping and irrigation and SSCAFCA's facilities are below that. The likelihood that the Pueblo will damage anything is very unlikely. The Pueblo has also agreed that if it develops any of the property off of 550 going west across from Enchanted Hills, any drainage that would be necessary for that development, they would hold to historic under the Drainage Plan dated November 2000.

Mr. Metzgar stated that the term of this Agreement is 50 years with an option for another fifty. If the Pueblo decided that it didn't need the easement anymore, it could terminate the easement with notice to SSCAFCA. The City and SSCAFCA could not terminate just by their choice, but if there is a material breach of the Agreement, it could be terminated for that reason. He stated that there is another provision that if the parties get in any dispute over what is supposed to be happening in accordance with the Agreement that it would go to mediation. If mediation did not work, the parties could go to any court of competent jurisdiction.

Mr. Stoliker stated that this is the drainage easement that the Joiners owned and, as part of the negotiation with the Corps of Engineer over their violation, they put a pipeline in, gave the property to the City and gave SSCAFCA an easement. The crossing was put in by the Department of Transportation and the Joiners connected to that with the pipeline. The easement is basically a drainage easement. It is a reinforced concrete drainage pipe and engineers will look at the plans by the Pueblo to determine that no damage will occur.

Mr. Hughes stated that when the Joiners put the pipe in the former arroyo, it was then covered with fill to an average of six feet over the pipe. Huitt-Zollars has examined the construction and it is their opinion that the way it is constructed it will easily support any kind of activity that is currently being planned.

Mr. Chaney asked if a license could have been used rather than an easement. Mr. Metzgar stated that the problem that the Pueblo would have been concerned about is that a license can generally be terminated by SSCAFCA or the City at any time. The Pueblo was concerned about putting in a large development there and they wanted something in writing more than just a license in order to protect the Pueblo. SSCAFCA's statute specifically gives the authority to enter into agreements with Pueblos. He recommends approval of the Agreement.

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

EXECUTIVE DIRECTOR'S REPORT (continued).

7. Action/Acceptance of task-order for Sugar Pond Updated with WHPacific in the amount of \$63,100.

Mr. Stoliker stated that SSCAFCA needs to get the final design done so that the dirt can be sold to whomever. Bo Johnson is first in line but there are a couple of other people who want the dirt.

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

8. Action/Acceptance of 19th Avenue Supplemental Dam Footprint.

Mr. Stoliker stated that the Springer acquisition in the 19th Avenue Dam has been completed. As part of that, staff rechecked what was needed in that watershed to make sure SSCAFCA has all the volume identified to protect the hospital and all the properties down in Albuquerque and Black Dam, etc. This report was prepared by ASCG and Mr. Dodge will present the findings of this investigation.

Mr. Dodge stated that the original footprint of the 19th Avenue Dam extended down to 19th Avenue. When you chop off the bottom portion, you lose approximately 20 acre feet. A couple of years ago they looked at different options to expand the footprint. The problem with all of them is that they work but people built houses before anything could be implemented. This time they looked at taking the water out of the Unser Channel into a separate pond and then drain the pond into this

dam. The reason for two ponds is that one pond is about 30 feet higher than the other pond. The concept was to look at putting in a pond here and make it work to reduce the flow to the capacity of the box culvert.

Mr. Dodge stated that their proposal today is to identify the footprint for that facility. He went over the proposed footprint. Both facilities encroach into the property that the City purchased when they built Unser. The City has already granted an easement for one portion but would need to grant an easement for the other portion. They are staying away from the arroyo and will stay natural. The Unser Channel would be diverted into the pond and drained with a storm drain. By doing this, the flow can be kept at 2,680 and all the criteria for the 19th Avenue Dam can be met. Twelve and one-half acres of private property lots and five acres of public right-of-way are still needed. They are asking to have the City establish a moratorium on the footprint and to purchase the property.

Mr. Stoliker stated that since day one it has been the plan that SSCAFCA would purchase the property. This meets all of the current criteria for the dam. Mr. Conkling asked if a moratorium was put on the property, if the property would be one of the initial purchases. Mr. Stoliker stated that it is in the first \$7 million, for a total purchase price of \$1.4 million, but requires Board identification and approval of this "earmark".

A motion was made by Donald Rudy to accept the Supplemental Dam Footprint as presented with identification of the funding "earmark" on the November bond election. It was seconded by Mark Conkling and passed unanimously.

A motion was made by Mark Conkling to request that the City place a building moratorium on the footprint of the upper pond of the 19th Avenue Dam. It was seconded by Donald Rudy and passed unanimously.

Mr. Conkling stated that he would hate for this moratorium to get put on somebody's desk and then forgotten. He asked if it was possible to ask that it be put on the next City Council meeting agenda. Mr. Stoliker stated that everything still needs to be "packaged" but he believes that it can be prepared and sent to the City fairly quickly. What happens after that is out of our control. Mr. Metzgar stated that there is a moratorium on the bottom parcels. Mr. Stoliker stated that if there are any unknown issues that develop, he will come back to the Board.

9. Action/Acceptance of budget approval and authorization to advertise for Guadalajara Phase 1A.

Mr. Dodge stated that they are asking for authorization to advertise for construction. The blue represents the overall plan that Wilson developed as an expansion of the SAD plan. Phase I was initially going to be the Senora Pond and the pipeline in yellow. They ran into a problem in building the pond and getting the Corps 404 permit. All of the property for the pond is not owned either. They went to Phase IA which was the initial construction of the pipeline to discharge the water into existing City property at Monterey. The budget for the construction, not counting the design engineering study work is \$1.5 million, which includes construction, testing, construction observation and approximately 10% contingency. A long time ago, Wilson presented this entire concept and the need for it. This is one of the areas that washed out in the 2006 storm. Until the pipeline is in to drain it, SSCAFCA is kind of stuck.

Mr. Stoliker stated that they had to have the property and the design done, which Clint has finished and it is ready to advertise. The second is a little handout that has been prepared and it is the budget. There is about \$4.4 million in cash; there are projects right now estimated at \$4.5 million. This results in a cash flow issue. Certain things won't be done until the flow improves. Right under the \$1.5 million for the Guadalajara Project outlay, the \$882,000 is being fronted by SSCAFCA, and then a request is made to the state for reimbursement. The capital outlay money is \$882,000.00, but SSCAFCA has already purchased right-of-way, plus there is extra money that has already been spent on the project. SSCAFCA cannot go out with this project until it gets the money back on the property that it purchased in the Black Arroyo in the amount of \$790,000.00, which has been requested from the State, along with the FEMA reimbursement.

Mr. Dodge stated that Phase IA does not need a 404 permit. Building the pond, Phase IB, will need a 404 permit. At that time is when it will all be cleaned up. Mr. Stoliker stated that they are asking for approval to advertise. If the FEMA money comes in, he would like to advertise it and get it going, but nothing can be done until the FEMA money is received.

A motion was made by Dub Yarbrough to advertise for Phase 1A as presented. It was seconded by Donald Rudy and passed unanimously.

10. Discussion of correspondence from residents regarding Arroyo de Los Montoyas between Broadmoor and the Sportsplex on High Resort.

Mr. Stoliker stated that staff received a letter from Laura Alexander and James and Sally Housley. Staff has put together a map and it shows where these individuals' homes are located. For many years now, it had been SSCAFCA's plan to first construct the Sportsplex Dam, then work upstream and downstream from the Sportsplex Dam and put in some bank protection improvements. When Pulte came on the scene, it affected the plan because it is on the other side and will also do some improvements. Pulte has worked with us in some areas, such as construction of the dam, but is not ready to do anything yet in other areas. SSCAFCA does not have bank protection designs completed at this time to do its work and, it should be recognized that we must coordinate our designs with the Pulte development. The issue with the homes is that the arroyo is cutting the bank away. Staff is watching the situation. The Board has said, as a policy, that if the public is in the area before SSCAFCA was formed, as these people were, somehow, over time, as money is available, SSCAFCA will address the problem. It should be noted that the arroyo ownership was recently given to SSCAFCA by AMREP (2006) and the City has ownership of the side banks. The City recently (2008) provided an easement to SSCAFCA.

Howard Stone came in with a plan to build retaining walls on both sides, but if SSCAFCA can get Pulte to build them when they build theirs, then Pulte might actually build them for SSCAFCA.

11. Discussion of possibility of the City of Albuquerque becoming self insured.

Mr. Stoliker stated that Laura Davis represented SSCAFCA when she went to the Quarterly Entity Meeting. She stated that a discussion came up about the City of Albuquerque becoming self insured. Martin Chavez is looking into this right now. There is really no clear information on it, it is simply in a discussion phase.

12. Action/Approval of Assignment of Contract from ASCG, Inc. to WHPacific, Inc.

Mr. Stoliker stated that ASCG was bought out by WHPacific and they have asked to have the ASCG contract assigned to WHPacific. Mr. Dodge stated that it is strictly just a name change, but the tax numbers will change. Everything else stays the same.

A motion was made by Steve House to approve the assignment of the contract to WHPacific. It was seconded by Mark Conkling and passed unanimously.

TECHNICAL SERVICES DIRECTOR.

1. Discussion of Dulcelina Curtis Memorial.

Mr. Bob Foglesong stated that the dedication for the memorial is a week from today, August 22, 2008.

Laura Davis stated that she has included the program in the Board's packets for review. It is set for 10:00 a.m. next Friday. An unveiling will be done rather than a ribbon cutting. There will be an assortment of finger foods and drinks that will be available for the attendees. Approximately 60 people have been invited.

2. Discussion of participation in Development Review Board (DRB) and Design Review Committee (DRC) with the City of Rio Rancho.

Mr. Foglesong stated that the City of Rio Rancho has been preparing a Development Process Manual similar to the City of Albuquerque's. SCAFCA has been preparing a chapter in that. The City formed a blue ribbon committee to determine whether or not they needed to form a development review board and development review committee. Fred Aguirre, one of SCAFCA's contractors, was asked to sit on this committee.

Mr. Aguirre stated that the committee has been asked to look at the possibility of establishing a DRB and a DRC similar to the City of Albuquerque. They have had about three meetings and they are working on the details of the problems associated with creating these entities.

Mr. Foglesong stated that in order for SCAFCA to sit on the DRB & DRC, the SCAFCA representative would have to be authorized to do certain things. Those are shown in the Board action item. If this is approved, then SCAFCA would be able to tell the City that a member of staff would be able to sit on the DRB & DRC and do the things that would be expected of that representative. One of those things is to approve construction plans, acceptance of dedication of easements or dedication of real property.

Mr. Rudy stated that he would like to participate in this sort of entity, but he wasn't sure that the Board had the power to delegate that kind of authority to a staff member. Mr. Stoliker stated that staff members already have such authority. The question is about the acceptance of right-of-way. However, if it is part of an approved plan, SCAFCA would want it anyway. The option is to delegate the authority to the City and then SCAFCA would have no representation on the DRB and DRC. Mr. House stated that the purpose of the DRB & DRC is to speed up the development review

process. SSCAFCA would have already had its chance to apply its policy, and this process would be a matter of getting it done.

It was the consensus of the Board that the City proceed with the DRB and DRC concept and SSCAFCA would participate with a representative on each with full authority to act for SSCAFCA.

3. The following infrastructure plans were signed by the Executive Director or authorized for signature by the Executive Director:
- a. Loma Colorado, Unit 9A & 9B, construction mylars were signed by the Executive Director on June 12, 2008;
 - b. Loma Colorado/Rio Rancho High School Roundabout, construction mylars were signed by the Executive Director on June 12, 2008;
 - c. High Range Phase III, construction mylars were signed by the Technical Services Director on July 8, 2008;
 - d. Joiner Industrial Park, construction mylars were signed by the Technical Services Director on July 14, 2008.

The following plat was signed by the Vice Chairman:

- a. Summary Plat of Parcels A-1 & C-1, The Orchards, Unit 2, was signed by the Vice Chairman on July 29, 2008.

FISCAL SERVICES DIRECTOR.

Debbie Casaus stated that there is no report this month because SSCAFCA is in the middle of an audit. They did just receive word that the budget was approved so staff will get that into the system and get it updated and a report will be provided next month.

ACTION/APPROVAL OF THE MINUTES OF:

- 1. JUNE 20, 2008,**
- 2. JUNE 27, 2008.**

A motion was made by Steve House to approve the minutes of the meeting of June 20, 2008 as presented. It was seconded by Donald Rudy and passed unanimously.

A motion was made by Donald Rudy to approve the minutes of the meetings of June 27, 2008 as presented. It was seconded by Steve House and passed unanimously.

CHAIRMAN'S REPORT.

Discussion of Legislative Senate Bill.

Mr. Chaney stated that there has been some legislative action provided to the Senate by Steve Komadina which would allow for private initiatives on private property to receive tax credits for controlling erosion for flood control purposes. This is very positive because SSCAFCA's projects are for regional drainage areas and not for specific damage to individual properties.

Cheryl Ganch, a member of the public, stated that 3% of the water on earth is fresh water. When clearing the land, developers scrape away all of the natural vegetation rather than only clearing the footprint of the living area. With that practice comes more erosion and more damaging run off. The answer has been to pave the roads, increase the storm drains and detention ponds and send the water away. This results in water that should be saved and used to be drained away and cost millions of dollars of infrastructure. She has learned that SSCAFCA's goal is multipurpose flood control and it seems the new mayor and governing body of Rio Rancho are more open to thinking outside the box. A site utilizing alternate drainage control measures is being undertaken with SSCAFCA and Jim Brooks. During the erosion control workshop in June, Mr. Brooks stated that, "if the individual properties in the City retained the water that fell on them, damaging run off would be decreased by 90%." That translates to millions of dollars that wouldn't have to be spent on infrastructure to send runoff away. In front of the Board today is the very first draft of a New Mexico tax credit for soil erosion and rain water harvesting improvements.

Mr. Chaney stated that he assumes that this would apply to damages incurred by private owners from flooding, as well as water retention. The way he read it is if you have to build a retaining wall to protect your property, you can apply for the tax credit. Ms. Ganch stated that is all yet to be determined and this would be a comment that would be very valuable for them to know.

Mr. Conkling stated that many people have a difficult time applying for a tax credit unless it is extremely easy to do so. If the Environment Department will write a list of eight things that you can do and then clip on a copy of that to your tax credit form would be easy. Having to go through the Environment Department is far beyond the money that would be saved.

BOARD OF DIRECTOR'S COMMENTS.

None.

ATTORNEY'S REPORT (continued).

Mr. Metzgar stated that a number of years ago, when they were working on the Venada Arroyo, SSCAFCA entered into a contract with some property owners to buy some property. The contract called for SSCAFCA to buy a certain piece of property in the La Bona Tierra Subdivision. The property being purchased was designated 6-AT. Several years later, it was discovered that when it was being closed at the title company, the title company messed up and had the property owners transfer a different lot to SSCAFCA. This mistake came up recently. He has worked with the title company to get the correct deeds. He is asking for approval for the Chairman to sign a Quitclaim Deed on the property that SSCAFCA did receive back to the property owners. The property owners are going to give SSCAFCA a Warranty Deed on the correct property in that subdivision.

A motion was made by Mark Conkling to approve the exchange of the deeds to correct the error. It was seconded by Steve House and passed unanimously.

PUBLIC FORUM.

Susan Barton, a member of the public, asked about the status of the erosion control project planned and approved by SSCAFCA for Jim Brooks to construct. Mr. Stoliker stated that SSCAFCA is in the process of buying the lot across from Enchanted Hills Elementary. The homeowners had a second mortgage which has finally been resolved. The approval has been received, but the signed paperwork has not yet been received. As soon as he receives the paperwork, the work will get done.

Michael McDonald, the Board Chair for the Rio Rancho Citizens' Action Group, formerly known as the SAD 7 Citizens Action Group, stated that the last time he was here, SSCAFCA decided to put a committee together with SSCAFCA, the Corps and the City. They have not seen fruition of that committee. The problem they have with it being put on hold is that they don't have anyone to go forward to with a recommendation or to express to someone concern about water drainage around their properties and what will happen next time there is a big rain. The idea of that committee was to get an overall plan for the area. Mr. House stated that two meetings were held. The outcome was that there is already a process in place for funding and for getting with the Corps on that. They have since sat down with the City and matched projects to make sure that there is the correct overlap and things are being done in concert. There are funding constraints, but out of that the Guadalajara project is being done by SSCAFCA and the City is doing the Alberta Drainage Project. Mr. McDonald asked if the meetings were going to be continued because they were looking for results in a format that could be understood. They never got any information back. Mr. House stated that nothing was ever produced in writing. Mr. Stoliker stated that SSCAFCA has been waiting on the City for its long-term plan. They have it now and he believes that the meeting next Tuesday will be fruitful with regard to meshing things together. Mr. McDonald stated that he would like information with regard to these meetings so that he can pass that along to the group.

Mr. McDonald stated that he lives in the La Barrancas Arroyo area and he has some concerns with regard to people riding in the arroyo. Mr. Chaney stated that they know about the problems, and SSCAFCA will address them.

Ms. Ganch stated that she knows that the Alberta Watershed is on the City's agenda, however, there is no budget for it within 2009. She thought the last bond issue for SSCAFCA was going to address it, but then the money got diverted to other projects. She asked if this new bond issue will have any monies allocated for the Alberta Watershed. Mr. Stoliker stated that there is money for Unit 17, but this is part of getting together with the City to figure out what to do and that meeting is next Tuesday.

FOR YOUR INFORMATION.

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

1. June 13, 2008 Executive Committee Meeting Minutes.
2. Bond Election Summary.
3. Legal Services Agreement was signed with Crowley & Gribble on July 18, 2008.

BOARD OF DIRECTORS REGULAR MEETING

AUGUST 15, 2008

4. The final lot in the current footprint for 19th Avenue Dam closed on July 29, 2008.
5. GASB land/easement summary.
6. July 21, 2008 correspondence from Community Sciences regarding the review of Quitclaim Deed.
7. July 25, 2008 correspondence from Robert Strumor regarding Bond Election Timing.
8. July 29, 2008 newspaper article, "FEMA Changes Flood Plain Maps."
9. July 29, 2008 correspondence from Workers' Compensation Administration regarding "Annual Safety Inspection" and response letter dated July 29, 2008.


OTHER BUSINESS.

Sediment & Erosion Design Guide Training Course will be held September 17th and 18th at the Rio Rancho Inn.


Next Board Meeting is September 19, 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 12:25 p.m.


JOHN CHANEY
CHAIRMAN

DONALD RUDY
Secretary

DATE APPROVED:  9/19/08

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