

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY  
(SSCAFCA)  
MINUTES OF NOVEMBER 17, 2006  
BOARD OF DIRECTORS REGULAR MEETING**

**CALL TO ORDER.**

The regular meeting of the SSCAFCA Board of Directors was called to order by John Chaney, Chairman, at 9:05 a.m.

**ROLL CALL OF DIRECTORS.**

Directors in attendance were John Chaney, 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 John Chaney.

**APPROVAL OF AGENDA.**

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

**ANNOUNCEMENTS.**

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

**EXECUTIVE DIRECTOR'S REPORT.**

1. **Discussion/Status of General Election Results.**

Mr. Stoliker stated that out of the 46,500 votes that were cast, John Chaney got 14,940 and Mark Conkling got 13,405. They will not be sworn in until January 2007.

2. **Discussion of Arroyo de los Montoyas LEE Line at Fruta Road and Northern.**

Mr. Stoliker stated that Ken Curtis has asked for a change in the LEE line at Fruta Road and Northern. Staff does not have a problem with it and this has been discussed in an Executive Committee meeting. Staff is still awaiting a final meeting with the City of Rio Rancho and Matt Spangler. Staff is asking for approval to shift the LEE line subject to SSCAFCA's conditions identified in the correspondence. It is staff's intention to recognize that Fruta Road drops down and SSCAFCA is trying to get the development to raise the road and armor it so that the City gets what it wants and it's all protected.

It was moved by Mark Conkling that SSCAFCA approve the shift of the LEE line as requested, subject to SSCAFCA's conditions. It was seconded by Steve House and passed unanimously.

3. Discussion of 2007 Legislative Efforts.

Mr. Stoliker stated that the Executive Committee has discussed possibly having a lobbyist putting forth a strong presence at the next Legislative session. He has included in the Board's packets two summaries and he would like the Board to decide whether to lobby and when to do so. Mr. Chaney stated that the Executive Committee had suggested that lobbying this year would probably not be effective because most of the funds are already earmarked but that it might set SSCAFCA up for some lobbying the year after next. Mr. Chaney stated that if the boundaries are expanded or not, lobbying will be needed. Steve House stated that he would like to see SSCAFCA represented at the Legislature to see if there is any money available for the flooding problems suffered this past summer. Donald Rudy stated that the COG Water Board has submitted thirteen items to be sent to the Legislature in this fashion and is doing massive lobbying. When other entities are already lobbying, it is unlikely that SSCAFCA will get money this year, but if it doesn't get in now, SSCAFCA might not get any money in the future.

Mr. Metzgar stated that the Executive Committee had asked him to check on some lobbyists to get an idea on costs. He called Dick Minzner, a former legislator and present day lobbyist with the Rodey Law Firm, but he has not reached him. Mr. Minzner did, however, leave a message that stated that he was completely booked and could not take on any more but he would give SSCAFCA some recommendations on lobbyists. Mr. Metzgar also called Tom Horan, another lobbyist, and Mr. Horan has not called him back, most likely because he is already in Santa Fe. Mr. Chaney stated that if SSCAFCA has a lobbyist, it has a chance to market itself differently because the entire arena of parks and recreation can be opened up to SSCAFCA because of its flood control projects.

It was the consensus of the Board to have this matter discussed further by the Executive Committee and it decide on a lobbyist.

4. Action/Acceptance of Resolution 2006-17 for Retiree Health Care Authority.

Mr. Stoliker stated that a few years, staff approached the Board about retiree health care and it did not go very far for a variety of reasons. Six or eight months ago, the Board okayed a budget including about \$3,500.00 for retiree health care with direction to pursue it. If a SSCAFCA employee retires under PERA, they can then join this large group health plan at a reduced rate, even if they must pay the full share. SSCAFCA's back dues have been calculated at just around \$8,000.00 lump sum with monthly payments by SSCAFCA and staff. This is a benefit that will bode well for this agency and is recommended by staff.

Mr. Baird stated that employees contribute each payday by payroll deduction .65% of their payroll. The employer matches that at 1.3% every payday. The initial surplus account contribution is a prorated amount based on how many employees SSCAFCA had each year going back to inception. During those years, certain years the fund had a surplus and they wanted new agencies that came in to contribute as if they had been in the program from the beginning. This cost could have been as high as \$20,000.00, but it turned out to only be about \$7,800.00. SSCAFCA budgeted for the 1.3% SSCAFCA share, but not the initial payment. The agency does not have the option to change the contribution rate of the employee/employer because it is set by state statute.

Mr. Baird stated that this insurance can be gap insurance or it can be supplemental insurance for the employee. Mr. Baird stated that he retired at age 50 with 25 years of service in PERA and he has non-Medicare coverage through this plan until he is eligible for Social Security. After you get Social Security, it changes to a Medicare gap insurance.

**BOARD OF DIRECTORS REGULAR MEETING**

**NOVEMBER 17, 2006**

Mr. Yarbrough asked that if SSCAFCA puts this off until some time after the first of the year, will the cost go up. Mr. Baird stated that the Retiree Health Care Board only meets twice a year to consider new agencies – December and June. If SSCAFCA misses the December induction date, then SSCAFCA must wait until June. The Health Care Board is looking at the percentage paid by agencies and has told SSCAFCA that the cost could quadruple or quintuple by that time. Overall benefits to staff are now around 34% including PERA at 19%, employer share of Social Security at 7.65%, along with health insurance, etc. If the Board elected to grant this coverage, the percentage would go up to 35.3%. Mr. Chaney suggested that SSCAFCA get into this program now and if the Board thinks employees are benefited too high, then possibly it can take a look at capping other benefits given to staff. Mr. Baird stated that when he was at the City of Albuquerque, the City joined the plan around 1990, and it was a factor that some employees considered and decided to stay in PERA employment.

A motion was made by Mark Conkling to accept Resolution 2006-17 as presented. It was seconded by Donald Rudy.

Mr. Yarbrough stated that he would like clarification about the percentage paid by employees and by SSCAFCA. He stated that taxpayer money is going to pay for this benefit and he does not believe that this can make or break an employee staying or coming to SSCAFCA. He does not believe this is good stewardship with taxpayer money.

Roll call vote: John Chaney, yes; Mark Conkling, yes; Steve House, yes; Donald Rudy, yes; and Dub Yarbrough, no. The motion carried 4-1.

5. Presentation of USACE and FEMA Assistance Programs; Opportunities for SSCAFCA.

Mr. Stoliker stated that staff will meet with the Corps and will bring this item back to the Board in December for a presentation by the Corps (USACE).

**CONSENT AGENDA.**

Action/Approval of the Minutes of October 20, 2006.

A motion was made by Steve House to approve the minutes of October 20, 2006 as presented. It was seconded by Donald Rudy and passed unanimously.

**RECOGNITION/ACKNOWLEDGMENT OF THE TREASURER'S REPORT FOR OCTOBER 31, 2006.**

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

Mr. Baird stated that the State was behind in approving budgets this year and SSCAFCA's has just been received and there are no problems with it.

**ATTORNEY'S REPORT.**

Mr. Metzgar stated that there has been a change in what Santa Cecelia Subdivision has asked of SSCAFCA and asked that Mr. Stoliker give the background. Mr. Stoliker stated that Santa Cecelia is in Corrales on the north side of the Harvey Jones Channel, right at the inlet between the channel and the wastewater treatment plant. Steve Nakamura and Ron Brown own property in the area, about 30 or 40 lots. There is some runoff coming in from the City of Rio Rancho Industrial Park, which is pretty heavy flow. SSCAFCA asked them to take the flow and do something with it, per SSCAFCA regulations. They offered to provide SSCAFCA a temporary use of a privately owned pond and both staff and the Executive Committee rejected this offer. They have now come back with another offer to SSCAFCA to provide SSCAFCA ownership of the pond, built the way SSCAFCA wants, without any reversionary clause on the land.

Mr. Metzgar stated that they were going to build a pond and wanted SSCAFCA to maintain it but would have no other right except to maintain it. SSCAFCA said no to that. This would have been a private donation and he recommended not doing the deal. He has received a letter from their attorney, Jerry Roehl, which says that they would like to donate the one acre of the subject property as a charitable contribution and then at that point SSCAFCA would maintain the pond. David Stoliker is concerned because SSCAFCA has not received any plans for the project and SSCAFCA doesn't know if the area is large enough and more information is needed. He stated that SSCAFCA could accept this proposal subject to staff's review of the pond and proceed from there. The Executive Committee can then make final determination.

Mr. Chaney stated that the only problem with this scenario is that there is a better solution in that a pipeline could be put in to the Harvey Jones, which David Stoliker believes will be necessary some day. This was a compromise measure and part of the reason was that if the pipeline was put in, SSCAFCA could sell the land, which would partially offset the cost of the pipeline. The Board should be aware that SSCAFCA could simply say no and tell them to put in the pipeline. He suggested that this matter be tabled until SSCAFCA has the plans and further discussion from staff as to how to proceed.

Mr. Metzgar stated that they would like to do the project this year. If the plans were received by the December meeting, they could still do their project within the year. Mr. Yarbrough stated that the easement is there for the drainage that goes down to the Los Montoyas from Industrial Park. Mr. Stoliker stated that it may be possible that the drainage could go right along the wastewater treatment plant and he believes there is a pipeline in there now. This would have to be engineered and the engineering has not been done at this time. This is just one of the details that needs to be worked out, along with access to the pond. Mr. Yarbrough stated that an open channel might be sufficient to drain that area, but once it goes through the pond the flow might come out satisfactorily for an open channel.

A motion was made by Donald Rudy to table this matter until further information could be obtained. It was seconded by Mark Conkling and passed unanimously.

**BOARD OF DIRECTORS REGULAR MEETING**

**NOVEMBER 17, 2006**

**CHAIRMAN'S REPORT.**

Chair Has Designated Treasurer Donald Rudy to Represent SSCAFCA to Discuss the Bond Election on:

- November 8, 2006 at City of Rio Rancho;
- November 27, 2006 at Town of Bernalillo;
- November 14, 2006 at Village of Corrales;
- November 16, 2006 at Sandoval County.

**BOARD OF DIRECTOR'S COMMENTS.**

Mr. Chaney stated that SSCAFCA has operated under the LEE line concept for several years but has never formally adopted the LEE line. There is a secondary issue that may be just as important – that is in the antiquated platting in Rio Rancho, there are lots that are platted within the LEE line. SSCAFCA has had a rigid approach to that which states that if they get flood insurance they can build within the LEE line. This is the wrong approach. Staff needs to look at each development on an individual basis to protect the public and protect its park and recreation development. He would like to see ways to alter the LEE line policy in the policy to encourage contemporary solutions that fit with the Watershed Park vision.

Mr. Yarbrough stated that if SSCAFCA sets a LEE line then it must be very careful about adjusting it because it will affect the downstream owners. If something is done upstream that alters the flow of the arroyo, you're putting an undue burden on the downstream owners. Mr. Stoliker stated that the Executive Committee has been very forceful on this. Staff is contacting Howard Stone to get the book that has the LEE line in it and get the criteria actually adopted by the Board. Also, the City of Rio Rancho had their first development process review meeting yesterday to get a drainage process put together. Mr. Stoliker has agreed to do the drainage portion of the development review manual.

Mr. Chaney stated that a high priority for the manual is a regulation on mass grading to protect SSCAFCA's facilities in the future from the type of erosion problems suffered this past summer. If SSCAFCA charged fees for document review, it might help to speed up the process.

**PUBLIC FORUM.**

None.

**CLOSED SESSION.**

A motion was made by Mark Conkling to go into Closed Session to discuss possible litigation. It was seconded by Steve House. Roll call vote: John Chaney, yes; Mark Conkling, yes; Steve House, yes; Donald Rudy, yes; Dub Yarbrough, yes. The motion carried 5-0.

The Board went into Closed Session.

## **BOARD OF DIRECTORS REGULAR MEETING**

**NOVEMBER 17, 2006**

### **RESUME OPEN SESSION.**

A motion was made by Mark Conkling to resume the Open Session. It was seconded by Donald Rudy. The Board was back in open session at 10:15 a.m. Mr. Chaney stated that the only matter discussed in the Closed Session was potential litigation and no official action was taken. The Board announced that it wants to go forward to enforce conditions of the approval of Santiago's Development.

### **FOR YOUR INFORMATION.**

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

1. SSCAFCA Mail-In Ballot Bond Election for December 12, 2006 May Exceed the Estimated \$60,000.00.
2. October 26, 2006 Letter from City of Belen Requesting Input from Elected Officials and Administration on Establishing a Flood Control Plan or Flood Control Authority.
3. The following plat was signed by the Chairman for acceptance of a grant of easement for drainage:
  - a. Subdivision of School Site within Block 106 or Unit 20, the Chairman signed the plat on October 10, 2006.

The following infrastructure plans were signed by the Executive Director:

- a. Highland Meadows Unit 2, the Executive Director signed the mylars on October 20, 2006;
  - b. Mariposa East Commons Park, the Executive Director signed the mylars on October 30, 2006;
  - c. Hawk Site Offsite Infrastructure Phase II, the Executive Director signed the mylars on November 2, 2006
  - d. Loma Colorado Drainage Implementation Plan was signed by the Executive Director on November 2, 2006.
4. Sportsplex Dam Update: All of the 18" and 36" HDPE SAS has been placed. The manholes are in the process of being tested and once they pass the required specification and are approved by the City of Rio Rancho the active old sewer line will be switched to the new one. All of the interior walls of the principle spillway concrete box culvert have been placed. The deck will be placed the week of November 15, 2006. The third progress pay application is being processed. If approved for \$610,000.00 and added to the other progress payments, the total expended to date will be \$1.3 million, which represents 28% of the total project cost (\$4.573 million).
  5. Jim Service will assist with Friends of Rio Rancho Open Space on Saturday, November 18, 2006.

**BOARD OF DIRECTORS REGULAR MEETING**

**NOVEMBER 17, 2006**

6. David Stoliker attended a meeting at Enchanted Hills Elementary School on Wednesday, November 8, 2006.
7. Executive Committee Meeting Minutes for:
  - \* August 6, 2006;
  - \* August 9, 2006;
  - \* September 11 and September 14, 2006;
  - \* September 25, 2006;
  - \* October 18, 2006;
  - \* October 30, 2006;
  - \* November 1, 2006;
  - \* November 7, 2006;
  - \* November 13, 2006.
8. September 15, 2006 letter from the Office of the State Auditor regarding a change in capitalization threshold.
9. November 9, 2006 Newspaper article "Flood Bond Vote is December 12".
10. November 9, 2006 Correspondence from Department of Finance and Administration approving final budget for Fiscal Year 2006-2007.
11. November 9, 2006 approval letter from the CORPS regarding the Sportsplex Dam Site utilities location.
12. Final GASB Land/Easement Summary FY/06.
13. Letter dated November 14, 2006 from John Kelly regarding the Rules and Regulations for Dam Design, Construction and Dam Safety.

**OTHER BUSINESS.** None.

**ADJOURNMENT.**

A motion was made by John Chaney and seconded by Mark Conkling to adjourn. It was carried unanimously. Meeting adjourned at 10:25 p.m.

JOHN CHANEY  
Chairman

STEVE HOUSE  
Secretary

DATE APPROVED: *William C. Yarbrough* 1/17/07  
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