SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY (SSCAFCA)
MINUTES OF JANUARY 15, 2002
BOARD OF DIRECTORS REGULAR MEETING

CALL TO ORDER.

The regular meeting of the SSCAFCA Board of Directors was called to order by Dub Yarbrough, Chairman, at 1:15 p.m.

PLEDGE OF ALLEGIANCE.

The Board was led in the Pledge of Allegiance by Dub Yarbrough.

ROLL CALL OF DIRECTORS.

Directors in attendance were Mark Conkling, Richard Deubel, Guy McDowell, and Dub Yarbrough. John Chaney was noted as absent. Staff members present were David Stoliker, Executive Director, Bob Foglesong, Perry Baird and Laura Davis. Bernard Metzgar, SCAFCA’s attorney and members of the public were also present.

APPROVAL OF AGENDA.

A motion was made by Richard Deubel to approve the Agenda as presented. It was seconded by Mark Conkling and passed unanimously.

ELECTION OF OFFICERS.

1. Chairperson of the Board of Directors/President of the Authority.

Richard Deubel nominated Dub Yarbrough to continue as SCAFCA’s Chairperson and President. It was seconded by Guy McDowell. There were no further nominations. All voted in favor of Mr. Yarbrough.

2. Chairperson Pro Tem of the Board of Directors/President Pro Tem of the Authority.

Dub Yarbrough nominated John Chaney to continue as SCAFCA’s Chairperson Pro Tem and President Pro Tem. It was seconded by Guy McDowell. There were no further nominations. All voted in favor of Mr. Chaney.

3. Secretary.
Mark Conkling nominated Richard Deubel as Secretary of SSCAFCA. It was seconded by Guy McDowell. There were no further nominations. All voted in favor of Mr. Deubel.

4. Treasurer.

Richard Deubel nominated Mark Conkling as Treasurer of SSCAFCA. It was seconded by Guy McDowell. There were no further nominations. All voted in favor of Mr. Conkling.

Mr. Yarbrough announced the above officers of SSCAFCA for the year 2002.

CONSENT AGENDA.


A motion was made by Mark Conkling to approve the minutes of December 11, 2001. It was seconded by Richard Deubel and passed unanimously.


Mr. Yarbrough stated that according to prior minutes there was supposed to be a report on the Lafferty matter in Corrales. The Board had asked Mr. Stoliker to determine, based on the report received from the engineer, whose responsibility it would be to fix the problem. The engineer states in his report, “the primary runoff appears to be generated by development on Lot 15 with some additional contribution from the bar ditches on both the north and south side of Tierra Encantada.” There is no clear assignment of responsibility for the fix. SSCAFCA can do the necessary repairs from the $50,000.00 allocated local funds to the Village of Corrales. However, the money is not an outright grant and must be matched by the Village. Mr. Stoliker stated that if a very elaborate drainage system were put in, it would cost around $35,000.00. Mr. Harrison, the engineer, proposed a very simplistic system that will function very nicely, which is estimated to cost around $12,000.00 to $15,000.00.

Mr. Deubel stated that he is concerned spending SSCAFCA money and/or Corrales matching grant money to fix a problem that might possibly be the contractor’s fault. Mr. Stoliker stated that nobody did anything wrong with this pipeline project. SSCAFCA did not design in the improvements when the pipeline project was put in but it was decided at that time that this was going to be looked at in the future. He stated that the homeowner dropped their foundation by about six feet, which precipitated the problem. Mr. Metzgar stated that
Corrales would have approved the subdivision and building plans since SSCAFCA only approves subdivisions that affect one of the major arroyos. The Memorandum of Understanding was to let the local governments act as SSCAFCA’s agent when it came to local flood control. Given that, Mr. Deubel stated that the cost of improvement should come directly out of Corrales’ allocated funds.

A motion was made by Mark Conkling to proceed with the repairs as recommended by the engineer on Tierra Encantada with funds allocated to Corrales. It was seconded by Richard Deubel and passed unanimously.

A motion was made by Richard Deubel to approve the minutes of December 18, 2001. It was seconded by Mark Conkling and passed unanimously.


A motion was made by Mark Conkling to approve the Treasurer’s Report dated 12/31/01 as presented. It was seconded by Richard Deubel and passed unanimously.

BOND ELECTION.

a. Discussion of Finances in Support of the Bond Election.

Mr. Kevin Powers, of Dain Rauscher, SSCAFCA’s financial advisor, stated that SSCAFCA’s election resolution calls for a bond election later in the year. In support of that, he is here to give an update as to finances and other factors involved. The amount of the bond is $5 million and he anticipates that it will be sold over a period of time with bond sales roughly two years apart. The first installment will be sold in either late 2002 or early 2003; the second installment would be sold some time in the early part of 2005, which would then suggest that another bond election be held in August 2006. The tax rate currently established by SSCAFCA is .87 mills for debt service purposes.

He stated that the $5 million amount assumes some fairly decent growth rates in assessed valuation. In the event those growth rates don’t occur, it may be necessary to cut back the size of the bond sales, perhaps in the second sale. In the event that SSCAFCA cannot sell the $5 million in this four-year time period, it can carry that authorization over to the next election cycle and sell it at a later date. The growth in assessed valuation and the interest rates in the market place are going to have an impact on whether or not all $5 million
can be sold in the four year time period. He has used a 10% growth rate in re-appraisal years and 7% in non re-appraisal years. These figures are supported by historical growth rates.

Mr. Powers stated that the bonds issued in 2003 would be repaid between 2003 and 2015. The bonds issued in 2005 would be repaid between 2005 and 2017. Debt is not being extended very far. He stated that construction inflation would add more to the cost of a project over the years than interest paid on the bonds. Mr. Powers stated that the plan allows for all the variables while keeping the tax rate constant, which makes the voters happy. The reserve levels right now are healthy and there is no need to purposely cut into them, unless there was a downturn in revenue.

b. **Action/Approval of Resolution 2002-5, 2002 Bond Election.**

Mr. Bob Strumor, SSCAFCA’s Bond Attorney, stated that he has prepared the formal bond election resolution, which calls for the election to be held on August 27, 2002.

A motion was made by Mark Conkling to approve Resolution 2002-5, 2002 Bond Election as presented. It was seconded by Richard Deubel. Roll call vote: Mark Conkling, yes; Richard Deubel, yes; Guy McDowell, yes; Dub Yarbrough, yes. The motion passed 4-0.

c. **Action/Approval of the Bond Election Project List.**

Mr. Stoliker referred the Board to the enclosed Drainage Needs List Chart showing current and anticipated funding, proposed or approved projects with identified funding and a schedule for completion or use of the funds. The current funds from previous bond sales are approximately $2.16 million. All funds are allocated on the chart. Mr. Stoliker briefly reviewed the chart with the Board.

Mr. Stoliker referred to the Drainage Needs List Chart and stated that the first issue in the brown section is shown as $1.5 million for the Lisbon Channel, from Southern to Arkansas. This has already been designed by Easterling & Associates. This project is now a high priority.

Mr. Yarbrough stated that there is a pond on 19th street that is a retention pond. He stated that the pond is not adequate for the development in that area. He has authorized David Stoliker to look into buying the lot next to that pond so that it can be increased without condemnation of any land. Mr. Stoliker is looking into an appraisal and title search on that lot.
Mr. Stoliker stated that SSCAFCA has $250,000.00 in current funding to be spent on a drainage management plan for the Calabacillas Arroyo. Sandoval County has indicated that it would like a crossing of the Calabacillas on Northern to allow development to the west. Future bonds will address other improvements on the Calabacillas.

Mr. Stoliker stated that money allocated to the Black Arroyo DMP is to cover the work of Mr. Dodge. He stated that the Black’s Arroyo needs a dam at some point and he has picked Tulip Road, but it could be built anywhere within the jurisdiction.

Mr. Stoliker stated that Mr. Dodge has included Lisbon Channel, Arkansas to Tulip as part of his initial assessment of the DMP for Black Arroyo and has indicated that SSCAFCA needs to look north of Arkansas.

He stated that the next project listed is south of Southern where the Ivory and Lisbon channels come together. Mr. Dodge has indicated that some additional right of way acquisition needs to be done in that area. The Roskos Field Plat is also on the list, but is in the “cleanup” stage and should not require much work. The next projects listed are the Library and Eastlake pond designs. There is no money in the budget for construction of these ponds after 528 is done. The Board may want to look at shifting money for these projects. He will need approximately $200,000.00 to $300,000.00 to do them.

Mr. Stoliker stated that the completion of the Montoyas DMP is already under contract. The Montoyas dam site, which is the next big project in the plan, is listed at $425,000.00 for current funding, with another $500,000.00 to complete acquisition on that project. SSCAFCA has money to buy the right-of-way east of 528 in the overlay zone in the Lomitas Negras. There is also money for 528 to Saratoga to do some design work. The Barrancas Arroyo is the last DMP that needs to be completed. This will complete all of SSCAFCA’s planning effort for its entire jurisdiction.

Mr. Stoliker stated that the Unit 17 study is already under contract with Rio Rancho as a local government match. The Venada Arroyo is scheduled for a DMP. If the DMP is approved, other work will then be scheduled. He stated that SSCAFCA has been funding local government $50,000.00 annually; however, in SSCAFCA’s resolution, under item 5 of local government, it states, “funding assistance for local government for local drainage problems is limited to a maximum of 10% of any bond issue and is further restricted to fund availability and SSCAFCA Board availability.” If he changes the amount in local
government assistance from $800,000.00 to $500,000.00 (as it should be), that gives SSCAFCA the $300,000.00 for the Library pond.

Mr. Stoliker stated that he has prepared a bond election projects list which shows what the bond proceeds will be used for. SSCAFCA will prepare a brochure for the public with regard to its bond election. The language for the brochure, as suggested by Mr. Conkling, is to be changed to read, “creation of structures to protect homes in Rio Rancho and Corrales.” The brochure will also read, “to build more multi-use facilities like Roskos Field;” and will state that the total cost of this bond election is $5 million; and no tax rate increase. The brochure also lists the projects broken down into four basic watersheds and discusses the improvements to be made to each.

A motion was made by Richard Deubel to approve the bond election project list as presented. It was seconded by Mark Conkling and passed unanimously.

PUBLIC FORUM.

None.

CHAIRMAN’S REPORT.


1. 2002-1 Notice for Meetings.

Mr. Yarbrough stated that Resolution 2002-1 sets out SSCAFCA’s regular meeting dates and also provides for special meetings and emergency meetings.

A motion was made by Mark Conkling to approve Resolution 2002-1 as presented. It was seconded by Richard Deubel. Roll call vote: Mark Conkling, yes; Richard Deubel, yes; Guy McDowell, yes; Dub Yarbrough, yes. The motion passed 4-0.


Mr. Yarbrough stated that Resolution 2002-2 sets out the official newspapers of SSCAFCA as The Observer and The Albuquerque Journal.
A motion was made by Mark Conkling to approve Resolution 2002-2 as presented. It was seconded by Richard Deubel. Roll call vote: Mark Conkling, yes; Richard Deubel, yes; Guy McDowell, yes; Dub Yarbrough, yes. The motion passed 4-0.

c. Resolution 2002-3 Banking Designation.

Mr. Yarbrough stated that Resolution 2002-3 sets out who can sign checks for SSCAFCA.

A motion was made by Mark Conkling to approve Resolution 2002-3 as presented. It was seconded by Richard Deubel. Roll call vote: Mark Conkling, yes; Richard Deubel, yes; Guy McDowell, yes; Dub Yarbrough, yes. The motion passed 4-0.

d. Resolution 2002-4 Designation of Legal Holidays.

Mr. Yarbrough stated that Resolution 2002-4 sets forth SSCAFCA’s legal holidays. Mr. Yarbrough stated that SSCAFCA follows the same holiday schedule as state government, except for Martin Luther King Day, which is a floating holiday.

A motion was made by Mark Conkling to approve Resolution 2002-4 as presented. It was seconded by Richard Deubel. Roll call vote: Mark Conkling, yes; Richard Deubel, yes; Guy McDowell, yes; Dub Yarbrough, yes. The motion passed 4-0.

e. Discussion of Standing Executive Committee.

Mr. Yarbrough stated that SSCAFCA should have a standing Executive Committee. Mr. Metzgar stated that there are two standing committees right now, the Budget Committee and the Personnel Committee. All other committees are appointed by the chair, as they are needed. The reason a standing Executive Committee should be created is because there are decisions that must be made between board meetings and will take the decision making process off of the chairman only and place it on a committee.

A motion was made by Richard Deubel that a Standing Executive Committee resolution be drawn up which will show that the Committee consists of the Chairman, the Vice Chairman and the Executive Director and present it at the next meeting. It was seconded by Mark Conkling and passed unanimously.

f. Discussion of Pasco del Volcan.
Mr. Yarbrough stated that Paseo del Volcan comes from Albuquerque until about the middle of Rio Rancho and then turns east and goes through Enchanted Hills and intersects the old Highway 44. Mr. Stoliker stated that the Council of Governments (COG) is made up mostly of different municipalities of four counties: Torrance, Valencia, Bernalillo and Sandoval and is going to consider the extension of Paseo del Volcan at its next meeting. COG is set up to work out regional issues. It votes on things such as transportation improvement programs, allocation of water, etc. There are some groups who are opposed to the extension of Paseo del Volcan.

Mr. Stoliker stated that if federal dollars go into the project, the improvements on drainage that it will make in each of SSCAFCA’s arroyos would be far superior than any local project could accomplish. That will cut millions of dollars out of SSCAFCA’s anticipated expenditures. SSCAFCA is a member and he could go to the meeting and state that the drainage improvements, which would be done by the project, would relieve the taxpayers of similar improvements later and therefore vote in favor of it. The Board members indicated that they were in favor of that position.

BOARD OF DIRECTORS’ COMMENTS.

None.

ATTORNEY’S REPORT.

None.

EXECUTIVE DIRECTOR’S REPORT.

a. Action/Approval of the Venada Arroyo DMP Task Order.

Mr. Stoliker stated that SSCAFCA had this project in its budget last year and he is now bringing it to the Board for approval to do the study on the Venada Arroyo. There are two extra large developments that are being planned in this area, South Enchanted Hills and Mariposa. Preliminary discussions have taken place with regard to cost sharing this work with the Academy, who is developing Mariposa, and with AMREP, who is developing South Enchanted Hills.
Mr. Dodge introduced Pierce Runnels, who is the lead engineer for this job. Mr. Runnels stated that the scope of work will be to go through the existing hydrology to develop a cohesive model for the watershed as it exists today. He would then work on comprehensive hydrology incorporating proposed development plans, which would lead to a fully developed model. The main control of the system is the capacity of the crossing at 528. Most likely, this area will wind up with two dam sites to keep the flow at 528 within existing capacity. Part of this DMP is to analyze the lower stretch from 528 to the river.

Mr. Runnels stated that the facilities that they would initially propose would be based on full development. They will take existing platting and allocate a denser run-off to those to account for growth. Mr. Stoliker stated that it is SSCAFCA’s policy to design for ultimate development and that these plans need to be revisited every 5 - 10 years for consideration of actual new development. Mr. Stoliker stated that the task order will cost $150,600.00 initially, however, there could be testing or surveying that will be needed. That is the reason that $175,000.00 has been allocated for this DMP.

A motion was made by Mark Conkling to approve the Venada Arroyo DMP task order as presented. It was seconded by Richard Deubel and passed unanimously.

Mr. Yarbrough stated that SSCAFCA should look into trying to cost share the Venada Arroyo DMP with the Academy and AMREP. Mr. Deubel stated that it would be cheaper if all entities used the same information source.

b. **Discussion on Confidentiality/Identity Theft.**

Mr. Stoliker stated that he attended a meeting a few months ago held by the Secret Service. He would like direction from each Board member as to what information staff can give the public when they call. Each Board member indicated what information could be given to the public. General consensus was to keep the Board Member’s information confidential. Staff will take a message and contact the Board Member. The Board Member will then make contact.

d. **Action/Approval of the Joint Mapping Effort with Sandoval County and Rio Rancho.**

Mr. Stoliker stated that there is a joint project between Sandoval County, Rio Rancho and SSCAFCA to proceed with a mapping effort of all lands in SSCAFCA’s jurisdiction. It is a $317,000.00 project, with Rio Rancho putting in around $80,000.00, Sandoval County putting in over $100,000.00, and the remainder (up to $317,000.00) from SSCAFCA.
includes topographic and aerial photographic information for SSCAFCA’s entire jurisdiction. Once this information is developed, everyone would have access to it, including the public.

A motion was made by Mark Conkling to approve the joint mapping effort and the expenditure of funds, as presented. It was seconded by Richard Deubel and passed unanimously.

f. **Action/Approval for Payment Participation in the Ditch and Water Safety Task Force.**

Mr. Stoliker stated that this is a valuable educational program as far as staff is concerned. However, the Chairman has his reservations about it. Mr. Baird stated that SSCAFCA puts in up to $5,000.00 per year, with the task force having an operating budget of $50,000.00 per year. Mr. Foglesong stated that as of November, the task force has gone 47 consecutive months without a drowning in the ditches. Mr. Foglesong stated that approximately $17,000.00 is used by private enterprise and the other $33,000.00 goes to education and in trinkets and stickers to children.

A motion was made by Mark Conkling to approve SSCAFCA’s participation in the program. It was seconded by Guy McDowell. Roll call vote: Mark Conkling, yes; Richard Deubel, yes; Guy McDowell, yes; Dub Yarbrough, no. The motion passed 3-1.

Mark Conkling left the meeting at 4:10 p.m.

e. **Action/Approval of the Annual Report.**

A motion was made by Richard Deubel to approve the annual report. It was seconded by Dub Yarbrough and passed unanimously.

c. **Discussion on NPDES Phase II Requirements for Permitting.**

Mr. Yarbrough stated that this matter deals with the storm water quality that SSCAFCA discharges into the Rio Grande. Mr. Stoliker stated that Phase II storm water regulations have been approved by the federal government and will be imposed on local jurisdictions of greater than 1,000 population. The EPA is going to require SSCAFCA to obtain a permit. He contacted some EPA personnel out of Dallas and they think that it is so obvious that SSCAFCA meets the requirements, they believe that there is no reason for SSCAFCA to write a letter asking for confirmation that it is under the regulations.
Mr. Deubel stated that it is not SSCAFCA's mission to ensure the quality of the water and that SSCAFCA should wait until the Legislature makes changes to its statute. Mr. Metzgar stated that federal requirements override state statutes. However, he stated that if SSCAFCA has to devote the kind of money required to doing water quality, it won't be able to accomplish its mission of flood control, and the Legislature needs to know this so that it can appropriate money to help SSCAFCA to accomplish its mission. If SSCAFCA does nothing, the feds could fine it. Mr. Stoliker stated that there will be some seminars that will be informative that SSCAFCA personnel can attend, but he is not sure when they will be held. He estimates that he could spend approximately 40% of his time for the next year on this matter alone.

Mr. Stoliker stated that one of the best management practices that he learned at one seminar was education. SSCAFCA has implemented education into all of its projects. Mr. Stoliker stated that AMAFCA and the state ED just put out a bacterial source tracking RFP to find out which animal is producing the most waste.

Richard Deubel moved to table this matter until the Board has all members present. It was seconded by Guy McDowell and approved unanimously.

Mr. Yarbrough stated that rather than having a full time environmentalist, SSCAFCA could use a multi-talented person that could also do field work for Mr. Stoliker. Mr. Stoliker stated that a position was identified in SSCAFCA’s budget for either an environmental compliance specialist or an O & M manager. SSCAFCA has added facilities every year and needs somebody to oversee those facilities. Therefore, it is his desire to add a field person to oversee operations & maintenance. The environmental work can most likely be done with a side contract to an environmental firm. Mr. Yarbrough stated that if they brought somebody on board who was not strictly an environmentalist, Mr. Stoliker could then delegate some other type of work to him/her. General consensus was given to pursue a field person position.

FOR BOARD INFORMATION:

a. Venada Arroyo Maintenance Requirements.

Mr. Stoliker stated that the staff is still working on clearing the Venada outlet.

b. December 27, 2001 News Articles.
Mr. Stoliker stated that MRGCD is looking at fire reduction and trying to cut non-native species in the Rio Grande valley.

In the next year, SSCAFCA should be done with crisis management. When it is out of crisis management, the focus will become what needs to be done with regard to planning and the future. These articles in the Board packets discuss these matters.


Mr. Stoliker stated that he received a letter from Mayor Jennings asking for SSCAFCA’s help in purchasing some right-of-way as part of the Middle Venada arroyo project. The request came too late for SSCAFCA to help.

Mr. Stoliker reported the following:

d. The Engineering and Surveying RFP’s Have been Advertised. If one Board Member would like to serve on the Selection Advisory Committee, please contact staff.

e. No Bids Were Received for Parcels 5-3 & 5-4, Sagebrush Addition.

f. Addendum to the Corrales Far Northwest Sector Plan.

Mr. Stoliker stated that the addendum to the Corrales Far Northwest Sector Plan states that SSCAFCA owns the 17-foot wide concrete channel of the Dulcelina Curtis Channel, and that the Village owns the remainder of the 160-foot wide right-of-way. SSCAFCA believes it has an easement on the rest of it and Mr. Metzgar will pursue this matter with Jim Service to determine SSCAFCA’s rights in that area.

g. EDI Update: Advertisement on Building Begins on January 18, 2002.

Mr. Stoliker stated that staff is getting ready to advertise for this now. He met with John Campbell this morning, who indicated that the design got an A as far as he was concerned. The specifications would get a C if he were to rank them. Mr. Campbell thought it was a very good design and very energy efficient. It cost SSCAFCA $496.00 to have Mr. Campbell review the design and specifications. All comments were transmitted to EDI.

h. Jerome Rael’s Deadline has Passed Without Response.
BOARD OF DIRECTORS REGULAR MEETING

JANUARY 15, 2002

Mr. Stoliker stated that the deadline for Mr. Rael to respond to SSCAFCA’s offer on his adjoining property has passed. Mr. Yarbrough stated that he would like to consider fencing off that property because Mr. Rael is using the property and will continue to do so until SSCAFCA does something. Mr. Stoliker stated that there is an RFP out for fencing and as soon as an entity is selected, that property will be a priority.

i. Breakfast Meeting Scheduled on February 9, 2002 at a Location Still to be Determined Regarding the Rain Gauge Installation.

Mr. Stoliker stated that as part of SSCAFCA’s rain gauge grant, a meeting has to be held with all the volunteers to get them to sign off on right of access and also to train them. He will have a breakfast meeting to do this. Mr. Metzgar stated that this is a proper expenditure to get volunteer help.

j. Correspondence on Tierra Encantada Local Drainage.

Mr. Stoliker stated that correspondence to Mr. and Mrs. Lafferty on this issue is contained in the Board packets.

k. SSCAFCA Policy for Permanent Filing & Access/Retrieval of Approved Reports.

Mr. Stoliker stated that he has written up a policy for filing and retrieving reports, which is contained in the Board packets.

l. Letter Regarding Mariposa Annexation and Zone Change Request.

Mr. Stoliker stated that a letter to the City of Rio Rancho is contained in the Board packets for information.

OTHER BUSINESS.

Mr. Yarbrough stated that Jim Service has been hired to define the areas in Corrales that were removed from the flood plain. The public is not aware of this information and he believes it would be a good item for SSCAFCA’s web site. Right now, the average savings per dwelling unit amounts to $862.00 per year by not being in a flood plain, or $243,946.00
for the entire area that was removed. Mr. Stoliker stated that there was an article in the paper about this, but there were no dollar amounts contained in the article. Mr. Deubel stated that these figures should also go into SSCAFCA’s bond pamphlet.

Mr. Yarbrough stated that SSCAFCA can make the claim that, right now, in a 100-year event, there is no uncontrolled water going to the Village of Corrales from the City of Rio Rancho, which is a big accomplishment. Any flooding now in Corrales is local.

Mr. Stoliker stated that Dam 1 cost $2 million; Dam 4 to 1 cost $3 million, and other costs were $2 million. The total was $6 million to do all of it.

Mr. Stoliker stated that within the next two years, SSCAFCA should look at converting its private contract for O & M into its own staff responsibility. He stated that when SSCAFCA signs off on maintenance on Enchanted Hills, the need for a full time O & M staff will be here.

**ADJOURNMENT.**

A motion was made by Richard Deubel and seconded by Guy McDowell to adjourn the meeting. It was carried unanimously. Meeting adjourned at 5:10 p.m.

WM. C. YARBROUGH
Chairman

RICHARD DEUBEL
Secretary

DATE APPROVED:

(EMAR02)