

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
(SSCAFCA)
MINUTES OF JANUARY 2, 2003
BOARD OF DIRECTORS SPECIAL ORGANIZATIONAL MEETING**

CALL TO ORDER.

The regular meeting of the SSCAFCA Board of Directors was called to order by Dub Yarbrough, Chairman, at 1:09 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 John Chaney, Mark Conkling, Richard Deubel, and Dub Yarbrough. Staff members present were David Stoliker, Executive Director, Bob Fogelsong, Perry Baird and Laura Davis. Bernard Metzgar, SSCAFCA 's attorney, and members of the public were also present.

Mr. Yarbrough stated that a change needed to be made in the Agenda to move Item VI between Items III and IV.

SWEARING IN OF NEWLY ELECTED BOARD MEMBER.

Donald A. Rudy was sworn in by the Honorable Louis P. McDonald, District Judge, as SSCAFCA 's newly elected Board Member. The Oath of Office was signed.

APPROVAL OF AGENDA.

A motion was made by John Chaney to approve the Agenda as amended. It was seconded by Mark Conkling and passed unanimously.

ANNOUNCEMENTS.

Announcements were made by Dub Yarbrough that all electronic devices needed to be turned off during the meeting and that the microphones are voice activated.

ELECTION OF OFFICERS.

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

Mark Conkling nominated Dub Yarbrough to continue as SSCAFCA ' s Chairperson and President. It was seconded by John Chaney. 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 SSCAFCA ' s Chairperson Pro Tem and President Pro Tem. It was seconded by Mark Conkling. There were no further nominations. All voted in favor of Mr. Chaney.

3. Treasurer.

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

4. Secretary.

John Chaney nominated Richard Deubel as Secretary of SSCAFCA. It was seconded by Dub Yarbrough. There were no further nominations. All voted in favor of Mr. Deubel.

Mr. Yarbrough announced the above officers of SSCAFCA for the year 2003.

PUBLIC FORUM.

None.

RESOLUTIONS FOR APPROVAL.

1. Resolution 2003-1, Notice for Meetings.

Mr. Yarbrough stated that Resolution 2003-1 sets out SSCAFCA ' s regular meeting dates and also provides for special meetings and emergency meetings.

A motion was made by Richard Deubel to approve Resolution 2003-1 as presented. It was seconded by John Chaney. Roll call vote: John Chaney, yes; Mark Conkling, yes; Richard Deubel, yes; Donald Rudy, yes; Dub Yarbrough, yes. The motion passed 5-0.

2. Resolution 2003-2, Designation of Official Newspaper.

Mr. Yarbrough stated that Resolution 2003-2 sets out the official newspapers of SSCAFCA as The Observer and The Albuquerque Journal. A discussion was held with regard to which newspapers should be listed as SSCAFCA ' s main newspaper and also to add the Corrales Comment as one of SSCAFCA ' s newspapers. Mr. Metzgar stated that, under the statute, it would have to be The Observer as SSCAFCA ' s official newspaper

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and the other two newspapers would be additional publications, even though they would not be the official newspapers.

A motion was made by John Chaney to approve Resolution 2003-2 as presented. It was seconded by Mark Conkling. Roll call vote: John Chaney, yes; Mark Conkling, yes; Richard Deubel, yes; Donald Rudy, yes; Dub Yarbrough, yes. The motion passed 5-0.

A motion was made by Mark Conkling to add the Corrales Comment as an additional newspaper of SSCAFCA for official publications of SSCAFCA. It was seconded by John Chaney and passed unanimously.

3. Resolution 2003-3, Banking Designation.

Mr. Yarbrough stated that Resolution 2003-3 sets out who can sign checks for SSCAFCA.

A motion was made by John Chaney to approve Resolution 2003-3 as presented. It was seconded by Donald Rudy. Roll call vote: John Chaney, yes; Mark Conkling, yes; Richard Deubel, yes; Donald Rudy, yes; Dub Yarbrough, yes. The motion passed 5-0.

A discussion was held with regard to the title of the Resolution. A motion was made by Richard Deubel to change the name of the Resolution to "Banking Signature Designation." It was seconded by Mark Conkling. Roll call vote: John Chaney, yes; Mark Conkling, yes; Richard Deubel, yes; Donald Rudy, yes; Dub Yarbrough, yes. The motion passed 5-0.

4. Resolution 2003-4, Designation of Legal Holidays.

Mr. Yarbrough stated that Resolution 2003-4 sets forth SSCAFCA's legal holidays. He stated that the Personnel Committee has discussed this resolution at length. The Personnel Committee recommends that Martin Luther King Jr. Day, rather than being a floating holiday, be observed on January 20, 2003, which is the official day. He stated that President's Day will be observed on Friday, the day after Thanksgiving. All other days would remain the same, except that Christmas Eve should not be a paid holiday.

Mark Conkling stated that Bernalillo County, the City of Rio Rancho, and the Town of Bernalillo give Christmas Eve as a holiday. Mr. Yarbrough stated that until 2001, Christmas Eve was not a paid holiday for SSCAFCA. Mr. Metzgar stated that he went through SSCAFCA's minutes to check when Christmas Eve was added as a holiday. In 2001, he addressed the Resolution stating to the Board that there were no changes to the prior years' Resolution and that it was the same as the holidays observed by state government. However, Christmas Eve was added to that Resolution for the first time and

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he failed to see it or advise the Board of the addition. The Personnel Policy states that the staff shall have ten holidays, which includes every holiday listed on the Resolution, with the exception of Christmas Eve. Bernalillo County, for instance, takes away Columbus Day in order to give Christmas Eve as a holiday, so an additional holiday has not been added for Bernalillo County. Most entities that give December 24th as a holiday have substituted that day for another state holiday.

Mr. Stoliker stated that he is concerned about taking Martin Luther King Jr. Day from being a floating holiday. He stated that he thought that they were not allowed to have vacation days when the State Legislature is in session and that particular Monday is the day before SSCAFCA 's regular board meeting.

A motion was made by John Chaney to approve Resolution 2003-4 as written, without the changes discussed. It was seconded by Mark Conkling. Roll call vote: John Chaney, yes; Mark Conkling, yes; Richard Deubel, no; Donald Rudy, yes; Dub Yarbrough, no. The motion passed 3-2.

ASSIGNMENT OF COMMITTEE MEMBERSHIP BY THE CHAIRMAN.

1. Budget Committee.

Mr. Yarbrough appointed the Budget Committee consisting of Mark Conkling, Donald Rudy and David Stoliker.

2. Personnel Committee.

Mr. Yarbrough appointed the Personnel Committee consisting of Dub Yarbrough, Richard Deubel, Bernard P. Metzgar and David Stoliker.

3. Executive Committee.

Mr. Yarbrough appointed the Executive Committee consisting of John Chaney, Dub Yarbrough and David Stoliker.

NOVEMBER 19, 2002 REGULAR MEETING MINUTES.

Mr. Deubel stated that there are a couple of statements that were attributed to Mr. Conkling in the November 19, 2002 regular meeting minutes, but they were actually made by him. Page 4 and page 12 should be changed to reflect this correction.

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A motion was made by Richard Deubel to approve the November 19, 2002 Regular Meeting Minutes as corrected. It was seconded by Mark Conkling and passed unanimously.

TREASURER ' S REPORT FOR DECEMBER 2002.

A motion was made by Mark Conkling to approve the Treasurer ' s Report for December 2002 as presented. It was seconded by Richard Deubel and passed unanimously.

PUBLIC FORUM.

None.

BOARD OF DIRECTORS ' COMMENTS.

Mr. Chaney stated that he would like to have a retreat in April 2003 so the Board can discuss a vision for the new year and an expanded vision for SSCAFCA. This is based on what the Board has been presented with regard to the Indian Bend Wash project in Scottsdale, and additional engineering comments that occurred two meetings ago. Mr. Yarbrough stated that the Village of Corrales holds ' ' working sessions ' ' where they don ' t take any official votes or action. Mr. Chaney stated he would like to have a working session at the SSCAFCA offices, which would be the most economical. Mr. Metzgar stated that anytime there is going to be a quorum present, it is something that needs to be advertised. It would have to be done under the special meeting requirements of posting. A working session to discuss SSCAFCA ' s vision was scheduled for April 22, 2003.

CHAIRMAN ' S REPORT.

1. NPDES Update.

Mr. Yarbrough asked Mr. Stoliker about the status of the NPDES permit application. Mr. Stoliker stated that they haven ' t done anything on it yet, but that they will most likely get started on it next week. The deadline is March 10, 2003.

2. Web Site Update.

Mr. Yarbrough asked Mr. Stoliker about the status of the web site for SSCAFCA. Mr. Stoliker stated that he has interviewed some web masters and he has some quotes. They are looking for at least one more quote because the prices are a little higher than he expected. The other thing that needs to be done is to pick an internet service provider. Mr. Yarbrough asked David to have some information for the Board by the next board meeting

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of February 18, 2003. Mr. Stoliker stated that he has two quotes to date, with the lowest being around \$3,000.00 and the highest around \$7,000.00. Mr. Conkling stated that, rather than design the web site perfectly from the get-go, he would rather get the information up on the web site and then add to it. Mr. Stoliker stated that the low bid is just to get the site up and running. Direction was given to Mr. Stoliker to obtain the quotes for the internet service provider and the web master and take it to the Executive Committee for approval.

3. Land Strip Exchange with Village of Corrales Update.

Mr. Yarbrough stated that there is a strip of land in the Village of Corrales along the Main Canal on the west side that the Middle Rio Grande Conservancy District has an easement on the easternmost portion. SSCAFCA has an easement on the same strip of land parallel to the MRGCD easement and the Village of Corrales also owns a strip of land parallel to SSCAFCA's land. The Village put in a road diagonally across all those pieces of land and was getting ready to pave it. MRGCD told them they couldn't do it across its easement. The Village crossed SSCAFCA's easement without SSCAFCA's approval and now the Village wants to build a drainage pond for a subdivision west of the Dulcelina Curtis Channel. Mr. Stoliker stated that the Village wants to switch its land with SSCAFCA's land. Mr. Yarbrough stated that he would like the Board to consider this swap as he can see no future use for the strip of land that SSCAFCA owns. He would like to negotiate a sale with the Village for the land and transfer title to the Village for a nominal price.

Mr. Metzgar stated that the anti-donation clause does not apply between political subdivisions. If SSCAFCA wants to sell it to the Village, it can do so for a nominal amount. SSCAFCA could even donate the property to the Village, or trade the Village for some other property. Mr. Stoliker stated that this property is on the boundary between Rio Rancho and Corrales and it would be the perfect spot for SSCAFCA to put in a shallow pond to pick up all area-wide nuisance flows.

Mr. Chaney stated that the Executive Committee should review this issue, prepare a recommendation, and bring it back to the Board for decision.

4. Building Update.

Mr. Yarbrough stated that the contractor was supposed to have the building finished on November 12, 2002. SSCAFCA got its temporary certificate of occupancy on the date of the building's opening. He stated that the building is not yet completed and SSCAFCA is entitled to \$600.00 per day in liquidated damages for each day that the building is not completed.

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5. AMREP Property Appraisal Update.

Mr. Yarbrough asked Mr. Stoliker about the status of the property located by the Lomitas Negras that AMREP asked SSCAFCA to get appraised so that AMREP could purchase it. Mr. Metzgar stated that his recollection on this particular property is that the last thing that happened is that SSCAFCA sent a letter to Rio Rancho indicating SSCAFCA's position on all the properties that were located in that vicinity. Mr. Stoliker stated that they did receive a response from AMREP and that the only hang up now is the appraisal.

ATTORNEY'S REPORT.

Mr. Metzgar stated that he reviewed bid documents for a general maintenance services invitation for bids. This kind of contract would be something that SSCAFCA would have for at least another year.

EXECUTIVE DIRECTOR'S REPORT.

1. Action/Acceptance of the Venada Arroyo Preliminary Facility Design Task Order for \$90,000 plus \$5,000 for printing.

Mr. Stoliker stated that the Board asked for a task order for the Venada Arroyo visioning projects. Mr. Dodge, of ASCG, stated that two Board meetings ago, there was some discussion about what the projects will look like when completed and the Board wanted something to illustrate the master plan. At the last Board meeting, ASCG proposed to do a preliminary design for the Venada Arroyo from NM 528 to Paseo del Volcan. The idea was for ASCG to do a preliminary design, establish what the Venada Arroyo Parkway parameters were and do a design that would demonstrate how this would be developed.

Mr. Dodge stated that the sheet that is contained in the Board's packets is a map of the area, which covers about two miles. Mr. Conkling stated that one of his motives for wanting to move along with a budget change and to spend part of the money earlier on this demonstration is so that SSCAFCA would have sufficient time to show people in a bond election what they would be getting. He would like ASCG to do this project, but shorten the time line to give SSCAFCA more time to use the project to educate the public. The next bond election date is set for August 2003. Mr. Conkling stated that the time line shown runs, potentially, to the end of July. He would like to have the better part of July and some of June to be able to use the information that ASCG comes up with.

Mr. Dodge stated that June 1st was the target date. At that point, ASCG would be essentially complete with its work. During the month of June, ASCG proposes to make presentations to the City of Rio Rancho and the Town of Bernalillo. They would have the

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preliminary design, the graphics, and the scale model completed by that time. Mr. Conkling stated that he would like to be totally complete with all the public feedback and final reviews in time to have more time to get ready for the bond election.

Mr. Conkling stated that, at the same time this is moving forward, SSCAFCA also has two other things moving along in the budget. One is to hire a public relations person and the other is to introduce in the Legislature, the possibility of a mail-in ballot. Mr. Chaney stated that the decision on when SSCAFCA holds the bond election is predicated on one of two things; if SSCAFCA gets the mail ballots, then he thinks SSCAFCA should proceed with an August date. However, if that does not happen, SSCAFCA should have the bond election at the same time that they have the general election.

Mr. Metzgar stated that SSCAFCA could have its election at any time, except for the six month notice requirement. It does not have to wait until a general election. Mr. Metzgar stated that the only possible problem he saw with the mail-in ballot passing the Legislature is that it is amending the general election law. Any time you amend the general election law, you can have opposition. Mr. Metzgar stated that if, at the February meeting, the Board goes through the election resolutions and then, in March, SSCAFCA finds out that the mail-in balloting is not going to be approved, SSCAFCA still has the option of changing the August election to a later time.

Mr. Dodge stated that they would be able to take off two or three weeks from the proposed completion date. They would have the concept tied down and the graphics done. They might not have the actual construction plans finished, but they could move the presentations back to when they have the scale model finished. The material and information to be provided to the public would most likely be completed by the end of March.

A motion was made by Mark Conkling to approve the Venada Arroyo Preliminary Facility Design Task Order as presented. It was seconded by Donald Rudy and passed unanimously.

2. Action/Acceptance of Sierra Norte Pond.

Mr. Stoliker stated that a few months ago, Ron Bohannon brought to the Board the Sierra Norte Subdivision. The Board approved the drainage report with one issue. That was the issue of the pond.

Mr. Ron Bohannon, of Tierra West, stated that they had been working with the City of Rio Rancho on this matter and when they calculated the flows, they were roughly about 900 cfs in a developed condition. There were some existing drop structures on the arroyo. Because of the velocities encountered, they looked at lining the channel. They are

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constructing and modifying an existing pond by Unser Boulevard. The Board had given them direction to try to come up with a joint use of that pond area. Tierra West met with the City of Rio Rancho Parks & Recreation Department to turn it into a public park. During that process, the City came back and, because of some lawsuits, they told Tierra West that unless they have ADA access and parking, they would not consider it a City of Rio Rancho maintained park. Therefore, Tierra West is going to landscape the bottom for more of a buffalo grass use and it will not be a designated city park, but will be maintained by the homeowners' association. They will still have a trail that will pick up an existing trail. Two of the trails are not ADA compliant and there will be no ability to park vehicles so it cannot be called a "park" but will still be open space to be used as a park.

Mr. Bohannon stated that there will be approximately 118 lots in the subdivision and the next phase will have 275 additional lots. There will be roughly a seven acre park/pond facility in the next phase and the two projects will be linked together. The ADA requirements call for an under 5% slope with no rails; and the slope on this particular park is 6% to 6 ½%. However, these ADA requirements are not really the problem, it is more the off-street parking that is the problem. There is really no place for them to put parking. Fred Montano and Steve Schuman are the owners of the project and they want to do these amenities as part of their signature on the project. In order to ensure the maintenance is done by the neighborhood association, the homeowners' association bylaws would create and designate those responsibilities. The maintenance would be up to the developers until the association is actually formed. It is possible that SSCAFCA could be written into the bylaws to have jurisdiction over forcing maintenance of the pond. However, that is a legal issue and would have to be worked out. If there was a 100 year event which deposited a lot of sediment, the homeowners' association would probably look to SSCAFCA to take the sediment out; but the homeowners' association would re-seed the bottom of that.

Mr. Bohannon stated that the channel is hard lined. They have looked at alternatives to that. The velocities are in the 23 to 27 feet per second range and are very erosive. They are going to have to use concrete because that's the only thing that will be able to withstand those velocities. The problem with the alternative, increasing the size of the channel to reduce velocities, is that it would end up eating a lot of the project land.

Mr. Fred Montano stated that they wanted an aesthetically pleasing area, but at the same time they wanted to reduce the maintenance costs. The lot prices are such that it would not justify doing additional improvements. The lots are approximately \$25,000 per lot. Mr. Montano stated that when the developer turns over the project to the homeowners' association, the developers have to be concerned how much it will cost them to maintain what is built. If it is too costly, the homeowners' association will not maintain it.

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Mr. Bohannon stated that the concrete will be colored. The channel is approximately six feet deep with poured concrete on both sides, with a 20 foot bottom width. They looked at putting in a pipe and covering over it. It ended up being a very large pipe because of the 900 cfs coming down through there. The cost of hard lining that channel is cheaper than concrete reinforced pipe. Mr. Montano stated that they have met with a lot of resistance from the City of Rio Rancho to putting in pipe. Most of the resistance was because of the maintenance of the pipe.

Mr. Stoliker stated that when you get above 15 to 20 feet per second, you don't have much choice but to armor plate the earth to prevent erosion. He stated that it is his understanding that SSCAFCA will have an easement on the channel and the pond from the City of Rio Rancho and that the City will own the channel and the pond. SSCAFCA will be responsible to maintain the channel. Mr. Deubel stated that the background summary states that the Board has accepted the drainage report and maintenance of the concrete channel/appurtenances and the proposed 4.2 acre foot detention pond. Mr. Stoliker stated that SSCAFCA Board approved acceptance of the maintenance at the same time that it approved the drainage report. The only reason this was brought back today was the issue of the park and the pond. He stated that maintenance of this facility might cost SSCAFCA a couple of thousand dollars a year. SSCAFCA does this sort of thing on all development. The landscaping is going to be maintained by the homeowners' association. Mr. Deubel stated that this may create a conflict. Mr. Stoliker stated that SSCAFCA will need to have a written agreement on what exactly SSCAFCA's responsibility is going to be on this project.

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

3. Action/Acceptance of a Task Order for the Preliminary Design/Right-of-Way Identification for the Sportsplex Dam Site for BHI.

Mr. Howard Stone, of Bohannon-Huston, stated that the last time he was at a SSCAFCA meeting, he showed a digital presentation of what the concept might look like. The intent is to locate a dam just upstream of the existing Sportsplex which offers some opportunities to put additional facilities inside the dam itself, along with a connecting trail up to Rio Rancho High School and farther up the arroyo. The intent of doing this task order would be to be able to further the concept enough to identify the property to be acquired and also to provide some more information as to what the facility will look like.

Mr. Chaney asked if there was a way to put in an easement so that the students at the high school could easily reach the path that goes around the dam. Mr. Stoliker stated that is possible. He said that the City of Rio Rancho Parks and Recreation has already talked to SSCAFCA about that possibility. The City wants the students to get from the high school to that Sportsplex and this would be the perfect spot for it. The path is not shown

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because this is a very preliminary design to show the Board what the dam site will look like, but there will be a lot of amenities that SSCAFCA can work with the City to get a vision for that area. Mr. Stone stated that there would be enough room to put two soccer fields in the bottom of the dam. There would be a protected spillway over the top to allow the higher flows to go over without risking the facility.

Mr. Stone stated that the property that SSCAFCA needs to acquire is under a variety of ownerships. AMREP owns some property and he is unsure who owns the other properties. When he determined what it might cost to acquire the property, he used some prevailing rates, so it could be as high as \$350,000.00. He stated that AMREP owns most of the arroyo bottoms in the Los Montoyas Arroyo. Mr. Yarbrough stated that he thinks SSCAFCA needs to pursue acquiring the arroyo bottoms.

Mr. Chaney stated that he would like Mr. Stoliker to invite the City of Rio Rancho to participate in Board meetings where they are discussing multi-use issues.

Mr. Stone stated that the red line on his map shows the outer maximum of land SSCAFCA would need for a 700 acre foot dam if that is what is needed. If a smaller dam is needed, the best way to do it would be to lower the crest of the dam.

A motion was made by Mark Conkling to approve the Task Order for the Preliminary Design/Right-of-Way Identification for the Sportsplex Dam Site for BHI as presented. It was seconded by Richard Deubel and passed unanimously.

FOR BOARD INFORMATION:

1. Statement of the Executive Director's Responsibilities and Authority.

Mr. Stoliker stated that every year that a new board member is sworn in a copy of his responsibilities are presented again. He has attached his responsibilities and authority document to the Board's packets.

Mr. Metzgar stated that he has Mr. Stoliker's contract in final form, which the Board approved at its last meeting, so that it can be signed today.

OTHER BUSINESS.

None.

ADJOURNMENT.

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A motion was made by Mark Conkling and seconded by Donald Rudy to adjourn the meeting. It was carried unanimously. Meeting adjourned at 4:05 p.m.



WM. C. YARBROUGH
Chairman



RICHARD DEUBEL
Secretary

DATE APPROVED:
18FEB03