

SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY  
(SSCAFCA)  
MINUTES OF MARCH 20, 2015  
BOARD OF DIRECTORS REGULAR MEETING

CALL TO ORDER.

The regular meeting of the SSSCAFCA Board of Directors was called to order by James Fahey, Chairman, at 9:03 a.m.

ROLL CALL OF DIRECTORS.

Directors in attendance were James Fahey, Steve House, and Michael Obrey. Mark Conkling arrived at 9:25 a.m. John Chaney was noted as absent. Charles Thomas, Executive Engineer, Bernard Metzgar, SSSCAFCA's attorney, and members of the public were also present.

ANNOUNCEMENTS.

An announcement was made by James Fahey that all electronic devices needed to be turned off during the meeting and that the microphones are voice activated.

PLEDGE OF ALLEGIANCE.

The Board was led in the Pledge of Allegiance by James Fahey.

APPROVAL OF AGENDA.

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

ACTION/APPROVAL OF THE MINUTES OF FEBRUARY 20, 2015.

A motion was made by Steve House to approve the Minutes of February 20, 2015 as presented. It was seconded by Michael Obrey and passed unanimously.

PUBLIC FORUM.

None.

STAFF REPORTS.

*Executive Engineer:*

1. Action/Acceptance of Sandoval County Rio Rancho Estates Land Donation Plan.

Mr. Charles Thomas stated that several months ago the Rio Rancho Estates Area Plan had been presented for that portion of the county within SSCAFCA's jurisdiction west between the Rio Puerco boundary and the city limits. One of the significant issues that they discovered in developing the Plan was that the amount of potable water resources available to that area could only serve roughly 50% of the parcels in that area. Since this area has already been platted by AMREP and sold off to a large degree, there is a concern that there is no restriction on how that property develops. One of the things they did was to investigate all the water resources and they discovered the lack of water in the area considering the amount of water resources allocated to the City of Rio Rancho. As a result, one major component of the future planning effort is to try to take some of that land out of service from requiring water. Thus, one aspect of this Plan, which was approved last month by the Sandoval County Commission, was to look at the arroyo areas and identify them as either primary arroyo boundaries or as arroyo area open space. The original concept was to get that land under ownership of Sandoval County, dedicate it as open space, and take it out of development possibility, and then turn this land over to SSCAFCA. They are now proposing that, rather than have the landowner donate the property to Sandoval County and Sandoval County turning it over to SSCAFCA, they will be directing the landowners to contact SSCAFCA and basically donate the land directly to SSCAFCA. At this point, staff is requesting the County to accept this part of their strategy to advise landowners to donate the arroyo properties directly to SSCAFCA.

In response to a question from the Board regarding taxes being paid on the property right now, Mr. Thomas stated that he does not know how much money is, but it is a significant amount of landholding, and right now, the purchase price for property in that area, based on appraisals, is \$3,000 to \$5,000 per acre. This Plan could potentially increase SSCAFCA's landholding in that area by about 5,000 acres.

A motion was made by Steve House to accept the Rio Rancho Estates Land Donation Plan as presented. It was seconded by Michael Obrey and passed unanimously.

2. Corps and FEMA Funding Update.

Mr. Charles Thomas stated that SSCAFCA received news from the Corps that it has received some initial funding during the current federal fiscal year for two of its projects that were submitted under the Continuing Authorities Program. SSCAFCA will receive \$50,000 for use as part of a sediment study. One of the requests for funding was to help SSCAFCA model and identify the impact of sediment throughout the jurisdiction as it moves through the system based on storm events. The Corps has allocated \$50,000 during the current fiscal year and have indicated that they will schedule an additional \$50,000 the next two federal fiscal years to allow for a three year study to

proceed with this endeavor. This program will be Corps assisted through internal staff resources and their modeling staff. SSCAFCA staff will draft the scope of the study and get the Corps' input, and the Corps will then do a lot of the leg work on identifying the next steps.

Mr. Thomas stated that the second project under a separate category was for the Venada Off Channel facilities. This is a large project consisting of four separate structures designed to capture portions of the hydrograph and divert them from the main stem of the arroyo flow. The preliminary cost estimate was \$7.5 million for the completion of all four structures. The first phase of this type of project with the Corps is called a Federal Interest Finding to verify that the project satisfies the requirements of the Corps in terms of feasibility and benefit to the jurisdiction. They directed \$50,000 toward that study to allow the Corps to scope the project and do a benefit/ cost analysis to see if it warrants further work. It is unlikely that the Corps would have pursued this as a "new start" program if they didn't feel that there was going to be a positive federal finding on this. Staff feels confident that as they move forward, the project will move forward. If it is successful, it opens up further funding for the actual design and construction of the project. In response to a question from the Board, Mr. Thomas stated that the cost model as it stands right now, the federal finding study is 100% funded by the federal government so that process will not require any match from SSCAFCA. The design process is a 1:1 match. The construction process itself is 65% federal and 35% local match.

Mr. Thomas stated that SSCAFCA also received the final formal approval of funding for the Alberta Road Phase II Project from FEMA. This is a grant that was submitted under the Hazard Mitigation Grant Program. This award is split between the federal and state share. The total funding coming from FEMA, as well as state match from the Department of Homeland Security, is approximately \$1,171,000.00 to SSCAFCA. This will require a local match of \$167,000. SSCAFCA did receive capital outlay from the legislature for this project, so that funding will be used as the match for this project. SSCAFCA is the first local state entity to have successfully navigated the Hazard Mitigation Grant Program in the State of New Mexico. The City of Rio Rancho is also willing to work with SSCAFCA on the inclusion of some of the elements like sidewalks, as well as retaining walls. By removing those cost elements, the project can move forward, but the plan set will need to be updated and run back through the City for approval. SSCAFCA has an RFP out for an engineer to complete that part of the process. This design should be complete within the next four to six weeks once the engineer is selected, with construction following that. He hopes to be under construction by July at the latest.

Mark Conkling arrived.

3. Legislative Update for House Bill 338.

Mr. Charles Thomas stated that House Bill 338 is the Bill that changes the election dates of many of the non-municipal election cycles. Right now there is no restriction on the election dates that have been set by statute or policy. One of the concerns with this Bill is that it mandates elections in odd years. This conflicts with SCAFCA's current statute as its elections are currently held the first November of even years. The current proposal with an amendment is to switch the current term of the directors from a six year term to a five year term to allow that off-cycle switch to an odd year election, and then continue forward with the standard six year terms. The next three election cycles would be shortened by a year. The current members of the Board up for re-election in 2016 and 2018 would have their terms shortened by a year. The impact is state-wide so there is significant concern from other entities as well.

Mr. Fahey stated that it is to SCAFCA's advantage to hold its elections in even years because of the bond failures in the past. Mr. Thomas stated that Mr. Horan has been tracking this Bill due to SCAFCA's issues with the Bill. Mr. Horan will provide a full legislative update to the Board next month.

4. Discussion of withdrawal of Waters of the United States definition.

Mr. Charles Thomas stated that the Waters of the United States definition has been officially withdrawn by both the EPA and the Army Corps of Engineers. There were multiple entities throughout the United States concerned about some of the elements of the rule as written, particularly with the definitions and the possibility for multiple interpretation of those definitions. The comments must have been significant and broad for this withdrawal to occur.

5. Development Review Update.

Mr. Thomas stated that there are a couple of small entities coming in for development within the Unit 10 area. The 7-11 is proceeding forward, as well as a new doctor's office in Petroglyph Medical Plaza. The ASK Academy is moving into a piece of property that had gone through review for drainage improvements adjacent to the Montoyas Arroyo near 528. The final one is that Stonegate Subdivision is moving forward through the process. This is one of the developments that was part of the Edinburgh Agreement. It has been nice to work with both the owner and the engineer with Stonegate because that development will contain the detention pond that SCAFCA will ultimately take ownership of as part of the agreement. That pond will be responsible for the flows from the subdivision and from above it down to the Montoyas Arroyo.

*Fiscal Services Director:*

1. Recognition/Acknowledgment of the Fiscal Services Report for February 28, 2015.

Ms. Deborah Casaus stated that the Fiscal Services Report for February 28, 2015 is in the Board's packets. Property tax collections are coming in as expected, and no surprises are anticipated. General fund expenditures year to date through February are about 37.4% of the total budget and SSCAFCA is about 67% through the fiscal year. The Budget includes the \$550,000 large storm line item in it. Taking that out, SSCAFCA is about 54% of the total budget, which brings it more in line. The City of Rio Rancho showed 16 single family residential permits issued for the month of February and 21 for the month of January. This is below last year. Interest earned on the State Treasurer's funds was at a rate of .117% for the month of February. The Treasury Bill is yielding about .02%.

Ms. Casaus stated that staff is currently putting together the budget for next fiscal year. The Budget Committee will be meeting soon to go over the anticipated budget. It will be brought to the full Board at the April meeting. She is also handing out the 2014 Auditing Package. This was supposed to be included from the auditors, but it was omitted from the mailing. It is a synopsis of the audit and is a report to the Board members.

The Fiscal Services Report for February 28, 2015 was recognized and acknowledged by the Board.

*Environmental Services Director*

1. Update on Harvey Jones Channel Improvements Project.

Mr. Dave Gatterman stated that Phase 1 was completed in June 2014 and consisted of removing the sill from the back of the channel. The Notice to Proceed on Phase 2 was issued on January 5, 2015. He went through pictures of the project with the Board to show the progress of the work. The entire concrete channel has now been poured. They are working on a change order to add the last portion of the job that was pulled from the original bid. When this was originally bid, the piece at the end of the channel, the working pad, ramps and some slope protection, had been pulled out to be cleaned up. Staff has asked the contractor for a price to complete that element of the work. That change order has been submitted to NMDOT and FHWA for approval and it is pending. It will require an additional 21 days to complete. SSCAFCA is looking at a project completion day in early May. Even with the change order, the amount is still under the federal money that was available.

2. Update on Lower Montoyas Water Quality Feature Project.

Mr. Dave Gatterman stated that the preconstruction meeting for this project was held on Monday. The selected contractor is Meridian Contracting, Inc. The schedule has been outlined and the Notice to Proceed was issued for March 30. Right now they are contacting the adjacent landowners and offering video inspections of their houses for vibration monitoring. Wilson will be doing construction based services and a requirement from the Corps of Engineers for the 404 Permit was to do a pre-construction bird survey for the Migratory Bird Treaty Act. That is currently underway and will be completed before construction. Barring any findings from that, they will be ready to go on March 30th. The construction timing on this project is 120 days which ends right at the end of July. Staff has made it clear to the contractor that they really need to try to finish all the hard elements and the earthwork stuff by the end of June because of monsoon season. The schedule is indicating the landscaping will be done during this time.

**OTHER COMMITTEE REPORTS.**

None.

**ATTORNEY'S REPORT.**

Mr. Bernard Metzgar stated that he is working on a JPA between SSCAFCA and the Town of Bernalillo to improve Calle Baack Road. The JPA was signed and approved by the Board and the Town of Bernalillo and sent to DFA for the Secretary's approval. He received a call from an attorney for DFA who told him that the Secretary didn't want to sign the JPA because no powers were cited that either of the agencies had to do this work. She stated that the Secretary believed that the Joint Powers Act meant that you had to cite what power the entities had to enter into the agreement. Since SSCAFCA was formed, the DFA had taken very hard positions on using JPAs. This attorney was telling him that they needed to know what powers they had to do it because otherwise she was suggesting that the entities could do it by another form of agreement. He did not believe he had to cite the Town's powers because it is a municipality. He called George Perez, the attorney for the Town, and left a message for the reference to the Town Ordinance where they have authority to do the streets. His intent is to add a "Whereas" clause to say where the Town has the authority to enter into this agreement, and send up just that page to make sure it's okay before it is circulated for signature. The change is not a substantive to the agreement at all.

**CHAIRMAN'S REPORT.**

None.

**BOARD OF DIRECTOR'S COMMENTS.**

None.

**PROPERTY MATTERS.**

Mr. Thomas stated that there will be some property issues in April. Staff is still working on getting some of the documentation together. Most likely there will be several properties for the Board's approval to purchase for the Rainbow Detention Pond facility.

**FOR YOUR INFORMATION.**

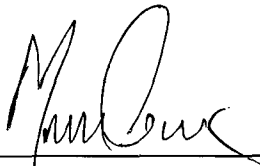
None.

**OTHER BUSINESS.**


- Next Regular Board Meeting is on Friday, April 17, 2015 at 9:00 a.m.

**ADJOURNMENT.**

A motion was made by Michael Obrey and seconded by Steve House to adjourn the meeting. It was carried unanimously. Meeting adjourned at 9:53 a.m.



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MARK CONKLING  
Secretary

  
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JAMES FAHEY  
CHAIRMAN

DATE APPROVED: 4/17/15