

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
(SSCAFCA)
MINUTES OF JANUARY 6, 2004
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 1:03 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, Donald Rudy, and Dub Yarbrough. David Stoliker, Executive Director, Bernard Metzgar, SSCAFCA's attorney, and members of the public were also present.

Mr. Yarbrough stated that Item XIV (3) of the Agenda is to be moved between Items IX and X.

APPROVAL OF AGENDA.

A motion was made by Richard Deubel to approve the Agenda as amended. It was seconded by John Chaney 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.
2. Chairperson Pro Tem of the Board of Directors/President Pro Tem of the Authority.
3. Secretary.
4. Treasurer.

Mr. Chaney moved to retain the existing officers for one more year and not go through each one individually. It was seconded by Donald Rudy.

Roll call vote: John Chaney, yes; Mark Conkling, yes; Richard Deubel, yes; Donald Rudy, yes; and Dub Yarbrough, yes.

CONSENT AGENDA.

1. Action/Acceptance of Minutes of November 18, 2003, Regular Meeting.

A motion was made by Richard Deubel to approve the minutes of the November 18, 2003 regular Meeting. It was seconded by Donald Rudy and passed unanimously.

RECOGNITION/ACKNOWLEDGMENT OF THE TREASURER' S REPORT FOR NOVEMBER 30, 2003.

Mark Conkling indicated that the Treasurer' s Report for November 30, 2003 was in the Board members' packets for review, acknowledgment and recognition and that he would be happy to answer any questions on it.

ACTION/ACCEPTANCE OF RESOLUTIONS.

1. Resolution 2004-1, Fiscal Year 2004 Budget Adjustment.

A motion was made by Mark Conkling to approve Resolution 2004-1 as presented. It was seconded by Donald Rudy.

Mr. Baird stated that the packets have the date of December 16, 2003; that has been updated to January 6, 2004. The main purpose of the resolution is to reduce the construction fund budget to remove the appropriations that were put in under the assumption that the bond election would pass. What is left in the budget is carry over money and revenue that is expected to be paid on the JPA between SSCAFCA, the County and the City on the digital mapping system.

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 2004-2, Amendment to the Personnel Policy, Section 403.1 - Health Insurance.

Mr. Stoliker stated that this issue came out of an audit that was held two years ago. The auditor told SSCAFCA that if it was going to adjust the insurance, SSCAFCA needed to make sure the Personnel Policy matched the Board action.

A motion was made by Mark Conkling to approve Resolution 2004-2 as presented. It was seconded by Richard Deubel.

Mr. Deubel asked if this was a Resolution that would have to be passed every year. Mr. Metzgar stated that the way the Personnel Policy was worded before was outdated and this will take care of the problem. The title before in the Policy was "Health Insurance" and it has now been changed to "Health and Dental Insurance." It also stated that the SSCAFCA health plan was the Lovelace HMO and that SSCAFCA would pay the premium of the employee only. Since that time, there have been changes, such as the agreement with the County, a percentage payment for employees, etc. The change states that it will continue to go in accordance with the agreement, and that the percentage share of employee premium to be paid by SSCAFCA shall be determined by the Board of Directors; however, this does not mean yearly. Mr. Metzgar stated that the Personnel Policy stated that it was the Lovelace HMO because that is what was in effect at the time the

Personnel Policy was adopted years ago. Mr. Metzgar stated that this change allows the employees to have a choice on different health plans.

Mr. Rudy suggested changing the wording to delete any reference to the plan in order to not have this problem in the future. Mr. Metzgar stated that he agrees with that, but that the agreement with the County is ongoing.

Roll call vote: John Chaney, yes; Mark Conkling, yes; Richard Deubel, yes; Donald Rudy, yes; Dub Yarbrough, yes. The motion passed 5-0.

EXECUTIVE DIRECTOR' S REPORT.

3. Action/Acceptance of Mariposa Drainage Management Plan - Planning Area 1 and Access Road.

Mr. Stoliker stated that, in November 2003, the issue of water quality and releasing water into arroyo bottoms was discussed. Pursuant to that discussion, staff has prepared a slight change in SSCAFCA' s policy with respect to this development to address "hungry water." This would keep what the area has today and would add two additional factors. One factor is that they would be held to historic ten year event; and the second facton would incorporate water quality and release at a slower rate. In essence, there would be three release rates. One would be for water quality, which would be approximately 65% of the ten year event. The ten year event would be held to historic rate for erosion purposes, which has never been done before. The third is the normal 100 year event for flooding. He stated that staff wants to restrict for these events to reduce the amount of flooding, erosion and protect water quality. It should be noted that the development is also collecting multiple arroyos and putting them into platted areas.

Everett Ingram, President of the Juniper Hills Neighborhood Association, stated that his concern with the plan is that they are moving three arroyos into one arroyo via piping and he sees that that will change the environment of the existing arroyos. He is concerned about being caught between a flood and not having an arroyo. He would like to see action by SSCAFCA to allow the arroyos to flow. The other concern is that, based on the plan, the three arroyos will turn into one arroyo and then, at a future date, flood control will be developed from that point downstream. He stated that his back yard abuts the Mariposa property. He is very concerned about the hungry water scenario because clean water is more erosive.

Mr. Ingram stated that one of the arroyos proposed to be diverted goes right through his property. He does not want the arroyo to be diverted because he wants the arroyo to stay alive. He stated that the arroyo provides water for trees in the area. Mr. Rudy asked if a solution would be to put in a controlled outlet on the arroyos that are going to be diverted, such that anything up to a ten year storm would pass through, but if there was a higher rainfall event, the excess of that flow would then be diverted to the other arroyos to not cause flooding. Mr. Ingram stated that would be fine, so long as they had the necessary control because of the hungry water. Mr. Stoliker stated that the discharge onto private property is something that SSCAFCA tries to avoid because SSCAFCA can' t get on private property to take care of the outfall.

BOARD OF DIRECTORS REGULAR MEETING

JANUARY 6, 2004

Mr. Howard Stone, of Bohannon Huston, stated that the Mariposa project is divided into two planning areas. Planning Area 1 is one that has a total of 1,650 developable lots on about 1,400 acres. It is the easterly property of Mariposa. The area that will not be developed is about 2,000 acres directly north of Planning Area 1. Planning Area 2 of the project is to the west and is about a total of 3,000 acres and will most likely be developed 10 years from now. The arroyos begin in the Mariposa area. They cover a total of four watersheds; the Montoyas, the Barranca, the Venada, and the Jemez. Planning Area 1 is totally contained in the Venada Arroyo Watershed.

Mr. Stone stated that the concept with respect to the arroyos on site is to keep the arroyos naturalistic and not to build any defined channels. Those arroyos will be preserved by putting in some improvements in the arroyos to help control the arroyos vertically and horizontally. Where they have roads crossing the arroyos, they are putting in grade control structures, along with the crossing structure, to control the arroyo. In addition to the arroyos, they are also treating the areas to the west, which are mostly land where the lots are one acre or larger, requiring them to have a detention pond on site to detain the 100 year down to the historic. They are not taking credit for that in the detention dams. They anticipate that, over time, some might not function quite the way they started.

Mr. Stone stated that with respect to the flows leaving the property, they are looking at two different conditions. With respect to Rio Rancho Estates, which is all the platted area downstream of Mariposa, they are proposing not to release flows to the arroyos that are not platted. When they platted Rio Rancho Estates there were some arroyos that didn't have any preservation for the arroyo itself, so the land was platted right over the arroyos. They felt it would be prudent to direct those flows to an arroyo that has been platted and has the possibility of going to the public domain. They recognize that the flows are being diverted and that there is more volume of water than would have been in the past. They are proposing to mitigate this by two means; one, put in grade control structures downstream where the two arroyos join back into the main branch; and two, to mitigate the effect of developed flows being released to a natural arroyo system. They are doing that by matching, as best they can, historical conditions.

Mr. Stone stated that the same concept will be applied to all future phases in Planning Area 1. He stated that it does complicate the detention dam outfall condition. They will do a riser in there with some different ports to make sure they capture those events. If they just do one, the other one won't be captured, and they recognize that.

Mr. Doug Collister stated that Mr. Ingram's house is at what would have been the outfall of that arroyo as it leaves Mariposa. However, Mr. Ingram's property is not the only property constrained by that. There are a number of properties downstream that the arroyos flow over. The developer feels that the proper thing to do would be to divert those flows totally out of that region. Mr. Ingram stated that the arroyo comes down and splits his property. He wants to keep the arroyos because they are part of the ambiance of the system. The real problem is the fact that the lots were platted in the late 60s and early 70s without concern to the arroyos. He would like to make the arroyos part of the development.

Mr. Stone stated that, between the Mariposa property and a road (indicating on map), the arroyos would be left naturalistic. They would, however, put in an all-weather crossing on the existing road. They recognize that there will be additional erosion because of the clean water.

That's why they are proposing to put in a detention dam to mitigate the discharge, namely the quarter inch, the ten year and the 100 year. Most of the water will have the sediment drop out in the detention dam/pond. However, they will be capturing that water so there will be less flow coming out.

Mr. Stoliker stated that the water is called "clean water," however, it is not. The water coming out of Mariposa will include sediment, but at a lower amount than before the detention. He stated that the higher events are not going to absorb into the ground any more than it happens right now. It is estimated that the first .15 inches of a rainfall that absorbs and soaks into the ground. The rest of the water flows off. He stated that by taking off the higher flow and pushing it off to some other place will reduce the erosion and will probably promote vegetation in the area that Mr. Ingram is concerned about.

Mr. Stone stated that, even though SSCAFCA allows the arroyos to be naturalistic, they still have to be watched over time and determined if the erosion occurring is getting out of the bounds of where it can be allowed to go. However, there still must be a LEE line downstream to allow the arroyo to move within those bounds. Mr. Stone stated that the grade control structure is midway between the Mariposa property and the proposed Unser Dam.

Mr. Rudy stated that, if these are already individual platted lots, SSCAFCA does not have any control. He asked if those lots are developed with no on site detention, how big an impact that would be. Mr. Stoliker stated that is contained in SSCAFCA's Drainage Management Plan. Mr. Stoliker asked if it would be possible to have Mr. Kemper do his presentation now since this is the area being discussed.

Unser Dam Site Conceptual Design Summary.

Mr. Stoliker stated that when AMREP developed Enchanted Hills, they took an arroyo and diverted it through the Encantada Channel to the Venada. AMREP raised the flood waters by more than a foot, which put them into FEMA requirements, and therefore AMREP had to mitigate. At that point, AMREP agreed with SSCAFCA that if SSCAFCA helped with the condemnation and acquisition of the property in the La Bona Tierra Subdivision in Bernalillo, AMREP would provide SSCAFCA either the same amount of acreage or the same amount of land value somewhere else in the watershed. SSCAFCA agreed that it would condemn that area in Bernalillo that was impacted. The acquisition has occurred and now it is time to look at where AMREP will provide the land match.

SSCAFCA contracted with HZ to look at the Venada Arroyo crossing of Unser Boulevard as one potential location.

Mr. Kim Kemper stated that they have taken a conceptual look at this area and the impacts of Mariposa on the Unser Dam site. The volumes and flow rates used in this analysis were taken out of the Venada Watershed Management Plan that had already been approved by the SSCAFCA Board. There was about 6.7 acres that SSCAFCA secured for AMREP in the La Bona Tierra Subdivision and the arrangement, as it stands right now, is to provide for some type of trade. The dark orange on the map is either platted drainage ways or unplatted properties. The unplatted acreage in total for all of those areas is just shy of 100 acres. They programmed the Unser Dam footprint to accommodate a dam site that would serve the purpose without adjusting Unser Road. They have identified four separate parcels that would need to be acquired to accommodate that

footprint. All of those parcels are under AMREP ownership and total just shy of five acres. In the event Unser is raised a little, they have added an additional two lots, which brings the acreage to just a hair over seven acres.

Mr. Stoliker stated that the time frame for building the Unser Dam site depends on how the area between Mariposa and Unser develops. If it is developed as a subdivision and is something which SSCAFCA will have some oversight, the Unser Dam may never have to be built. However, if the property is developed as single lots, with the City's guideline of on lot ponding not being policed, a dam will need to be built. Mr. Stoliker is very concerned about where the resources will come from to acquire that property and build the dam. He stated that staff is looking at alternative funding sources for this purpose.

Mr. Stoliker stated that they are proposing that the Board accept this proposal and let staff go into the next step of negotiation to acquire all the property denoted in orange on the map. All of that property is held by AMREP. There was general consensus by the Board for staff to proceed.

3. Action/Acceptance of Mariposa Drainage Management Plan - Planning Area 1 and Access Road (continued).

Mr. Ingram stated that he would like to see the other arroyos platted, and then they would have control of the arroyos. Mr. Deubel asked if a structure could be built that would regulate the amount of water that can pass through the unplatted arroyos and, once that flow is reached, then excess flows could then be redirected. Mr. Stone stated that this could be done. If a structure like that is put in, it is possible that a future homeowner could complain about it and it creates a higher liability for SSCAFCA. Mr. Stoliker stated that when a development comes in and concentrates the flow, it alters the flow, and there is a possibility of lawsuits. Mr. Metzgar stated that anytime the flow is altered, an entity leaves itself open to liability. Mr. Stoliker stated that, in his opinion, what is being proposed by the Mariposa Development does not exacerbate the problem and is protective of Mr. Ingram and SSCAFCA.

Mr. Stone stated that the way they are designing the detention ponds is that any flows that exceed the 100 year flow would return to its natural drainage way. The ponds are anywhere from two to four acre feet in terms of volume. The berms are hardened so that they would not be subject to erosion in any flow going over them. If the water overtops the detention basins and the water flowed into the unplatted arroyos, the flow of water would be greater than would have occurred had the area been undeveloped. Mr. Stone stated that the water will be diverted from the ponds to the arroyos by gravity. They are putting a riser inside the detention pond itself that will have a pipe going out of it from pond to pond. The ponds are not designed for any retention; they will be drained at all times.

Mr. Rudy stated that if Mr. Ingram were to have the arroyos that run through his property platted, it would require a taking of that property. Mr. Stone stated that, in addition to the small pipe in the bottom of the pond, they would also have to put a velocity control at the end of that pipe to help reduce the velocity coming out of the pipe to match the existing arroyo downstream. He stated that a tower pipe is a pretty good way to control the flows leaving the detention pond facility. They would still need to have a structure to allow the water to spread out to reduce the velocity. Mr. Ingram stated that if everybody blocked their lots by filling in the arroyos and having a buildable lot,

BOARD OF DIRECTORS REGULAR MEETING

JANUARY 6, 2004

there would be no drainage. Mr. Chaney stated that he is not sure all other downstream property owners would want what Mr. Ingram is proposing.

Mr. Stone stated that they are asking for three things: 1) acceptance of the Mariposa Drainage Management Plan; 2) acceptance of the Mariposa Parkway Drainage Analysis Report which covers the construction of the roadway to Mariposa; and 3) consideration to work with the SSCAFCA staff to work out the details of the granting of easements and rights-of-way for the drainage ways on Mariposa property. Mr. Stoliker stated that the staff is recommending approval.

A motion was made by Mark Conkling to accept the Mariposa Drainage Management Plan - Planning Area 1 and Access Road as requested. It was seconded by Richard Deubel and passed unanimously.

PUBLIC FORUM.

None.

CHAIRMAN'S REPORT.

1. Discussion of Complete Build-Out (full impact) Development.

Mr. Chaney stated that the Board hasn't looked at its policy to see what the total impact of a project might be on drainage. In the past, the Board has looked at the impact of drainage more often than not in terms of the property that was being considered. He thinks that the new committee should take a look at that and see whether SSCAFCA wants to formally change its policy. Mr. Conkling stated that if the Board wanted to make a cost-saving move for the future, the Board would do it legislatively or with ordinances that would cause the responsibility to lie with the homeowner. This would avoid so many other problems. He wonders if SSCAFCA wouldn't be better served, before examining its policies, to try and institute some kind of ordinance, with the City's cooperation, to require on site ponding, without question; and then take what happens as a result of that into consideration on all its watershed management plans. Mr. Chaney stated that the City might then run into people simply refusing to onsite pond and then running into a problem with how to proceed with enforcement. One solution could be to impose an impact fee on that property before the owner is allowed to develop the property. Mr. Deubel stated that if it is a construction standard to construct infiltration trenches around the house, rather than an on-site retention pond, there is no enforcement necessary other than an inspection that those infiltration trenches has been constructed. Mr. Rudy stated that that would give the lot owner an option as to what solution to use.

Mr. Rudy stated that he recently had an issue come up where he needed to have permits to make a change in the structure on his property in Corrales and they sent someone around to inspect his detention area. His property was developed before these requirements were put in and he could not get a permit until he had shown that there was a way that he was retaining water on site. Mr. Conkling stated that, in the long run, though it would anger the builder and the homeowner, it would be cheaper for the homeowner than the taxes to build the dams. He stated that he would like to take this idea to the City and take the leadership on this issue to make it happen.

Mr. Deubel stated that if SSCAFCA is going to try to impose these requirements, it must have the backing of the City of Rio Rancho. He stated that the City must be included in any decision, to make sure that they have the staff and the resources to administer these requirements. Mr. Deubel stated that he would prefer that the City of Rio Rancho undertake the inspection process and not SSCAFCA. Mr. Conkling suggested having SSCAFCA share a percentage interest in the cost of having such an inspector. Mr. Yarbrough stated that if SSCAFCA is going to have a requirement that the lot owner do something with regard to drainage, then it should be part of the permitting system that Rio Rancho has, so that everything is obtained at one office.

It was decided that this issue would need to be revisited at a later date.

2. Committee Assignments.

- a. Executive
- b. Personnel
- c. Budget
- d. Special Drainage Policy Review Committee for Single Lot Development & Overall Policy Review.
- e. Special Finance Committee to Review Alternative Funding Sources.

Mr. Yarbrough stated that the Committee assignments are going to be the same as they have been. He stated that the Executive Committee will consist of himself, John Chaney, and David Stoliker; the Budget Committee will consist of Mark Conkling, Donald Rudy, Perry Baird, and David Stoliker; the Personnel Committee will consist of himself, Richard Deubel, Bernie Metzgar, and David Stoliker.

He stated that the Special Drainage Policy Review Committee for Single Lot Development & Overall Policy Review Committee will consist of David Stoliker and Bernie Metzgar. Mr. Conkling stated that David Stoliker should be able to go to the City of Rio Rancho and inform them that SSCAFCA is prepared to take the leadership on solving this problem and ask for the input on how to solve the situation, with a decision in ninety (90) days. He stated that Mr. Stoliker should then be able to hire the personnel to get it taken care of. Mr. Rudy stated that he would like to see SSCAFCA pass a policy that controls everybody equally, to include the Town of Bernalillo and the Village of Corrales. Mr. Conkling stated that it needs to be started with the City of Rio Rancho. Mr. Conkling stated that Mr. Stoliker and Mr. Metzgar should go to the City of Rio Rancho first and not get bogged down with the other entities until some direction is obtained from the City.

Mr. Metzgar stated that it seems that Mr. Conkling wants SSCAFCA to take the lead in trying to have Rio Rancho develop an ordinance that would be enforceable on the antiquated platted lots, which is not now a policy of SSCAFCA. If successful, the next step would be to go to the other entities and tell them how the City developed its ordinance. Mr. Conkling stated that the Committee needs to go to the City and tell them that the SSCAFCA Board has decided to make certain that there is a drainage ordinance in the City of Rio Rancho and that SSCAFCA is there to help them get it done and figure out how to solve the problem.

Mr. Stoliker stated that one of the concerns the City will have is whether SSCAFCA is going to be a partner in this, which includes money and enforcement. One way of funding something like this would be impact fees on each development and the City will want to know if SSCAFCA supports

BOARD OF DIRECTORS REGULAR MEETING

JANUARY 6, 2004

it. The City will also want to know if SSCAFCA will support it through its O & M. Mr. Deubel stated that he would be willing for SSCAFCA to fund the study to come up with some scenarios on how to develop and implement the plan. He would also approve of staff coming up with some standards for whatever flood control facility would be built on site, whether they are ponds, infiltration trenches, etc. He believes that the City should be solely responsible for the inspection of the sites. Mr. Yarbrough stated that he agrees with what is being discussed, however, he cannot agree to having a fee to inspect the lots. Mr. Conkling stated that the City could increase the building permit fee to cover the cost of the inspection. The structure already exists with the City to administer this.

Mr. Yarbrough stated that the Special Finance Committee to Review Alternative Funding Sources will consist of Mark Conkling, Donald Rudy, Kevin Powers, Perry Baird and David Stoliker.

John Chaney left the meeting.

BOARD OF DIRECTORS COMMENTS.

None.

ATTORNEY' S REPORT.

11/24/03 Copy of Curb, Inc./Muha Filed Documents.

Mr. Metzgar stated that SSCAFCA is named in this lawsuit solely because of its interest in property that it owns in that area. The lawsuit is bogged down at this point due to judge disqualifications. The latest judge who was appointed is Judge Sanchez from Valencia County. There are enough parties in the action to keep excusing judges because each party has the right to disqualify a judge. There have been many motions filed to dismiss the action by various individuals. This lawsuit deals with the changing of the alignment of Angel Road. He stated that his answer filed on behalf of SSCAFCA was very general since it is not opposed to any changes.

EXECUTIVE DIRECTOR' S REPORT (continued).

Mr. Stoliker stated that, with regard to the alternative funding sources that were provided to the Board, the Board was provided with a couple of alternatives. The first one assumes that the debt service rate declines as bonds are paid off, that the operational tax rate is increased so that the total mil levy stays the same, up to where the operating tax rate hits the current statutory limit of 1, which raises roughly \$8.2 million over the next 20 years. The second alternative assumes the same numbers, except that it assumes a change in state law that the 1 mil limit on the operating levy is removed so that it can go to 1.631, which is equal to the total debt service and operating levy today added together. That raises \$23.3 million over 20 years.

Mr. Deubel asked if it was possible to get money from the legislature for projects. If it is, now is the time to start lobbying some legislators. Mr. Metzgar stated that many political subdivisions and municipalities go to the legislature to ask for special funding all the time. If that were to happen with SSCAFCA, SSCAFCA would probably have to get a person to lobby on SSCAFCA' s behalf. SSCAFCA' s bond attorney has lobbied for SSCAFCA in the past and it is possible that he could be approached with regard to whom to contact. However, this is the short session of the legislature.

BOARD OF DIRECTORS REGULAR MEETING

JANUARY 6, 2004

Mr. Stoliker stated that the State of New Mexico has asked that all projects be put on the capital improvements program list. That was done through MRCOG.

1. Discussion of Proposed Water Quality Policy.

Mr. Stoliker stated that the proposed policy is a draft to try to get SSCAFCA focused on taking care of the more erosive, smaller events and for water quality purposes. The policy is for SSCAFCA to look at trying to hold the ten year flows to historic and two year flows to 65% of the historic, ten year event.

2. Action/Acceptance of the Hawk Site Drainage Management Report.

Mr. Stoliker stated that the Board has seen the Hawk Site report in the past and has approved the bulk plat. They are now following up with a request for final approval on the drainage management plan and to allow Mr. Stoliker to sign off on the construction drawings.

Mr. Kim Kemper stated that they are asking for approval of the DMP on the Hawk Site. Included in the package is a summary report that touched on everything that has been discussed in the past to refresh the Board's memory.

Mr. Stoliker stated that this is the same situation as approved for Mariposa in that they are going to take care of the ten year event and hold it to historic; they're going to take care of the two year event and hold it to 65% of the historic, ten year event. He stated that the discharge is onto the Pueblo and that's why they're asking for more stringent requirements. Mr. Kemper stated that the only thing that has changed since the Board saw it in September is that they were following the current written policy with respect to discharge rates. However, they, along with SSCAFCA staff, feel that discharging to the natural arroyos, particularly to the Pueblo, they needed to look at different criteria.

A motion was made by Richard Deubel to approve the Hawk Site Drainage Management Report as presented. It was seconded by Mark Conkling.

Mr. Kemper stated that they went through a number of different series of how to manage the different conditions with regard to the off site flows. All of the off site watershed that drains through the Hawk Site development area itself affects the conveyance system in the ponds. They ended up sizing the major drainage facilities for fully developed condition on site and undeveloped condition off site. They analyzed that and then determined what the developed condition was off site as well and determined the impacts on their facilities. What they have come up with in the report, is that in the conveyance systems the flows of the on site developed flows and the off site undeveloped flows are contained within the channel with freeboard. If the off site is developed with no ponding requirements or no restrictions, that developed flow will be contained within the freeboard of the channel. With respect to the dam, the dam is currently planned to house a facility that controls developed on site flows and undeveloped off site flows. In addition to that, they reserved a tract so that, in the event that the off site develops without any other provision and the developed flows come to them, the reserved tract would be incorporated into the dam. Mr. Stoliker stated that if the policy that has just been discussed is implemented, SSCAFCA would be relinquishing that extra tract back to AMREP at some time in the future.

The motion passed unanimously.

4. Action/Acceptance of Resolutions for 2004.
 - a. Resolution 2004-3, Notice for Meetings.

Mr. Stoliker stated that Resolution 2004-3 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 2004-3 as presented. It was seconded by Richard Deubel. Roll call vote: Mark Conkling, yes; Richard Deubel, yes; Donald Rudy, yes; Dub Yarbrough, yes. The motion passed 4-0.

- b. Resolution 2004-4, Designation of Official Newspaper.

Mr. Stoliker stated that Resolution 2004-4 sets out the official newspapers of SSCAFCA as The Observer and The Albuquerque Journal.

A motion was made by Mark Conkling to approve Resolution 2004-4 as presented. It was seconded by Richard Deubel. Roll call vote: Mark Conkling, yes; Richard Deubel, yes; Donald Rudy, yes; Dub Yarbrough, yes. The motion passed 4-0.

- c. Resolution 2004-5, Check Signing Authorization.

Mr. Stoliker stated that Resolution 2004-5 sets out who can sign checks for SSCAFCA. A discussion was held on how to rename this resolution, since the old name, "Banking Designation" was a misnomer. It was decided that the new name of the resolution would be "Check Signing Authorization."

A motion was made by Richard Deubel to approve Resolution 2004-5 as presented. It was seconded by Mark Conkling. Roll call vote: Mark Conkling, yes; Richard Deubel, yes; Donald Rudy, yes; Dub Yarbrough, yes. The motion passed 4-0.

- d. Resolution 2004-6, Designation of Legal Holidays.

A motion was made by Dub Yarbrough to table the approval of Resolution 2004-6, Designation of Legal Holidays until the next meeting. It was seconded by Richard Deubel and passed unanimously.

A motion was made by Dub Yarbrough to approve the Martin Luther King Jr. Holiday as a day to be given to staff. It was seconded by Donald Rudy and passed unanimously.

FOR BOARD INFORMATION:

- a. Mark Fischer Letter of Agreement.

BOARD OF DIRECTORS REGULAR MEETING

JANUARY 6, 2004

Mr. Stoliker stated that this is contained in the Board' s packets.

- b. News Clipping from the 11/26/03 issue of the West Side Journal Regarding Town of Bernalillo Public School Bond Election.

Mr. Stoliker stated that this is contained in the Board' s packets.

- c. News Clipping from the 11/22/03 issue of the Corrales Comment Regarding the SSCAFCA Bond Election.

Mr. Stoliker stated that this is contained in the Board' s packets.

- d. Construction Projects - NPDES Storm water Quality Program Training Session Schedule:

Mr. Stoliker stated that this is contained in the Board' s packets. The schedule is as follows:

January 15, 2004	Engineers
January 22, 2004	Public Agencies
January 29, 2004	Contractors & Developers

- e. Executive Committee Meeting Minutes;

- 1) December 1, 2003;
- 2) December 2, 2003.

Mr. Stoliker stated that these are contained in the Board' s packets.

- f. Fencing of the Lomas Negras, East of 528 to Rio Vista, has been completed.
- g. Current Year Budget and Audit are Available on the Web Site.
- h. Staff is Negotiating with Mackie/Reid & Co., our Current Auditing Firm, to assist with GASB 34/35. The Contract is estimated to be under \$10,000.00 and will be signed by the Executive Director.
- i. Draft Copies of the Annual Reports for FY-02 & 03 for SSCAFCA and FY-03 NPDES.

Mr. Stoliker stated that these are contained in the Board' s packets.

- j. A Contract in the Amount of \$1,800.00 to Provide Annual Information to Bond Investors has been signed with our Financial Advisor, RBC Dain Rauscher. This Annual Information Includes Data on our Tax Base and Tax Revenue Collected by the County Treasurer, which is not Included in our Annual Audit.
- k. Correspondence dated 12/16/03 from the Executive Director to Bo Johnson Providing Options for Cabezon Development. The Executive Director Requests an Executive Board Meeting be held on January 13, 2004 at 9:00 a.m. and a Special Board Meeting on January 20, 2004 to Discuss Cabezon Development Phase I Plan.

BOARD OF DIRECTORS REGULAR MEETING

JANUARY 6, 2004

Mr. Stoliker stated that Mr. Johnson has asked for this meeting. Mr. Johnson would like to have this approved as soon as possible and has requested that the Executive Committee have a meeting on January 13, 2004 and that the Board hold a special board meeting on January 20, 2004. He stated that Curb, Inc. came to the Board at the March Board meeting and made certain commitments to the Board. When staff got the Drainage Management Plan from them, it did not meet those stipulations. Staff has gone through each one of those, which include the water quality treatment, the commercial development ponding requirements, and the land treatment requirements. Curb, Inc. has substantially changed the amount of water that is going to be taken into their development and passed through their development, which changes the ponding requirements and channel design. Staff is in the process of trying to work that through with Mr. Johnson.

It was the consensus of the Board that the Executive Committee meets on this matter at 9:00 a.m. on January 13, 2004. The question of a special Board meeting will be determined after that.

I. News Clipping from 12/17/03 Journal Regarding Library Bond Issue.

Mr. Stoliker stated that this is contained in the Board's packets.

m. 12/23/03 Rainbow/Tulip JPA Extension Request.

Mr. Stoliker stated that this is contained in the Board's packets.

OTHER BUSINESS.

Mr. Conkling stated that a Finance Committee meeting will be held on February 17, 2004 in the morning to look at alternative funding sources so they can have their report for the Board meeting in the afternoon.

ADJOURNMENT.

A motion was made by Mark Conkling and seconded by Richard Deubel to adjourn the meeting. It was carried unanimously. Meeting adjourned at 3:55 p.m.



WM. C. YARBROUGH
Chairman



RICHARD DEUBEL
Secretary

ACTING

DATE APPROVED: 2-17-04

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