

SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY  
(SSCAFCA)  
MINUTES OF JULY 24, 2015  
BOARD OF DIRECTORS REGULAR MEETING

**CALL TO ORDER.**

The regular meeting of the SSCAFCA Board of Directors was called to order by James Fahey, Chairman, at 9:00 a.m.

**ROLL CALL OF DIRECTORS.**

Directors in attendance were John Chaney, James Fahey, and Michael Obrey. Mark Conkling and Steve House were noted as absent. Charles Thomas, Executive Engineer, Bernard Metzgar, SSCAFCA'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.

**PLEDGE OF ALLEGIANCE.**

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

**APPROVAL OF AGENDA.**

Charles Thomas stated that staff added item 6 under the Executive Engineer with regard to the Ciudad Soil & Water Conservation District.

A motion was made by John Chaney to amend the Agenda to add Item H6 as requested. It was seconded by Michael Obrey and passed unanimously.

A motion was made by Michael Obrey to approve the Agenda. It was seconded by John Chaney and passed unanimously.

**ACTION/APPROVAL OF THE MINUTES OF JUNE 19, 2015.**

A motion was made by John Chaney to approve the Minutes of June 19, 2015 as presented. It was seconded by Michael Obrey and passed unanimously.

## PUBLIC FORUM.

Mr. Donald Rudy stated that he is here representing Ciudad Soil & Water Conservation District.

## STAFF REPORTS:

### *Executive Engineer:*

1. Action/Acceptance of Selection/Agreement for Patchogue Road Culvert Crossing Project.

Mr. Charles Thomas stated that this is a project that was put forth for FEMA funding to correct the situation at Patchogue Road where erosion has been undermining the culvert system and creating a hazardous situation. That project went out to bid this last week and the low bidder was Salls Brothers Construction for \$149,986.81 with tax. The engineer's estimate was \$181,000 for the project. The bids have been verified and the contract is available and awaiting the Board's approval. FEMA is paying 75% of this project.

A motion was made by John Chaney to approve the selection of Salls Brothers Construction as the low bidder for the project. It was seconded by Michael Obrey and passed unanimously.

2. Presentation on Water Quality Open Space Concept - Sheriff's Posse Road.

Mr. Charles Thomas stated that this is a project envisioned several years back in the western portion of the Town of Bernalillo. It is on a small arroyo system which comes out of the industrial area just to the northwest from 528 down. SSCAFCA purchased several acres there and the concept was to create a first flush diversion structure which would capture trash and debris from being transported into the Rio Grande. The hope was to create an open space area and amenity for the local community. The property was acquired in 2012. Wendy Fox, a master's level architect has been an intern with SSCAFCA this summer and she was tasked with starting to put together this project. They now have some conceptual drawings, which he showed to the Board. SSCAFCA is already partnering with the Town of Bernalillo on this project. The Town is pursuing funds through the ICIP process to support the project. Additionally, they have applied for funding with the NMED as part of the watershed protection and conservation aspect.

Mr. Thomas stated that the impact of not doing this project right now is that there is the potential for breakout in this area. There is one house within the area, not subject to immediate flooding risk, but certainly the road and other surrounding areas could be subject to flooding. Presently, there are twin 36" pipes. The idea will be to create a diversion structure just upstream of the culvert crossing to direct all low flows into one side of the culverts. They will take it in and slow

the water down, and it is anticipated that the water will move through the area fairly slowly. All water would drain within 96 hours.

Ron Reeder asked if a road was necessary in order to perform routine maintenance and take out any trash that accumulates. Mr. Thomas stated that the access into the area is pedestrian level access. However, the trail width is anticipated to be made with crusher fines or possibly paved. It will be ADA compliant. This would allow for standard vehicular traffic. The width is being set to also allow a small bobcat to get in there to clean things out as needed.

3. Update on Lomitas Negras/Saratoga UNM Model.

Mr. Charles Thomas stated that the concept of this model is to validate the idea of a lateral weir diversion, taking off the peak flow of the hydrograph. The idea is that they can bypass the flow that would match the downstream constrictions in terms of the carrying capacity and only deal with handling the flow that exceeds the downstream capacity. This will give a lot more flexibility in the design for the facility. The project was a success from the initial configuration. They have been able to divert the required flow and avoid overtopping at Saratoga Road. It happened at a slightly lower elevation of the lateral weir than was anticipated. The computer model showed about 18" lateral weir height; when they ran the physical model, it dropped to about 12". Right now, they have an amendment with UNM to run a second concept which is capturing the flow by placing a structure within the channel itself and allowing the targeted flow to pass downstream and retain the remainder of the flow and allow it to bypass into the facility.

4. Update on Clean Water Rule.

Mr. Charles Thomas stated that the Clean Water Rule is the current term being given to the Waters of the United States definition. The hope was that EPA and US Army Corps of Engineers would withdraw the rule and take it under advisement, take the time to craft a proper definition which would allow the two agencies to be able to jointly come up with a common definition. However, what has happened, is that the administration has used the executive power to ask the EPA and the Corps to provide a definition and pass it forward through executive order. In the process, they did enact some changes to that rule.

Mr. Thomas stated that the first change is that they added some language regarding all waters adjacent to navigable and interstate waters, territorial seas and impoundments, including wetlands, ponds, lakes, oxbows, impoundments and similar waters. Many of the definitions have had detail added to them. Although they have added more definition, in many cases they still haven't

resolved the original ambiguity. Floodplain is now defined as all waters located within a 100 year flood plain. The 100 year flood plain changes after every significant storm event. They also added in an exemption for ditches, but the original definition where ditches were defined as tributaries is still there. They added an exemption for storm water features and waste water structures built on dry land. It is unclear if that will apply where the dry arroyos are defined as Waters of the U.S.

Mr. Dave Gatterman stated that he doesn't see anything in the near future that will change how SSCAFCA is regulated. SSCAFCA will most likely still wind up as part of the MS4 Permit and will still most likely be dealing with the Corps on a project level basis for Clean Water Act compliance.

5. Development Review.

Mr. Charles Thomas stated that Phase 1A and 1B of the Stonegate Subdivision's preliminary plat has been approved. The whole Edinburgh Development is continuing to move forward. There have been some administrative adjustments made to accommodate the process of approval. The majority are within the City of Rio Rancho's responsibility and don't impact SSCAFCA directly. There has not been anything significant so there is no reason why this should not move forward as envisioned.

Mr. Thomas stated that the next item is a replat of Lots 46 and 47, Saratoga Dam. This was executed as one of SSCAFCA's actions. In the process of identifying the footprint for the Saratoga Offchannel Facility, which is the subject of the UNM model, they identified some additional property that was required for the project to address where the high water mark of the embankment would be. This is in the process of finalizing.

Mr. Thomas stated that there are some other small summary platting actions. One at the corner of Southern and 528, and a couple of platting summary plats within the Petroglyph Medical Plaza in Unit 10.

6. Ciudad Soil and Water Conservation District.

Mr. Charles Thomas stated that this MOU is to turn over the education and outreach program to Ciudad Soil and Water Conservation District. This was under private contract, and Amy White has become an employee of Ciudad just recently. Since she was the principal of the company who had the program, staff felt it was a good fit to have Ciudad take over the services on the contract. The contract was in a holding pattern over the summer since it is a school year based education program.

Mr. Donald Rudy stated that he is very much in support of this cooperative agreement. These agreements improve efficiency considerably. Amy White had been doing the River Xchange for quite some time. This program will now move entirely under Ciudad without interruption. Ms. Catherine Conran stated that since Ciudad will be taking over a lot of the services that Amy White has done, SSCAFCA will continue to use some of the other contractors that she had under her program, such as the arroyo outreach program, with additional classes added. The cost of the contract is \$39,000 and will be borne by SSCAFCA. All those services were rolled over with the cost under the existing contract to Ciudad. The contract is a not to exceed contract. The overall annual cost could be lower. All of the educational programs that have been created are under SSCAFCA's MS4 Permit for outreach and education for youth.

Mr. Dave Gatterman stated that the testing and sampling program is completely separate from the storm water quality team and the outreach and education. For SSCAFCA, public outreach and education is a large part of the permit.

A motion to approve the MOU with Ciudad Soil and Water Conservation District as presented was made by John Chaney. It was seconded by Michael Obrey and passed unanimously.

***Fiscal Services Director:***

1. Recognition/Acknowledgment of the Fiscal Services Report for June 30, 2015.

Deborah Casaus presented the Fiscal Services Report for June 30, 2015 in the Board's packets. She stated that property tax collections exceeded SSCAFCA's budget projection by about 4%. This is an additional \$88,000 in the operating fund and \$121,000 in the debt service fund. Expenditures amounted to about 60% of the total budget, which includes the large storm cleanout line item, which was not utilized this year. This money will roll over into fiscal year 2016. The City of Rio Rancho has issued 57 single family residential permits for the month of June. Interest earned on the State Treasurer's funds was at a rate of .132% for the month of June.

The Fiscal Services Report for June 30, 2015 was recognized and acknowledged by the Board.

2. Action/Acceptance of Resolution 2015-11 Fiscal Year 2015 Budget Adjustment.

Ms. Deborah Casaus stated that Resolution 2015-11 is for the fiscal year 2015 budget adjustment. For fiscal year 2015, they had to do a budget amendment going into fiscal year 2016 for the cash balance adjustment. Staff received final notification from the Treasurer's Office that

SSCAFCA will not recover any of the last funds from the contingency reserve account, and those balances will be written off. The second part of the adjustment was a recognition of the refunding activity for the 2014 series bonds. Because those were refunded, SSCAFCA does have to recognize the revenue coming in and the expense going out.

A motion was made by John Chaney to approve Resolution 2015-11 as presented. It was seconded by Michael Obrey. Roll call vote: John Chaney, yes; Jim Fahey, yes; Michael Obrey, yes. The motion passed 3-0.

3. Action/Approval of Resolution 2015-12 Budget for Fiscal Year Ending June 30, 2016.

Ms. Deborah Casaus stated that Resolution 2015-12 is the budget for fiscal year ending June 30, 2016. She highlighted the changes from the preliminary budget, which included the additional \$88,000 in the operating tax revenue, as well as some general fund expenditure savings, so those will be rolled forward as well. SSCAFCA also added an additional position to the personnel budget, the civil drafter, which is a three year term position. That was budgeted at \$65,000 total year, including benefits. Other items that were increased were SSCAFCA's improvements budget by \$112,000; O&M by \$150,000; mapping by \$21,000; and training and small equipment combined by \$11,000. They tried to combine those into one time expenditures and not to reoccurring budget line items.

A motion was made by John Chaney to approve Resolution 2015-12 as presented. It was seconded by Michael Obrey. Roll call vote: John Chaney, yes; Jim Fahey, yes; Michael Obrey, yes. The motion passed 3-0.

4. Action/Approval of Resolution 2015-13 Ad Valorem Tax Levy for Tax Year 2015 (Fiscal Year 2016) Applicable to General Operating Fund.

Ms. Deborah Casaus stated that Resolution 2015-13 is the ad valorem tax levy for tax year 2015 (fiscal year 2016) applicable to general operating fund. They are not asking for any change in the mil levy for the operating fund.

A motion was made by John Chaney to approve Resolution 2015-13 as presented. It was seconded by Michael Obrey. Roll call vote: John Chaney, yes; Jim Fahey, yes; Michael Obrey, yes. The motion passed 3-0.

5. Action/Approval of Resolution 2015-14 Ad Valorem Tax Levy for Tax Year 2015 (Fiscal Year 2016) Applicable to Debt Service Fund.

Ms. Deborah Casaus stated that Resolution 2015-14 is the ad valorem tax levy for tax year 2015 (fiscal year 2016) applicable to the debt service fund. RBC is in concurrence that SSCAFCA can leave the tax rate at the same amount in its debt service fund of 1.248.

A motion was made by John Chaney to approve Resolution 2015-14 as presented. It was seconded by Michael Obrey. Roll call vote: John Chaney, yes; Jim Fahey, yes; Michael Obrey, yes. The motion passed 3-0.

6. Action/Approval of Resolution 2015-15 Final Quarter financial Report for Year Ending June 30, 2015.

Ms. Deborah Casaus stated that Resolution 2015-15 is the final quarter financial report for year ending June 30, 2015. This is a new requirement from DFA. DFA is asking that the Board approve the last quarterly report for SSCAFCA and certify the cash balance rolling forward into the next year's budget.

A motion was made by John Chaney to approve Resolution 2015-15 as presented. It was seconded by Michael Obrey. Roll call vote: John Chaney, yes; Jim Fahey, yes; Michael Obrey, yes. The motion passed 3-0.

7. Action/Acceptance of Selection/Agreement with RBC Capital Markets for Financial Advisor Professional Services.

Ms. Deborah Casaus stated that SSCAFCA issued RFP 2015-03 because they were on the final year of its contract with RBC Capital Markets for financial advisor professional services. RBC was again selected by a committee of three who evaluated the proposals. There was a 4% increase in the total fees being requested. The structure of the fees changed a little bit, depending on the issue amount. RBC had not been granted an increase over the last four years.

Paul Cassidy, RBC Capital Markets, stated that the fee level they are using for SSCAFCA is the same fee level they use across the state.

A motion was made by John Chaney to approve the selection of RBC Capital Markets for Financial Advisor Professional Services. It was seconded by Michael Obrey. Roll call vote: John Chaney, yes; Jim Fahey, yes; Michael Obrey, yes. The motion passed 3-0.

8. Action/Acceptance of Selection/Agreement with Hughes Law, LLC for Bond Attorney Professional Services.

Ms. Deborah Casaus stated that SSCAFCA issued RFP 2015-04 to select an attorney as bond counsel since it was the final year of Hughes Law’s contract. The three person committee recommends approval of the selection of Hughes Law for bond attorney professional services. There is less than 1% increase in the bottom line of the contract.

A motion was made by John Chaney to approve the selection of Hughes Law, LLC for Bond Attorney Professional Services. It was seconded by Michael Obrey. Roll call vote: John Chaney, yes; Jim Fahey, yes; Michael Obrey, yes. The motion passed 3-0.

***Environmental Services Director:***

1. Action/Acceptance of Construction Oversight Services for Black Arroyo Trail Construction Project, Sites Southwest, LLC.

Mr. Dave Gatterman stated that the contract was awarded at the last board meeting. This task order amount is for construction oversight services for \$116,033.57, including gross receipts tax. This is a time and materials, not to exceed, number. When they asked the contractor to put together a fee proposal for this, it was assuming a worst case scenario. Since this is an FHWA funded project, the administrative burden is very high on the construction contractor, the engineer, and the owner. Staff asked the construction oversight consultant to take that into account for all of the paperwork that has to be processed. The feeling is that this amount will not be reached, unless there is a tremendous number of problems.

A motion was made by John Chaney to approve the construction oversight services for Black Arroyo Trail Project as set forth above. It was seconded by Michael Obrey. Roll call vote: John Chaney, yes; Jim Fahey, yes; Michael Obrey, yes. The motion passed 3-0.

2. Update on Lower Montoyas Water Quality Project.

Mr. Dave Gatterman showed the Board video pictures of the status of the project. The boulders allow it to break up the flows. The original design was sculpted concrete, but real boulders were at the same cost. Mr. Thomas stated that this is open into the ground, so as the roots developed, they can go down into the ground water for stability. You can’t disturb nesting birds due to the Migratory Bird Protection Act. The survey was done on March 30 and there were no nesting birds at



the time. Staff got confirmation from the Corps to proceed. Right after the work was done, a colony of birds showed up and started nesting. The contractor was instructed to stop work in the area. The Fish and Wildlife Service came out and looked at what was going on and they found no violation of the Act. SSCAFCA has complied with all the rules and has worked with the Fish and Wildlife Service to protect the birds.

Mr. Gatterman stated that Catherine Conran recently discovered some burrowing owls in the area. It is part of the Wildlife Mitigation Area. He showed the Board pictures of the owls and birds.

***Administrative Services Director:***

1. Action/Acceptance of Selection/Agreement with Cooney Watson & Associates, Inc. for Marketing & Public Outreach Professional Services.

Ms. Catherine Conran stated that staff is asking for acceptance of the agreement with Cooney Watson & Associates, Inc. for Marketing and Public Outreach Professional Services that was published in RFP 2015-2. This is under the FEMA funding for the arroyo safety program. They are going to create a cartoon and different level education apps that will hook into SSCAFCA's website, as well as the weather service. They came up with a slogan, "Know Your Arroyos, Protect, Preserve, Respect".

A motion was made by John Chaney to approve the agreement with Cooney Watson & Associates, Inc. as set forth above. It was seconded by Michael Obrey. Roll call vote: John Chaney, yes; Jim Fahey, yes; Michael Obrey, yes. The motion passed 3-0.

2. Action/Acceptance of Resolution 2015-16 Amendment to the Personnel Policy.

Ms. Catherine Conran stated that Resolution 2015-16 is an amendment to the personnel policy for the extension of probationary period of new employees from six months to a year.

A motion was made by John Chaney to approve Resolution 2015-16 presented. It was seconded by Michael Obrey. Roll call vote: John Chaney, yes; Jim Fahey, yes; Michael Obrey, yes. The motion passed 3-0.

**OTHER COMMITTEE REPORTS.**

None.

**ATTORNEY'S REPORT.**

None.

**CHAIRMAN'S REPORT.**

None.

**BOARD OF DIRECTOR'S COMMENTS.**

None.

**PROPERTY MATTERS.**

1. Action/Acceptance – Unit 17, Block 96, Lot 23 - Willow Creek Pond.

Mr. Charles Thomas stated that it is necessary to obtain this property for the Willow Creek Pond Project. This property will allow completion of the facility.

A motion was made by John Chaney to approve the property acquisition as presented. It was seconded by Michael Obrey and passed unanimously. Roll call vote: John Chaney, yes; Jim Fahey, yes; Michael Obrey, yes. The motion passed 3-0.

**FOR YOUR INFORMATION:**

1. Corrales Comment article, "Boulder "Check Dams" Cemented in Arroyo do the job", (07/13/2015).
2. Rio Rancho Observer article, "Rain delays SSCAFCA project for channel", (07/15/2015).

**OTHER BUSINESS.**

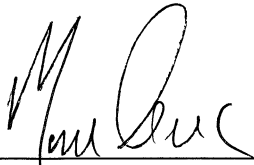
- The next Regular Board Meeting is on Friday, August 21, 2015 at 9:00 a.m.

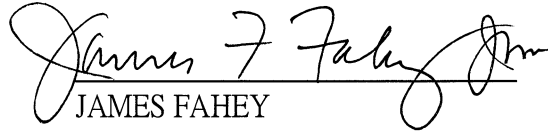
**ADJOURNMENT.**

**BOARD OF DIRECTORS REGULAR MEETING**

**JULY 24, 2015**

A motion was made by John Chaney and seconded by Michael Obrey to adjourn the meeting. It was carried unanimously. Meeting adjourned at 10:25 a.m.

  
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MARK CONKLING  
Secretary

  
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JAMES FAHEY  
CHAIRMAN

DATE APPROVED: 9/18/15