

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
(SSCAFCA)
MINUTES OF JUNE 19, 2009
BOARD OF DIRECTORS REGULAR MEETING**

CALL TO ORDER.

The regular meeting of the SSCAFCA Board of Directors was called to order by Donald Rudy, Chairman pro tem, at 9:04 a.m.

ROLL CALL OF DIRECTORS.

Directors in attendance were John Chaney, Steve House, Donald Rudy and Dub Yarbrough. Mark Conkling, Chairman, was noted as absent. 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 Donald Rudy.

APPROVAL OF AGENDA.

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

ANNOUNCEMENTS.

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

STAFF REPORTS.

Executive Engineer:

1. Presentation on West Sierra Vista Facility Plan.

Jarrod Likar, of Huitt-Zollars, stated that this is the next facility plan of SSCAFCA's attempt to get out in front of development in prominent areas to get the appropriate storm drainage necessary to provide for the area. In the Edinburgh Facility Plan, there was a decision to direct a portion of the Edinburgh basin to the west and basically the Sierra Vista plan is the next one coming up to finish off the directive and develop a regional ponding system and drainage mainline within this area.

Trevor Alsop stated that City Center is basically to the north of this area. Mr. Likar stated that the City had already prepared a zoning map for the area. The Sierra Vista West plan encompasses Unser from the west side, Montezuma on the south side, which is currently 19th Avenue, Loma Colorado Boulevard which is extended on the east side, and Paseo del Volcan on the north side. The site includes industrial zoning, commercial zoning, high density residential, office area, medium density residential, and regular commercial along the Unser corridor. There is the potential for future parks in the area, as well as school facilities. The City has a connector that it might want to route through the area in conjunction with SSCAFCA's plan. Given the topography of the area, he wants to work with the City to possibly move the main trunk line for the storm drain.

The hatched portion of the map shows the area that was diverted from the Edinburgh Facility Plan into the Sierra West Facility Plan. There are two ponds which basically split the basin and get into the industrial and commercial areas on the zoning plan. With the zones that were created, it was not possible to put one pond on the southern end, so they split it into two ponds. One will collect storm water from the industrial/commercial and office areas and will drain into Pond 4.

Mr. Likar stated that estimated construction costs for the plan, which includes constructing the ponds, the main trunk lines between the ponds, as well as the main lines that would come up and catch the surface water, in the northern part of the basin, as well as the storm drain that would release from Pond 4 into the Montoyas Arroyo is \$3.3 million. The total acreage is 21 acres and they estimated \$100,000.00 per acre, for a total of \$2.1 million for acquisition costs, for a total for the project of \$5.4 million. Mr. Likar stated that the total lots in the area that would benefit from the plan and the impact fees that are in place with the City, SSCAFCA could potentially collect \$2.6 million, which would leave a difference of \$2.8 million that SSCAFCA would have to come up with in some way to actually execute the plan and get it in place.

Mr. Likar stated that after the plan is approved, the next step is to do a drainage implementation plan which will describe areas by zoning and if people come in and consolidate areas, what they would have to build in conjunction with this plan to develop those areas.

Mr. Likar stated that the property is scattered ownership right now. He doesn't believe there is any big consolidated piece in the area right now. Mr. Chaney asked if the pipeline between the ponds would replace an existing arroyo. Mr. Likar stated that there is a defined flow line that you can see from the contour drawing, but there is no defined arroyo there today. The sheet flow has not cut an actual sandy bottom arroyo, until you get to the Montoyas. Huitt-Zollars is working for SSCAFCA on this facility plan.

Mr. Stoliker stated that either SSCAFCA or the City will have to come up with the additional money for the project. He stated that once the plan is approved, the project can be built into SSCAFCA's program and budgeted. There are a couple of reasons the plan should be implemented now. One is that it is good government practice to plan ahead. But the second is, if the right-of-way can be obtained now and the collector can be moved, SSCAFCA and the City will be able to get ahead of development at a lower cost. If the Drainage Implementation Program property can be obtained right now, then SSCAFCA can tell any developer who does come in, that certain facilities need to be built. The main problem is acquiring the right-of-way.

Mr. Stoliker stated that right now, the impact fees all go to the City. There could be some sort of JPA with the City regarding the fees. It has always been staff's intent to show it to the Board first before the work really begins. Mr. Stoliker stated that today, if the Board will accept the conceptual plan as presented, then staff will start working on all the issues presented in the plan.

Randall Carroll, of the City of Rio Rancho, stated that the City administration met just yesterday to discuss addressing drainage issues for the entire City. This plan did come up in the discussion. One of the things that was mentioned is what the City wants to be able to do is exactly what SSCAFCA has done, and that is trying to get ahead of these drainage issues. It would be very beneficial for everyone involved if this can be taken care of ahead of the development.

Mr. Chaney stated that this should be a conditioned approval on working out an adequate agreement as to how this project will be funded and, in particular, how the impact fees will be distributed.

Mr. Rudy asked about the elevations of the different ponds and connector lines and how deep the pipe would have to be placed. Mr. Likar stated that Pond A, at the top of the embankment, is currently 5,582 and the top of the embankment for Dam 4 is 5,526, which is approximately 60 foot elevation over 2,000 foot run, which is about 1% to 2% in the pipe, so it's not a real deep storm drain. With this plan, there is no mention of trails or parks. With the current parks plans for the City, there are parks within this area. The parks that have been laid out have been laid out by the City. But this plan strictly addresses drainage in the area and the system that needs to be in place to control that drainage.

Mr. Stoliker stated that this will be a buried pipeline connecting two ponds that will offer the ability to put some features in. Pond 4, which will connect to the Montoyas, will open up the area and will enable some open space conservation of the Montoyas all the way from Unser to Fruita and keep it as open space. Again, this is simply a conceptual plan.

Scott Sensanbaugher, of the City of Rio Rancho, stated that the planning of these areas in general is a wonderful idea. In public works, they are aware that this plan was being formulated. In public works engineering, they have not yet performed their detailed review, so a lot of the questions that are being asked are things that have not yet been looked at.

A motion was made by John Chaney to approve the conceptual plan conditioned upon the City and SSCAFCA working out the financing and the plan for recreational use of the area, including trails, parks, etc. It was seconded by Steve House and passed unanimously.

2. Action/Acceptance of Final Adjusting Change Order No. 5D for Guadalajara Storm Drain Improvement Phase 1A.

Mr. Stoliker stated that the final walk through will be done next week, but there still may be some changes in final amounts. Mr. Clint Dodge, of WHPacific, stated that the project is essentially complete, with a couple of outstanding items. They don't have the final survey in the system yet to check the earthwork. There are potential adjustments in quantities to be made, but they expect them to be very small. The idea is to do the final adjusting change order subject to those small adjustments. The total project was originally \$746,000.00 and the final project cost is \$851,000.00. There were four change orders during the project that actually added work to the project that were previously approved by the Board. This final adjusting change order is for \$1,400.00. There were no engineering changes associated with this project; all the changes were owner requested.

A motion was made by John Chaney to approve the final adjusting change order as requested. It was seconded by Steve House and passed unanimously.

3. Action/Approval of Resolution 2009-10 Amendment to Personnel Policy Section 106.

Mr. Stoliker stated that there is a change that should be made on the Personnel Policy. He read the requested changes to the Board. Mr. Metzgar stated that the original section that was adopted for open positions basically said that any position that opened up would always be published. He also went back into the Personnel Committee report when Mr. Chaney was the chairman and Dub Yarbrough, David Stoliker and he were members. He read the minutes when the committee reported on this issue. He stated that this would be a major change because it gives the in-house employees the first shot at an open position without advertising for outside people. If there is no current employee selected, then the change is that it will then be advertised. Mr. Chaney asked if it could be effective for non-executive, non-engineering positions only. Mr. Stoliker and Mr. Metzgar stated that this change would not apply to David Stoliker's position. Mr. Metzgar stated that the thought of it being limited in some way that would not apply to engineers, etc., can be done. There is no definition in the Personnel Policy between support staff as opposed to professional staff. If that is going to be the change, then the Personnel Policy should be changed that would define support personnel as opposed to professional personnel.

Mr. Yarbrough stated that he would like the Board to have the authority to deny or approve the employee's application for any in-house position. Mr. House stated that anything to do with staff is David's job and is not the Board's job. Mr. Rudy stated that this implies a change in status of a person who is already an employee and does not apply to new hires. Mr. Metzgar stated that the way the policy is written now is that it applies to any open position so it would apply to a newly created position, as well as where a position was vacated. If the Board feels that it should not apply to professional staff in the same way it applies to support staff, then he stated that the Board should not try to pass something today because there are too many things that will need to be done in the personnel rules to really make it effective. His suggestion is that it not be passed today if the Board wants more in the section.

Mr. Chaney stated that a distinction should be made between professional and support staff so that the Board will have more input on the important positions that come up in the future. Mr. Stoliker stated that they hire the best staff they can. They train them well and want to retain them. Institutional memory has always been important and the best way to maintain SCAFCA's professionalism is to allow staff to move within its framework. This doesn't deny the Board's ability to review, it only recognizes that staff is important by allowing them to apply for the position first. Mr. Yarbrough stated that his concern is favoritism. All staff reports to the Executive Engineer and he would be the one doing the hiring and firing. In the past, with regard to high level positions, the Board has asked to review the applicants and comment on them, with the Executive Engineer doing the final hiring.

A motion was made by Steve House to approve Resolution 2009-10. The motion failed for no second.

A motion was made by John Chaney to table this matter until it can be worked out with the Personnel Committee. It was seconded by Steve House. The motion passed 3-1.

4. Action/Acceptance of Contract Renewal with Hughes & Strumor, Ltd. Co. for Bond Counsel on-Call Services.

Mr. Stoliker stated that this is an annual renewal of the contract with Hughes & Strumor, Ltd. Co. and that Mr. Strumor was present for any questions.

A motion was made by John Chaney to approve the contract renewal with Hughes & Strumor, Ltd Co. as presented. It was seconded by Steve House and passed unanimously.

Mr. Strumor thanked the Board for its renewal.

5. Action/Acceptance of Contract Renewal with RBC Capital Markets for Financial Advisor On-Call Services.

Mr. Stoliker stated that this is an annual renewal of the contract with RBC Capital Markets as SSCAFCA's Financial Advisor.

A motion was made by Steve House to approve the contract renewal with RBC Capital Markets as presented. It was seconded by John Chaney and passed unanimously.

Mr. Stoliker stated that he would like to have some sort of ribbon cutting on the Guadalajara project. Mr. Rudy stated that he thinks it is a good idea to have a public recognition of the completion of every significant project.

Fiscal Services Director:

1. Recognition/Acknowledgment of the Fiscal Services Report for May 31, 2009.

Debbie Casaus stated that funds SSCAFCA has invested at the State Treasurer's office earned an interest rate of .259%. There is still a \$1 million CD invested with First Community Bank at an interest rate of 2.25%. Operating property tax revenues through the month of May are showing 18% higher than last year. They spoke to the County about that and the County has indicated that collections were probably just higher. Staff expects to see a leveling out of those revenues in June. General fund expenditures through the month of May amount to 68.9% of the total budget and SSCAFCA is currently 92% through the fiscal year. Staff continues to monitor single family residential permits issued by the City. Through the calendar year, the City has issued 392 permits and that is down about 9% from last year.

2. Action/Approval of Resolution 2009-11 Budget for Fiscal Year Ending June 30, 2010 (FY 2010).

Debbie Casaus stated that this is the Resolution to formally adopt the budget. The budget is essentially the same budget that was brought to the Board last month. The changes that were made were based on opening cash balance, mostly in the area of O & M; therefore, O & M was decreased from \$425,000.00 to \$385,000.00. Donald Rudy stated that the Budget Committee has reviewed this Resolution.

A motion was made by Dub Yarbrough to accept Resolution 2009-11, Budget for Fiscal Year Ending June 30, 2010, as presented. It was seconded by Steve House. Roll call vote: John Chaney, yes; Steve House, yes; Donald Rudy, yes, Dub Yarbrough, yes. The motion passed 4-0.

3. Action/Approval of Resolution 2009-12 Ad Valorem Tax Levy for Tax Year 2009 (Fiscal Year 2010) Applicable to General Operating Fund.

Debbie Casaus stated this Resolution is the standard Resolution to set the mil levy for the general operating fund. The main change was to item 2, which is some standard language that DFA asked them to insert setting the mil rate at .761.

A motion was made by Steve House to accept Resolution 2009-12, Ad Valorem Tax Levy for Tax Year 2009, Applicable to General Operating Fund as presented. It was seconded by John Chaney. Roll call vote: John Chaney, yes; Steve House, yes; Donald Rudy, yes, Dub Yarbrough, yes. The motion passed 4-0.

4. Action/Approval of Resolution 2009-13 Ad Valorem Tax Levy for Tax Year 2009 (Fiscal Year 2010) Applicable to Debt Service Fund.

Debbie Casaus that this Resolution is to set the mil levy for the debt service fund. It is standard language, and the one change to this Resolution from prior years is item 2, which incorporates the area known as Baja de Corrales, and that mil levy is set at .432 and that was given to SSCAFCA by the Financial Advisor. SSCAFCA's mil rate remains the same for all other areas of its jurisdiction.

A motion was made by Dub Yarbrough to accept Resolution 2009-13, Ad Valorem Tax Levy for Tax Year 2009, Applicable to Debt Service Fund, as presented. It was seconded by Steve House. Roll call vote: John Chaney, yes; Steve House, yes; Donald Rudy, yes, Dub Yarbrough, yes. The motion passed 4-0.

CHAIRMAN'S REPORT.

Mr. Rudy stated that several of the Board members have become involved in the activities of the MRCOG. Mr. House is on the Metropolitan Transportation Board. Mr. Rudy is on the Water Board. When the MRCOG reorganizes in the beginning of July, one of the positions on its Executive Board changes and SSCAFCA and AMAFCA rotate. This year will be SSCAFCA's turn again and Mr. Rudy will sit on the Executive Board with Mr. House as the alternate.

BOARD OF DIRECTOR'S COMMENTS.

Mr. Chaney stated that he would like that the Personnel Committee meet again before the next Board meeting and discuss the Personnel Policy Resolution that was tabled prior in the meeting.

The Board members of the committees set a Personnel Committee meeting and an Executive Committee meeting.

COMMITTEE REPORTS.

None.

ACTION/APPROVAL OF THE MINUTES OF MAY 8, 2009 AND MAY 26, 2009.

A motion was made by John Chaney to approve the Minutes of May 8, 2009 as presented. It was seconded by Steve House and passed unanimously.

A motion was made by John Chaney to approve the Minutes of May 26, 2009 as presented. It was seconded by Steve House and passed unanimously.

ATTORNEY'S REPORT.

None.

FOR YOUR INFORMATION.

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

1. The Sunset Final Reports will be finalized by June 30, 2009.
2. April 26, 2009 newspaper article, "Not Everyone Wants SAD 7A".
3. April 26, 2009 newspaper article, "Budget for Village Govt. Looks Bleak".
4. The draft Drainage Policy Manual was published for public comment and posted on the website on June 5, 2009. Comments must be received by July 6, 2009.
5. The following plats were signed by the Chairman:
 - = High Range III
 - = Tract 17.
6. Summer intern Daniel Gruenig started Monday June 8th and will be with SSCAFCA through July.

PUBLIC FORUM.

Susan Barton wanted to bring to SSCAFCA's attention how the "flesh eating bacteria" is prevalent in New Mexico's soil and because of SSCAFCA's staff's constant work outside and with soil.

OTHER BUSINESS.

BOARD OF DIRECTORS REGULAR MEETING

JUNE 19, 2009

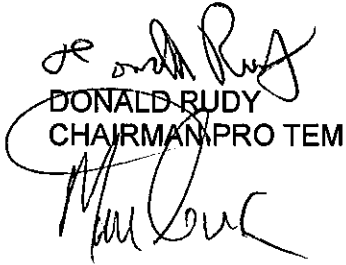
- Next Regular Board Meeting is on Friday, July 17, 2009 at 9:00 a.m.

ADJOURNMENT.

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



STEVE HOUSE
Secretary



DONALD RUDY
CHAIRMAN PRO TEM

DATE APPROVED:

7/17/09