

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
(SSCAFCA)
MINUTES OF DECEMBER 17, 2010
BOARD OF DIRECTORS REGULAR MEETING**

CALL TO ORDER.

The regular meeting of the SSCAFCA Board of Directors was called to order by Mark Conkling, Chairman, at 9:03 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 and David Stoliker, Executive Director, were present.

PLEDGE OF ALLEGIANCE.

The Board was led in the Pledge of Allegiance by Mark Conkling.

APPROVAL OF AGENDA.

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

ANNOUNCEMENTS.

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

PUBLIC FORUM.

Jennifer House stated that the committee on trash and recycling had a meeting two weeks ago. They had Waste Management come and talk to the committee with regard to recycling. They will be opening a recycling facility in the South Valley of Albuquerque. They also brainstormed about how to reduce the trash in the arroyos. Through that process, they have narrowed down to doing a pilot program on putting some recycling bins at a few of the places where the public congregates. In addition to that, they are going to create a campaign with a "water bottle" type of character to educate the public. Mr. Conkling stated that the pilot program will be used on SSCAFCA's key projects to illustrate the impact of trash on the watersheds. The most important part of this is the broad involvement of SSCAFCA, AMAFCA and Waste Management.

STAFF REPORTS.

Executive Engineer:

1. Action/Acceptance of Joint Powers Agreement for Lisbon Avenue Culvert Crossing Improvements at the Sunset Channel.

Mr. Stoliker stated that the concept for this Joint Powers Agreement was approved by the Board on July 23, 2010. There is a revised Agreement in the Board's packets. The revisions have to do with the changes in the Agreement where it is a reimbursement based agreement, in an amount up to the \$68,920.00 from SSCAFCA to the City for improvements as identified in the approved plan. Staff is recommending approval. This was supposed to be a three way agreement between SSCAFCA, the County and the City, but the County wants to use a memorandum of understanding between the County and the City. SSCAFCA requires that a JPA be used and has never transferred money under a MOU, it has always been under a JPA. That way the DFA gets a chance to approve it and it gets budgeted properly. This Agreement is now between SSCAFCA and the City in the amount stated. The County will be developing its agreement with the City independent of SSCAFCA, the terms of which are unknown to SSCAFCA at this time.

A motion was made by Dub Yarbrough to approve the JPA as presented. It was seconded by Steve House and passed unanimously.

3. Action/Acceptance of Fiscal Year 2010 Audit Report.

Mr. Stoliker stated that the Audit was recently received by the Board. It is required that the Board understand what is in the Audit. It has been looked over by the Budget Committee. He would like to get the Audit approved before the bonds are sold in January, and there is a meeting set on January 3, 2011. In order to let the Board have a chance to review the information, it was suggested that this matter be delayed until the January 3, 2011 meeting.

CHAIRMAN'S REPORT.

Dedication of William C. "Dub" Yarbrough Arroyo Tributary and Drainage Facilities.

Mr. Conkling stated that the age, experience and wisdom of decades of Dub Yarbrough pass from the Board and is replaced by eagerness, growing knowledge and dedication. This is from the retirement of Dub Yarbrough and the incoming new board member, Dr. Fahey. Serving on the SSCAFCA Board is not a paid position. It is a

volunteer position, through election. The time spent is truly a gift to the public. Dub Yarbrough has served for many years, as he was on the initial SSCAFCA Board.

Mr. Conkling stated that the arroyo behind Mr. Yarbrough's house, which has always been called, "the arroyo behind your house" today has a new name. It shall now be known as "The William C. "Dub" Yarbrough Arroyo." SSCAFCA has a sign that will go at the arroyo, and there is another sign that he can put on his property.

Mr. Yarbrough stated that he has enjoyed the time he has spent on the Board. He knows that at times other board members did not agree with his philosophy, but everything has worked out. After 18 years, this is a sad day.

Mr. Conkling read a plaque that has been prepared for Mr. Yarbrough. A slide show was presented documenting Dub Yarbrough's life and accomplishments during his tenure with the SSCAFCA Board. Mr. Yarbrough stated that without David Stoliker, SSCAFCA could not have accomplished all of the projects that were accomplished during his tenure.

A motion was made by John Chaney to dedicate the arroyo as the William C. "Dub" Yarbrough Arroyo Tributary and Drainage Facilities. It was seconded by Steven House and passed unanimously.

STAFF REPORTS (continued).

Executive Engineer:

2. Presentation by the City of Rio Rancho on proposed changes to the Metropolitan Redevelopment Code.

Mr. James Jimenez, of the City of Rio Rancho, stated that the governing body adopted a list of legislative priorities at its last meeting. At the top of the list is requesting that the legislature change the law with respect to eminent domain for redevelopment. They are asking for some very limited exceptions to the ban on eminent domain for the purposes of economic development. The platting, and the way that Rio Rancho developed, have created enormous problems for development, let alone the drainage issues. When AMREP purchased the property and overlaid the grid, it established what the community would look like.

Mr. Jimenez stated that when people ask him why the City of Rio Rancho wants to expand its eminent domain authority to get back the authority that was lost, he refers them to the Highway on NM 528. On the east side of NM 528, you have Rivers Edge I, II and III. On the west side, you have Unit 17, Guadalajara and Chihuahua area. When there have been rain events that have caused problems, none of them have

impacted Rivers Edge I, II and III. This is because the developer was able to assemble land and he was required to put in the appropriate drainage facilities, paved roads, water, sewer, etc. On the west side, it is just the opposite. There are scattered land holders without a single developer who would be required to put in those kinds of facilities. Mayor Swisstack and the governing body endorsed the concept of limited eminent domain. This means that it can only be used in certain instances where the City essentially has a contract with a developer in areas where there are no standing structures. It has to be a planned area. The authorization would expire in 15 to 20 years, along with other technical conditions.

Mr. Jimenez asked SSCAFCA to endorse the concept of the City's expanded use of eminent domain. Mr. Conkling stated that the Board would like to review the draft of the bill before giving any kind of recommendation. He stated that he is pretty sure the City can look forward to SSCAFCA's endorsement, so long as it has a chance to review the proposed bill. It was the consensus of the Board that this matter will be added to the January 3, 2011 meeting.

BOARD OF DIRECTOR'S COMMENTS.

None.

COMMITTEE REPORTS.

ACTION/APPROVAL OF THE MINUTES OF OCTOBER 15, 2010.

A motion was made by Donald Rudy to approve the Minutes of October 15, 2010 as presented. It was seconded by John Chaney 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. 11/20/2010 newspaper article, "ESCAFCA Challenged."
2. 11/20/2010 newspaper article, "Dub Yarbrough Honored, Retires from SSCAFCA."

3. 11/20/2010 newspaper article, "SSCAFCA Plans to Control Escarpment Run-Off."
4. The Planning Document Hierarchy Policy was signed by the Executive Engineer and effective on 11/30/10.
5. Draft Sick Leave Policy for review.
6. 12/7/10 request from Mike Neas for ESCAFCA information.

OTHER BUSINESS.

Celebration to honor retiring board member William C. "Dub" Yarbrough!

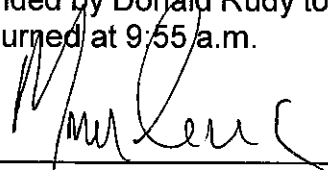
- Special Board meeting on Monday, January 3, 2011 at 9:00 a.m.
- Special Board meeting on Wednesday, January 19, 2011 at 1:00 p.m.
- Cancellation of the Regular Board Meeting on January 21, 2011 at 9:00 a.m.
- Next Regular Board Meeting is on Friday, February 18, 2011 at 9:00 a.m.

ADJOURNMENT.

A motion was made by Steve House and seconded by Donald Rudy to adjourn the meeting. It was carried unanimously. Meeting adjourned at 9:55 a.m.



STEVE HOUSE
Secretary



MARK CONKLING
CHAIRMAN

DATE APPROVED: 1/19/11