

SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY  
(SSCAFCA)  
MINUTES OF JULY 19, 2016  
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 8:57 a.m.

**ROLL CALL OF DIRECTORS.**

Directors in attendance were John Chaney, Mark Conkling, James Fahey, Steve House, and Michael Obrey. 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 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 JUNE 17, 2016.**

A motion was made by Steve House to approve the minutes of June 17, 2016 as presented. It was seconded by Michael Obrey and passed unanimously.

**PUBLIC FORUM.**

None.

**STAFF REPORTS.**

*Executive Engineer:*

1. Presentation on Quality of Life Masterplan Implementation (2011-2016).

Mr. Charles Thomas stated that there has been significant discussion on this Masterplan in the past. The Masterplan was developed in 2006 and there were several community meetings to incorporate public opinion within the document to define the vision of the Watershed Park. There were some limitations and priorities that were driving activities. SSCAFCA cannot finance or manage these quality of life facilities only. They must be compatible with the mission of protecting public property. One of the priorities is to encourage other agencies or entities to use the SSCAFCA land for multiple purposes. There were several planning concepts that were identified as possible areas for the joint use quality of life amenities, such as trails, wildlife corridors, disc golf courses, etc.

Mr. Thomas stated that the first element is right-of-way acquisition. Since 2011, SSCAFCA has had 2,027 acres of fee simple acquisition and 123 acres of drainage easement. This is key as trail connections were the top priority identified by the participants in the meeting. A majority of the property was added in the upper watersheds, and for key SSCAFCA facilities. Some of the accomplishments are Gateway Pond, and the Black Arroyo Wildlife Park.

Mr. Conkling stated that SSCAFCA acquired land in advance that developers would need to pay for later as easements were given over arroyo land that would be turned into developed property. It was a bank of pre-existing property for LEE lines and changing of arroyo flows. Mr. Chaney stated that it would trump the LEE line and was a transfer of that use to a park. The purchase of the property was justified because SSCAFCA will get paid back later.

Mr. Thomas stated that SSCAFCA has continued to work on that concept at that location and throughout its jurisdiction. One of the large facilities is the Lower Montoyas Water Quality Facility. There are no specific trail elements associated with this facility, but the goal was to accomplish flood control that fit into the local topography and community that lent itself to use as an open area. He stated that on the Black Arroyo Wildlife Park Area, SSCAFCA currently has funding for an additional trail extension to cross on the northern portion of the arroyo connecting with the trail on the east side of the arroyo. This will complete the trail loop around the system. Moving north along the Black Arroyo, where it splits into the Lisbon Channel, it has been encroached upon by development. Currently, there is no dedicated access into that arroyo for equipment. There is right-of-way at the top of the channel to put in an access road from Southern to Tarpon to allow heavy equipment to get in there to maintain the channel, as well as providing a pedestrian trail.

Mr. Thomas stated that the Bosque to Bernalillo project drains a commercial area at 528 and 550 into the Rio Grande. There is currently no flood control or water quality facilities on that arroyo. The project will stabilize the banks of the arroyo and provide a water quality facility that will double as an open space area. The Corrales Overlook Project is along the Dam 4 to 1 trail alignment

and incorporates an overlook with educational elements on flood control. The other project is the project in conjunction with CNM.

Mr. Thomas stated that there are still many things left to accomplish. SSCAFCA will continue acquisition of right-of-way. There are many facilities that still need property acquired, and there are areas that SSCAFCA does not have full access to. SSCAFCA also wants to continue construction of adaptive flood control facilities. Adaptive facilities would be resilient to climate change, and also adaptive to quality of life elements. Another item discussed in the committee was reintroducing the Quality of Life Master Plan to the currently elected officials because of the change in the elective bodies of Rio Rancho and Corrales to refresh it in the minds of the local community officials. New agreement templates could be created to encourage partnership with other governmental entities, or even developers. Another issue is to work on the zoning in Rio Rancho to encourage open space and adaptive flood control development.

Mr. Chaney stated that it might be helpful for staff to produce a map of all of the trails within SSCAFCA's jurisdiction. One of the goals was to tie in the trails as much as possible for the community wide trail system. Without a map showing them, it is difficult to show where SSCAFCA might be falling short. Mr. Thomas said that would be quite simple to do by merging the City's trail system with SSCAFCA's. Mr. Conkling stated that it might be helpful to have a standing committee to deal with Quality of Life issues that might come up. Mr. Metzgar stated that if a standing committee is set up, it should be done by resolution. It would need to be a subject on the Agenda to be voted upon. Mr. Conkling suggested talking about safety trails instead of just trails and are created to keep people out of the arroyos in furtherance of SSCAFCA's vision of public safety. Mr. Metzgar stated that they probably should not be called safety trails because of additional potential liability. SSCAFCA is a flood control agency and is not liable for somebody going into open space owned by SSCAFCA. Once you start making changes to the terrain, then you take on some obligation.

Mr. Thomas stated that the goal is to be safer. With the natural channels, the walls are very steep and they do not provide an escape route if you are in the arroyo in a flood event. Any time you are in an arroyo, you will be at risk if there is a flood event that comes down the arroyo. By providing elevated crossing structures, SSCAFCA is making crossing the arroyo safer. You must have a trail system to get people to the bridges in order to safely cross the arroyos. This helps to keep them out of the bottom of the arroyos. This is part of SSCAFCA's vision to keep the public safe. Mr. Thomas stated that the opportunity to partner with the local jurisdictions on these also helps to reduce SSCAFCA's annual operation and maintenance expense because they can accomplish the goals far cheaper than SSCAFCA can.

2. Update on Montoyas Arroyo Bank Stabilization Project.

Mr. Charles Thomas introduced Andres Sanchez for this update. Mr. Andres Sanchez stated that this project is now complete. He showed before and after photos of the project to the Board. The concrete goes seven feet below grade. The vertical edge of the arroyo was 18 inches from one privately owned property when SSCAFCA went in and did the project. The entire slope from the grade break down is the Armormax product which is a geosynthetic product that anchors into the soil. The cost of this project was around \$285,000. Mr. Thomas stated that the design was completed in-house which was another cost saving.

3. Update on Work Study on Bond Election.

Mr. Charles Thomas stated that a bond election work study was held on July 14th and the goal was to go over the various elements of the upcoming bond election. The first element was the finance plan done by Eric Harrigan with RBC Capital Markets. The second was a presentation on the bond resolution and associated question by attorney Art Melendres with Modrall, Sperling. The third was on the voter education and outreach program by Mario Sanchez with CWA Strategic.

Mr. Thomas stated that the finance plan is a \$21 million bond election. The bond sales would occur every other year bi-annually starting in 2017 through 2025. The amounts would vary, starting out at about \$1.5 million and proceed to \$6 / \$6.5 million toward the end. The assessed value growth over that period is expected to go from 2% to 3½%. This is a fairly conservative approach. The interest rates proposed were higher than what is anticipated will actually be seen. There is no tax increase that will be seen as part of this bond election. There are several options to delay or reduce bond sales to ensure that there is no tax increase. However, this does not apply to any increase that might be seen in property taxes that is from normal property value increase. However, there would be no increase in tax rate on the debt service sale of bonds.

Mr. Thomas stated that they discussed the language in the bond resolution. The recommendation was to simplify the bond question language. This would increase the ease of understanding of the voter and would also reduce the impact of voter fatigue. The bonds are on a presidential election ballot and will be at the bottom of the ballot. A lengthy question could dissuade voters. The question will be incorporated into the bond resolution itself. The recommendation on quality of life and water park questions was that the best place for them might be to include those concepts and goals in the bond resolution itself as opposed to the ballot question. Mr. Melendres had some reservations about straying too far from the flood control statute authority language, particularly with regard to quality of life issues.

Mr. Thomas stated that the goal on the voter education and outreach is to educate voters on SSCAFCA projects, who SSCAFCA is, and why SSCAFCA is important. The benefits of SSCAFCA are key to education. The second goal is to increase voter turnout. The next goal is to develop a branding identity for the program. It needs to be a simple message, both visually and in terms of materials. Every voter will be assailed by voting material, so the message needs to be simple to be able to stick in the voter's brief attention span. There is a 10% - 20% drop off in voting as people go down the ballot. Mr. Thomas stated that some of the other elements in the contract are development of materials for distribution, including a tri-fold brochure and a four page newspaper pullout. Also, voter outreach activities such as direct mail, absentee chase, which is where anybody who picks up an absentee ballot, then SSCAFCA can send them a reminder to fill out their ballot. The newspaper pullout has not been designed yet, but it would be an opportunity to delve into any aspects to emphasize as part of the election. There would also be an auto-dial included in the contract. There is a lot of concern over the auto-dial concept, but it has been proven to be effective. The idea is to find a member of the community to do part of that messaging. Electronic billboards are in vogue and there are several in the community. It is an opportunity to get a variable message that can be changed and shown at different times. This helps to reach the voter's eyes. There is also an opportunity to use cell phones to identify when an owner gets within a certain distance of a voting center, there are apps that will provide pop-up messaging services as part of the app. One of the other tasks is to develop presentation materials for public meetings for face to face presentations with voters throughout the jurisdiction. The difficulty with the Facebook and LinkedIn pages are that somebody needs to physically check the messages. The other options don't require somebody to monitor a response message. Links can be put on the pages where if people seek it out they can click on them. Mr. Metzgar stated that Board members can tell people what they are doing, but that they should not specifically say, "Vote yes," unless our present bond attorneys say it is alright to do so. There could be an independent PAC created that would support the bonds. Traditionally with other elections, there have been PACs that have been formed by the consulting community to support those bond elections. There are some other general obligation bonds for the City, for the Rio Rancho Public Schools, and there might be others out there. SSCAFCA will be near the bottom. The position is set by the Sandoval County Clerk.

Mr. Steve House left the meeting at 9:55 a.m.

4. Action/Approval of Memorandum of Agreement (MOA) for the Establishment of Operations of the Mid-Region Metropolitan Planning Organization (MRMPO).

Mr. Charles Thomas stated that the Memorandum of Agreement is submitted for approval by all of the members of the MRMPO. It is required as part of the by-laws and statute that

control the operation of the MRMPO under Section 3. The method of approval is left up to each organization, so this is a basic MOA that has been reviewed by legal counsel and is an approval that allows the MRMPO to operate and coordinate with the Federal Highway Administration. This is not renewed every year, but it is a standard renewal. This agreement does not cost anything, but the membership within the organization does require a membership fee. The annual membership cost is \$10,000.

A motion was made by Michael Obrey to approve the Memorandum of Agreement as presented. It was seconded by Mark Conkling. Roll call vote: John Chaney, yes; Mark Conkling, yes; Jim Fahey, yes; Michael Obrey, yes. The motion passed 4-0.

Mr. Bernard Metzgar left the meeting at 10:25 a.m.

5. Recognition of Service - Wendi Fox.

Mr. Charles Thomas stated that Wendi Fox was unable to join SSCAFCA today as she had jury duty. He stated that this was a new area for SSCAFCA in terms of interns. A lot of historical interns had been high school age, but there were limits on activities they could be involved in. SSCAFCA has engaged older interns recently, and Ms. Fox was one of those. He stated that she did a rendering for the Corrales Outlook Project that she worked on with our other intern, John Stomp, to develop the overlook. Ms. Fox assisted SSCAFCA on at least three projects on which it was submitting for grants on federal projects. Ms. Wendi Fox also helped on the Cactus Pond Project. She added the trail system and enhanced the vegetation look in the area. Wendi was also instrumental on the proposed alignment for the trail system on the CNM property. During her time here she completed her Master's Thesis with distinction from the Landscape Architecture School. Her project extended upstream from Sheriff's Posse Road to 528.

6. Development Review.

Mr. Charles Thomas stated that development itself has not been as high paced as in the past, but there are significant items on the review. He stated that the first item is continued development of the Hawk Site property developed by AMREP. They are moving forward with construction plans to build homes that has been approved. At the corner of Idalia and 528 there is a key commercial development property and it is in the drainage plan development phase. SSCAFCA has given comments as part of the City Development Review process and it is currently not approved by either SSCAFCA or the City of Rio Rancho.

Mr. Thomas stated that the High Range Subdivision Unit 4 is preparing for construction, but there are significant issues that the developer must address and it is not approved at this time. SSCAFCA had significant drainage concerns on this, but the property will be the City's responsibility.

Mr. Thomas stated that the Living Word Church is on the bank of the Montoyas Arroyo just upstream of Unser Boulevard. The property has been impacted by the past two storm events and has lost significant property. The Church has talked with an engineer to develop a bank stabilization plan, and both SSCAFCA and the City have reviewed it. The plan still has significant issues to address, and comments have been provided to the engineer. The property owner is building the improvements, not SSCAFCA. Once the stabilization is in effect, it will impact where the LEE line is located.

Mr. Thomas stated that just to the north is a large state land office parcel that incorporates Cleveland High School and is called the Paseo Gateway Development. This is similar to the Edinburg Development in that there is a large amount of property and there is no single developer that will develop it. SSCAFCA was instrumental with Edinburg in developing an agreement with all of the entities and the City where the regional drainage improvements were essentially parceled out among all the developers where each will have responsibility for part of the drainage. There are some basic regional flood control facilities that will be required. In these situations, there can be multiple solutions to a problem as each individual developer submits its drainage plan.

Mr. Thomas stated that there are two plats that are going in front of the City, one for Saratoga Pond and the other for Black Arroyo Wildlife Park. Both of them are summary plats that incorporate the last piece of property needed for the Saratoga Dam and Lomitas Negras facility. Both have been approved for submission to Planning and Zoning at this time. He stated that one of the primary concerns on the Saratoga project by FEMA was the environmental clearance, in particular the permitting requirements from the Corps. FEMA delayed on issuing an award on that because they weren't sure what position the Corps would take, either issuing a regional permit or issuing an individual permit. FEMA did not want to move forward if there was any chance of receiving an individual permit for this project. The Corps gave a formal determination that this project would be covered under a regional permit and it is now moving forward.

Mr. Thomas stated that the final item is a small development in the Vista Montebella Subdivision. The drainage plan report has been approved, but this is an opportunity to work in a different fashion with the community. One of the elements required on a local independent development is a water quality control feature of some sort. However, it is contingent on the user of the facility in order for them to function correctly and very frequently they are not maintained so the intent is negated. This facility will connect directly to the Gateway Pond, so there is an opportunity

to allow that to be used as the water quality facility for this development. This removes the requirement to have the water quality facility onsite and incorporates long term maintenance of the facility.

***Fiscal Services Director:***

1. Recognition/Acknowledgment of the Fiscal Services report for June 30, 2016.

Ms. Deborah Casaus stated that the Fiscal Services Report for June 30, 2016 is in the Board's packets. Property tax revenue for fiscal year 2016 came in .5% higher than projected. General fund expenditures through June 30 are at about 52.8%, but if you account for the large storm cleanout it is closer to 56%. The City of Rio Rancho is at 78 single family residential permits issued for June which puts it at 327 permits for the calendar year 2016. The Board's packets contain a map that shows the concentration of where the building is occurring. Interest earned on the State Treasurer's funds was at a rate of .391% for the month of June.

The Fiscal Services Report for June 30, 2016 was recognized and acknowledged by the Board.

2. Action/Approval of Resolution 2016-8 Budget for Fiscal Year Ending June 30, 2017 (FY 2017).

Ms. Deborah Casaus stated that Resolution 2016-8 is the Budget for Fiscal Year Ending June 30, 2017. There are not a lot of changes from the preliminary budget. SSCAFCA is required to approve this budget and submit it to DFA no later than July 31, 2016. One major change is that property tax revenue came in a little higher than projected. It was accounted for by putting about \$60,000 into sediment removal for a one time expenditure in case there is additional cleanout needed somewhere. Also, staff put in \$100,000 into improvements into the general fund.

A motion was made by John Chaney to approve Resolution 2016-8 as presented. It was seconded by Michael Obrey. Roll call vote: John Chaney, yes; Mark Conkling, yes; Jim Fahey, yes; Michael Obrey, yes. The motion passed 4-0.

3. Action/Approval of Resolution 2016-9 Ad Valorem Tax Levy for Tax Year 2016 (Fiscal Year 2017) Applicable to General Operating Fund.



Ms. Deborah Casaus stated that Resolution 2016-9 is the ad valorem tax levy for tax year 2016 (fiscal year 2017) applicable to general operating fund. They are not asking for any change in the mil levy for the operating fund. The tax rate is holding steady at .828%. However, SSCAFCA has no control over yield control.

A motion was made by John Chaney to approve Resolution 2016-9 as presented. It was seconded by Michael Obrey. Roll call vote: John Chaney, yes; Mark Conkling, yes; Jim Fahey, yes; Michael Obrey, yes. The motion passed 4-0.

4. Action/Approval of Resolution 2016-10 Ad Valorem Tax Levy for Tax Year 2016 (Fiscal Year 2017) Applicable to Debt Service Fund.

Ms. Deborah Casaus stated that Resolution 2016-10 is the ad valorem tax levy for tax year 2015 (fiscal year 2016) applicable to the debt service fund. There is no change in the tax rate of 1.248%.

A motion was made by John Chaney to approve Resolution 2016-10 as presented. It was seconded by Michael Obrey. Roll call vote: John Chaney, yes; Mark Conkling, yes; Jim Fahey, yes; Michael Obrey, yes. The motion passed 4-0.

5. Action/Approval of Resolution 2016-11 Final Quarter Financial Report for Year Ending June 30, 2016.

Ms. Deborah Casaus stated that Resolution 2016-11 is the final quarter financial report for year ending June 30, 2016. SSCAFCA is required by the DFA to file quarterly reports. This is the final quarterly report for the year.

A motion was made by John Chaney to approve Resolution 2016-11 as presented. It was seconded by Michael Obrey. Roll call vote: John Chaney, yes; Mark Conkling, yes; Jim Fahey, yes; Michael Obrey, yes. The motion passed 4-0.

6. Action/Approval of Selection/Agreement for General Counsel/Legal Services.

Ms. Deborah Casaus stated that the contract with Crowley & Gribble was up for renewal. An RFP was issued for general counsel legal services.

Mr. Charles Thomas stated that in response to the RFP, there were four responses received. All of them were deemed compliant for the required elements and were evaluated. At this point, there are no agreements in place and staff is seeking approval from the Board for the selection of legal counsel services for the next year. At this time, staff recommends the selection of two firms to move forward. The RFP is set up as an on-call as needed basis so there is no financial obligation to either firm. The two firms are Crowley & Gribble, P.C. with Mr. Metzgar for service, and adding Cuddy & McCarthy. Interviews were done with the top two candidates of the three other submittals to identify who would be the primary representative and discuss in further detail the services that would be provided. Cuddy & McCarthy would complement current legal counsel's services, particularly as SSCAFCA gets into other services of licensure and agreements. Having a second firm on-call to use would allow SSCAFCA to take advantage of other services, similar to engineering on-call services. The hourly rates proposed from Cuddy & McCarthy for principals vary from \$205 to \$225 per hour. The hourly rates proposed from Crowley & Gribble is \$160 per hour. There are other billing rates associated with paralegals and assistants. Mr. Conkling stated that it makes sense to have an on call firm as backup.

A motion was made by Mark Conkling to approve the acceptance of Crowley & Gribble, P.C. and Cuddy & McCarthy as general counsel/legal services for SSCAFCA. It was seconded by Michael Obrey. Roll call vote: John Chaney, yes; Mark Conkling, yes; Jim Fahey, yes; Michael Obrey, yes. The motion passed 4-0.

7. Action/Approval of contract renewal with CWA Strategic Communications for Marketing & Public Outreach Professional Services with revisions requested by the New Mexico Department of Homeland Security and Emergency Management (NMDHSEM).

Ms. Deborah Casaus stated that the contract renewal with CWA Strategic Communications for Marketing & Public Outreach Professional Services with revisions requested by the New Mexico Department of Homeland Security and Emergency Management (NMDHSEM) is up for renewal.

Mr. Charles Thomas stated that SSCAFCA entered into this contract last year after receiving the arroyo safety grant. This is funds that will be used to develop outreach and education materials for arroyo safety. In between the time that the contract was issued last year and this year, the firm switched its name. This required the issuance of a new federal identification number for the grant. Additionally, there were a few changes within the contract itself. The amount was changed to accurately reflect the proposed budget. In the original contract the amount of the award proposed, was \$166,571. The budget came in at \$166,559.38. The term of agreement was changed to extend

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out only to the term of the grant agreement itself, which is August 28, 2017. Before that, it was the traditional language that was renewable on a yearly basis for up to four years.

A motion was made by Mark Conkling to approve the changes to the contract renewal with CWA Strategic Communications for Marketing & Public Outreach Professional Services with revisions requested by the New Mexico Department of Homeland Security and Emergency Management (NMDHSEM) . It was seconded by Michael Obrey. Roll call vote: John Chaney, yes; Mark Conkling, yes; Jim Fahey, yes; Michael Obrey, yes. The motion passed 4-0.

**OTHER COMMITTEE REPORTS.**

None.

**ATTORNEY’S REPORT.**

None.

**CHAIRMAN’S REPORT.**

None.

**BOARD OF DIRECTOR’S COMMENTS.**

There was discussion regarding moving the next Board meeting to either August 12, 2016 or August 26, 2016.

**PROPERTY MATTERS.**

None.

**FOR YOUR INFORMATION.**

1. Corrales Comment, “Corrales Arroyo Work Model for the SW”, (06/15/2016).
2. Rio Rancho Observer article, “Dam will let CNM expand, protect downstream areas,” (07/02/2016).

**OTHER BUSINESS.**

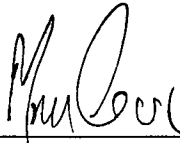
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- Next Regular Board Meeting is on Friday, August 19, 2016 at 9:00 a.m.

**ADJOURNMENT.**

A motion was made by John Chaney and seconded by Mark Conkling to adjourn the meeting. It was carried unanimously. Meeting adjourned at 11:24 a.m.



MARK CONKLING  
Secretary

  
JAMES FAHEY  
CHAIRMAN

DATE APPROVED: 8/19/16