

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY  
(SSCAFCA)  
MINUTES OF DECEMBER 15, 2006  
BOARD OF DIRECTORS REGULAR MEETING**

**CALL TO ORDER.**

The regular meeting of the SSCAFCA Board of Directors was called to order by Mark Conkling, Chairman, at 9:07 a.m.

**ROLL CALL OF DIRECTORS.**

Directors in attendance were Mark Conkling, Steve House, Donald Rudy and Dub Yarbrough. David Stoliker, Executive Director, Bernard Metzgar, SSCAFCA's attorney, and members of the public were also present.

**PLEDGE OF ALLEGIANCE.**

The Board was led in the Pledge of Allegiance by Mark Conkling.

**APPROVAL OF AGENDA.**

A motion was made by Donald Rudy to approve the Agenda as presented. It was seconded by Dub Yarbrough and passed unanimously.

**ANNOUNCEMENTS.**

Announcements were made by Mark Conkling that all electronic devices needed to be turned off during the meeting.

**EXECUTIVE DIRECTOR'S REPORT.**

1. **Action/Acceptance of Sediment Removal IFB.**

Mr. Clint Dodge, of ASCG, stated that the sites that have been identified for sediment removal are the Harvey Jones Outfall east of Corrales Road; the Harvey Jones inlet; the Dulcelina Curtis inlet and the Lomitas Negras Channel at the corner of 528 and Corrales Road. Other sites include the Northern Boulevard Sediment Basin, Pam's Pond and Pond 116, which are relatively small sediment basins. Another site is the Venada Channel, which has a lot of sediment in it. Mr. Stoliker stated that SSCAFCA, through its emergency powers, got everything to a point where they were unplugged and could flow; this project is to remove sediment from all the facilities. Mr. Dodge stated that there are also four dams in Enchanted Hills which have sediment in them. They propose to bid the project in six lots. Part of the reason for this is that they are anticipating that some of the local developers will want some or all of the sediment and SSCAFCA could get good prices from the local developers. It might be six different bidders or one bidder, depending on the lowest price to SSCAFCA. It is anticipated that this will be bid by early January and finished by early June.

Mr. Dodge stated that the six lots are the Harvey Jones, estimated at \$255,000.00; the Lomitas Negras Channel and Dulcelina Curtis inlet, estimated at \$110,000.00; the Northern Boulevard Sediment Basin is estimated at \$38,000.00; and Lot D, Pam's Pond and Pond 116, \$32,000.00; Lot E, Venada Channel, estimated at \$226,000.00; and Enchanted Hills Dam,

estimated at \$109,000.00. Lot D2 is a proposal to move some rubble and other unsuitable material onto the face of the dam and flatten out the slope to minimize local erosion and pick up some other drainage that is going past the dam. This is really not designed yet, but has been included on this sheet showing the estimates. The total is \$770,000.00. All of that is eligible for FEMA reimbursement, except for Lot D2. Lot D2 is not included in the \$770,000.00 amount.

Mr. Stoliker stated that Northern Meadows is about the only area that did not receive a large hit from the recent flooding. Almost every facility that SSCAFCA has was inundated. SSCAFCA has already spent between \$400,000.00 and \$500,000.00 on this sediment removal. Money can be taken from the bond funds to reimburse the Sportsplex fund and then SSCAFCA can wait until it gets its money from FEMA for any other projects. There is, however, a cash flow problem. FEMA won't have the money disbursed until probably April 2007. FEMA has visited the sites and has indicated to staff if it was eligible.

Mr. Baird stated that there is a Resolution on the Agenda today that would replenish the reserve but only to the extent that it was reduced by budget adjustment earlier in the year. On the chance that FEMA doesn't reimburse all of SSCAFCA's expenses, it looks like the expenses are eligible to be used by the bond funds. Bond funds can be used to bring facilities up to operating condition. Mr. Stoliker stated that staff is hoping that the market place will take all the material that will be removed. In the past, there have always been small contracts where people have asked for specific dirt. The Barrancas has the capacity to take all the material. There are still some issues to be worked out on the sediment removal from the Harvey Jones Channel, which may require splitting the bid package into two or more pieces.

A motion was made by Donald Rudy to approve the sediment removal proposal as presented. It was seconded by Steve House and passed unanimously.

### **CONSENT AGENDA.**

#### **Action/Approval of the Minutes of November 17, 2006.**

Mr. Stoliker stated that the minutes were not completed in time for the meeting. This matter was deferred until the next meeting.

### **RECOGNITION/ACKNOWLEDGMENT OF THE TREASURER'S REPORT FOR NOVEMBER 30, 2006.**

Mr. Rudy stated that the Treasurer's Report is available for review by the Board. There were no questions on the report and it was acknowledged by the Board.

Mr. Rudy stated that there was roughly a 25% return rate on the bond election, which is high for a mail-in ballot. There was about 70% approval. SSCAFCA has authorization now for \$10 million worth of bonds. SSCAFCA has authorized the sale of \$4 million already and SSCAFCA should have money to spend by April. Bond counsel can only guarantee that the other \$6 million can be sold by 2012. However, if the growth rate and projected returns and inflation continue on the current track, SSCAFCA could possibly float another \$2 million in two years rather than four.

On the audit, Mr. Rudy stated that SSCAFCA's exit interview with the auditors suggested that in the sampling of SSCAFCA's operation and financial matters there has been nothing to criticize or they did not suggest other ways of operating. Mr. Baird stated that SSCAFCA was late in its filing this year and they are waiting to hear from the state auditor, which should happen before the

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bond money comes in. Mr. Conkling stated that he was proud of the fact that they have a great audit with no recommendations. He commended staff for their hard work.

1. Action/Acceptance of Resolution 2006-20 Fiscal Year 2007 General Fund Reserve.

Mr. Conkling stated that it is important that SCAFCA sustain its A1 bond rating. Since SCAFCA spent money from its reserve fund for emergency flood control, and since FEMA will reimburse SCAFCA, SCAFCA wanted formal action to reflect that the money should go back to the reserve fund.

A motion was made by Donald Rudy to accept Resolution 2006-20, Fiscal Year 2007 General Fund Reserve as presented. It was seconded by Donald Rudy. Roll call vote: Mark Conkling, yes; Steve House, yes; Donald Rudy, yes; Dub Yarbrough, yes. The motion carried 4-0.

Perry Baird stated that when SCAFCA does receive the funds, it will need another resolution to have the budget adjustment approved by DFA to put the money back into the reserve fund.

**ATTORNEY'S REPORT.**

Mr. Metzgar stated that it would be appropriate at this time to discuss the Organizational Meeting that must occur on the first business day of January. Mr. Conkling and Mr. Chaney were re-elected. Both terms end on the second of January 2007 and the new terms begin on that day. It is his opinion that the only thing that should take place at the organizational meeting is that Mr. Conkling be sworn in. There should be no other election of officers, nor appointments of committees at that meeting since Mr. Chaney will not be here and the statute is very clear that an elected member cannot perform duties as a board member until such time as the person is sworn in. Since Mr. Chaney's term starts on the second, but he can't take any official action until he is sworn in, then he suggested that officer elections should be postponed, especially if Mr. Chaney will be nominated for any board position.

Mr. Metzgar stated that the Executive Committee was going to make a recommendation to the Board as far as lobbyists are concerned. The Board determined that it did want a lobbyist for this legislative session for two reasons: 1) to make its presence known in the legislature because the Board feels that in the future it will have to go to the legislature to ask for additional funding for projects that are needed within SCAFCA's jurisdiction; and 2) that there was a possibility that in this legislative session, SCAFCA could get some of the discretionary funds that the legislature has available. SCAFCA is, however, starting late in asking for money and is not optimistic about getting money this session.

He stated that part of the criteria for lobbyists was that they couldn't be presently lobbying for the City of Rio Rancho, Sandoval County, etc. Two names immediately came to mind: Dick Minzner and Tom Horan. Both of these gentlemen are former legislators and have been lobbying for quite some time. Mr. Minzner is a lawyer who was a respected member of the legislature and was never in a controversial role. Mr. Horan was also a very respected member of the legislature. Mr. Minzner had informed him that he could not take on any more clients, but that he could recommend other lobbyists. Among those names was Tom Horan. Mr. Metzgar then spoke with Mr.

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Horan, who initially told him that he did not believe he could take it on by himself, but that he had several other lobbyists who could possibly help him. SSCAFCA would not be charged any more than what Mr. Horan would charge individually. Mr. Horan called later and indicated that his son could assist him.

Mr. Metzgar stated that the Board gave authorization to the Executive Committee to hire somebody, but the Committee feels that it should bring the issue back to the Board. The recommendation is to hire Tom Horan and his son, Larry, as SSCAFCA's lobbyists.

**CHAIRMAN'S REPORT.**

Action/Acceptance of Contract for Lobbyist.

A motion was made by Steve House to accept the recommendation for the lobbyist as presented. It was seconded by Donald Rudy and passed unanimously.

Mr. Rudy stated that the amount the Horans' are charging SSCAFCA is almost a "give away" partly because they value what SSCAFCA is doing and partly because of the experience that Larry Horan will be getting in the process. Mr. Conkling asked if the Horans' had any lobbying relationship with Bernalillo or Sandoval County. Mr. Metzgar stated that they do not.

Mr. Metzgar stated that the Professional Services Agreement would entail a contract. He just finished a jury trial and he was not able to get to it; however, he has the information necessary to draw up the agreement. He asked that the Board allow him to go ahead with the contract and authorize the chairman to sign the contract as soon as it is prepared. They want to be paid \$500.00 per month, plus gross receipts tax.

A motion was made by Steve House to allow the Chairman to sign the agreement once it is prepared and that the scope of services is acceptable. It was seconded by Donald Rudy and passed unanimously.

**BOARD OF DIRECTOR'S COMMENTS.**

Discussion of MRCOG/MTB Membership.

Steve House stated that since SSCAFCA is part of the local government community, it participates in the MRCOG. His career is such that it is not a conflict of interest for him to represent the Board on the Metropolitan Transportation Board, but he is not comfortable doing it. Somebody needs to be at that meeting, but it needs to be someone else. Mr. Conkling stated that he would like to postpone this issue until the other committees are assigned. Mr. Stoliker stated that he is the alternate and he will attend the meetings in Mr. House's stead until another person is named by the Board.

Mr. Conkling stated that it is possible that the County of Sandoval will be at the legislature asking that SSCAFCA's boundaries be extended. He would like to proactively meet with Sandoval officials to establish a cooperative alliance, but he needs a consensus of the Board to act in this capacity. Mr. House stated that Sandoval County is preparing legislation and will be at the

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legislature this year to request that exact thing. Mr. Conkling does not want to end up at the legislative level opposing this matter. It is not good for any entity.

Mr. Metzgar stated that the Executive Committee understood that a study had to be done first and then possibly go for the legislation based on the study. The County Commission had already passed a resolution to expand the boundaries, but he has not seen the resolution. Debbie Hayes was initially following the resolution. However, at a meeting, Debbie Hayes seemed to be saying that the County didn't want to go up there and have a fight with another agency either. The understanding at the meeting was that they agreed to do the study first and not go to the legislature this session.

Mr. Conkling stated that one idea would be to form a separate flood control authority and SSCAFCA get a contract to manage it. SSCAFCA cannot have differential tax rates within its boundary. The new flood control authority could have its own tax rates. The funds would then be available to do what needs to be done. He would like the consensus of the Board to begin meetings on possible alternatives. Mr. Conkling would like to meet with Debbie Hayes by himself before any meetings are held. General consensus was given for Mr. Conkling to meet with Debbie Hayes.

**PUBLIC FORUM.**

J. E. Ballew, a member of the public, stated that he appreciates SSCAFCA's efforts during the flooding but questioned where funding would come from if there is not proper engineering to minimize the amount of silt that is deposited as a result of flooding. Mr. Rudy stated that SSCAFCA is considering controls on property being developed. Mr. Conkling stated that SSCAFCA is looking at the various ways that it can impact the problems in Unit 17.

Mr. Stoliker stated that he is setting up a meeting with the City of Rio Rancho with regard to an agreement with the City on the pipeline on Rio Oso Road. He will push to pave one of those roads, most likely Rio Oso, because it is the only way to lock in that sediment. Because of the lobbyist action, SSCAFCA needs to be able to tell the lobbyist what projects it wants to go forward with. He needs guidance on what the Board wants staff to provide to the lobbyist.

Mr. Stoliker stated that his suggestion is that there is a major problem in the Black Arroyo Watershed with the hospital coming in. He suggested Lisbon Dam as a lobbyist project. It will cost about \$1.2 million for the right-of-way, and more to get the project built. Any money received for Lisbon Dam would be a blessing. SSCAFCA could also go with smaller projects to get the outlet structures in the dams in the Black Watershed. Mr. Conkling suggested that there are lobbyists associated with Presbyterian. He is wondering if these lobbyists could look at this together with SSCAFCA's lobbyists as a way of protecting the west side.

Mr. Metzgar stated that the Executive Committee did not know whether the Board was going to want to hone in with the legislature on one project or if SSCAFCA was just going to say that it had a lot of uses for additional money since the bond money is already committed and SSCAFCA would like some amount of money for other projects. The reason that this direction is needed now is that Mr. Horan has said that between now and the start of the legislature the staff and SSCAFCA has to get together with its legislators, fill them in on what SSCAFCA is going forward on and ask them if

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they would sponsor the legislation, if necessary, to get some additional funds. They would need to be taken on a site visit to the projects and be filled in on the costs and what needs to be done.

Mr. Conkling stated that he likes the idea that the buyer of the real estate that is being affected (Presbyterian Hospital) and SSCAFCA together to seek a solution because they both have a lot to benefit. He would also like to have other projects on the back burner. Mr. Yarbrough stated that it is his understanding that David Stoliker has an agreement with the 19th Street Dam developer to take the soil out of the dam and utilize it themselves. Mr. Metzgar stated that he still thinks that the lobbyists need to know SSCAFCA's plans prior to the beginning of the legislative session. Mr. Yarbrough stated that he would like to make the legislators aware of what SSCAFCA is trying to do and tell them which projects are the most pressing and where SSCAFCA wants to start. Mr. Stoliker feels that he has ample direction on what he needs to do. Mr. Metzgar stated that Mr. Stoliker could also work with the Executive Committee on finessing the list.

Mr. Stoliker stated that he would like Board approval to give staff a Christmas bonus. He is asking for approval of \$1,000.00 net bonus to the five staff members. This is a high amount but staff has worked incredibly hard this year. Mr. Conkling stated that this is an awkward item to bring to the Board in open session. Discussing this with staff present is inappropriate. Mr. Yarbrough stated that he would like some time to think it over. Mr. Stoliker apologized. Mr. Conkling recommended that individuals of the Board let David Stoliker know their feelings about it and then Mr. Stoliker would have the authority to make the decision. Mr. Metzgar stated that he does not believe that Mr. Stoliker has the authority to handle personnel issues such as this unless the Board gives him that authority. A motion can be made right now, or the matter can be given to the Personnel Committee.

Mr. Conkling stated that he wanted to delegate this issue to the Personnel Committee. He recommended to the Board to accept, without further action, the Personnel Committee's decision. A motion was made by Donald Rudy to delegate this issue to the Personnel Committee. It was seconded by Mark Conkling and passed unanimously.

Sherrill Ganch, a member of the public, made general comments with regard to the recent flooding issues and the paving of Rio Oso. Residents of her neighborhood want their roads left alone and the drainage taken care of some other way so that there is the least possible financial impact on the residents.

Mr. Stoliker stated that if it goes the way the Board wants, staff will meet with the City on this drainage. The City has a design in process for Rio Oso, but SSCAFCA has not looked at the design in depth yet. SSCAFCA would help fund the design, but the City would still be responsible for implementing it. It will be a pond on the east side of 528 and SSCAFCA would take ownership of the pipeline. SSCAFCA's pond along the Dulcelina Curtis Channel will be expanded and SSCAFCA would then drill into the Dulcelina Curtis Channel and put in a water quality feature. SSCAFCA would then own the two ponds, the water quality feature and the pipeline. The only issue is whether the road would be paved and, if so, how to pave it. He would like to pave it with a 12 to 18 inch curb to have it operate as both a roadway when it is dry and a drainage facility when it rains. It is Staff understands that the City needs \$450,000.00 and SSCAFCA would cover the \$70,000.00 to \$80,000.00 that they are lacking, plus there is extra work that needs to be done and covered. This cost could be around \$150,000.00. Mr. Stoliker stated that approximately ½ mile of Rio Oso

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might need to be paved. He stated that he needs to look at the plans before he can say any more because he really doesn't know all the answers. Mr. Yarbrough stated that for SSCAFCA to accept the maintenance it must meet SSCAFCA's standards.

**FOR YOUR INFORMATION.**

Mr. Stoliker stated that the following was for Board information only and/or contained in the Board's packets:

1. A Board Meeting is Scheduled for Tuesday, January 2, 2007 at 9:00 a.m.
2. The following plat was signed by the Chairman for acceptance of a grant of easement for drainage:
  - a. Loma Colorado Bulk Plat, the Chairman signed the plat on November 17, 2006.

The following infrastructure plans were signed by the Executive Director:

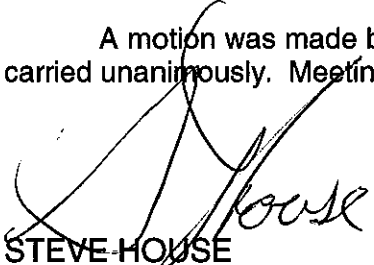
  - a. Loma Colorado Units 2 & 4, the Executive Director signed the mylars on November 16, 2006;
  - b. Mariposa-Blue Grama & Mariposa Parkway Landscaping, the Executive Director signed the mylars on December 1, 2006;
  - c. Lomas Encantadas Unit 4A, the Executive Director signed the mylars on December 1, 2006.
3. A Task Order with ASCG for the amount of \$9,084 was signed by the Executive Director on December 4, 2006 for the Sugar Pond Wallen Park Investigation.
4. The Sportsplex Dam project has received the 4th payment application for the amount of \$440,078.27. This brings the total to date at \$1,799,628.37 which represents 39% of the total project cost. We are 134 days into the project with a scheduled completion at 485 days.

**OTHER BUSINESS.**

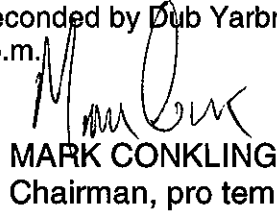
A Special Board meeting was set for January 2, 2007 at 9:00 a.m.

**ADJOURNMENT.**

A motion was made by Donald Rudy and seconded by Dub Yarbrough to adjourn. It was carried unanimously. Meeting adjourned at 10:55 p.m.



STEVE HOUSE  
Secretary

  
MARK CONKLING  
Chairman, pro tem

DATE APPROVED: 2/16/07