

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
(SSCAFCA)
MINUTES OF JULY 20, 2007
BOARD OF DIRECTORS SPECIAL MEETING**

CALL TO ORDER.

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

ROLL CALL OF DIRECTORS.

Directors in attendance were Mark Conkling, Steve House, Donald Rudy, and Dub Yarbrough. John Chaney and Bernard Metzgar, SSCAFCA's attorney, were noted as absent. David Stoliker, Executive Director, 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 Steve House to approve the Agenda as presented. It was seconded by Donald Rudy 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. **Ciudad Soil & Water Conservation District Presentation.**

Mr. Stoliker stated that over the years it has come to the government's attention that there is an issue with regard to the Rio Grande and the fecal coliform levels in it. The Ciudad Soil and Water Conservation District has been pursuing a cooperative arrangement to address this issue. Mr. Conkling stated that when the presentation is completed, they will be asking for SSCAFCA's endorsement and cooperation of their watershed restoration action strategy. He recommends approval.

Tim Karpoff, a contractor with Ciudad, stated that he is helping with Phase II of a watershed group formation and then to advertise a watershed restoration action strategy.

Mr. Karpoff stated that Ciudad Soil & Water Conservation District is one of 47 districts in the state and they are political subdivisions of the state. They are charged with assisting district landowners and all state and federal agencies administering land within a certain boundary to help with erosion control, prevention projects, flood prevention, and other kinds of resource conservation issues. They are unique because they can accept money from private or public sources. This is an action strategy that is focused on the Albuquerque reach of the Middle Rio Grande. It extends from

the Algodones ridge to the Isleta diversion ridge. This includes some of the area over which SSCAFCA has jurisdiction.

Mr. Karpoff stated that the problem is that they are out of compliance within the reach for fecal coliform. There is a TMDL that has been written for fecal coliform and especially in monsoonal seasons and storm events, there is an enormous amount of fecal coliform that flows into the river. There are some studies that have been done in the past several years and it indicates that a third of the contamination source is from avian species. About a fifth of it is from dogs and cats. About a sixth is from human sources, which was really surprising. They believe that septic tank breakdown is part of the problem. Trash and diapers may be a source of the bacteria as well. There are costs directly involved if the issue is not taken care of. Also, because of the new water treatment plant, the water will be treated and those in Bernalillo County will be drinking that water. It would also mean a safer watershed and river for the public.

Mr. Karpoff stated that they are trying to come up with a strategy and they have come up with three major ways of approaching this; one through education, another through engineering and research projects and the last is through enforcement. There are three phases of three or four years each, to come up with projects that would increasingly have significant impact on the conveyance of fecal coliform and its reduction so there is less going to the river. These are voluntary projects.

Mr. Karpoff stated that the Ciudad Board was concerned during Phase I that they really talk to community based groups to get some of their ideas on the strategy. They have received quite a bit of support from various groups. They believe that education will be a huge issue because people don't really know what a watershed is, let alone how to improve it. One of the things that can be done immediately is to make sure everyone knows what programs currently exist. This is also most likely a chance of leveraging future funding.

Mr. Karpoff stated that what they are looking for are organizations such as SSCAFCA to agree with this initiative and be a part of it. That means that the entities could trade ideas and continue conversations on how to reinforce the entities' respective efforts. Ciudad's role is envisioned as a collator of information.

Mr. Steve Glass, member of the Board of Ciudad, stated that while this effort is focused on control of fecal coliform discharges, the same exact best management practices that would be put out to control fecal coliform would also control virtually every other pollutant. By focusing on the fecal coliform, they will also improve the overall health of the watershed from the aspect of every pollutant that is out there. Ciudad's role is as a facilitator and clearinghouse. The Ciudad Board has no interest whatsoever in dictating any kind of activities or commitments on the part of any other board. They are more interested in learning what everybody else is doing and helping to facilitate funding whenever possible.

Mr. Karpoff stated that this truly is a non point source issue without permits tied to it or any other kind of specific compliance measure. In the past, this has meant that it's nobody's problem. They propose to change it to make it a community problem to work together to make sure that we have the highest quality water in our surface water bodies, particularly the Rio Grande.

Mr. Rudy asked how to extrapolate the information from the areas that are mostly by the river. It is unlikely that problems other than avian are naturally occurring problems in the river. SSCAFCA's concern is how much gets into the arroyo and how much gets into the river via the arroyos. He asked if there was any information with respect to areas away from the river. Mr.

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Karpoff stated that the sampling locations were done upstream of the river. There are a number of sampling sites of the arroyos and it is a composite. Mr. Rudy stated that SSCAFCA's Watershed Park will create more human involvement, which will increase pollution in the area.

A motion was made by Donald Rudy that SSCAFCA commit to an ongoing participation in the watershed advisory group. It was seconded by Steve House and passed unanimously.

2. Pinnacle Consulting Management Group.

Mr. Stoliker stated that the Board's handouts contain a summary of what staff is requesting. Staff is requesting approval of \$167,467.00 for right-of-way acquisition and title work. This is in response to a request by the Executive Committee and the Board to proceed with as much right-of-way acquisition as soon as possible. For instance, there are three lots needed on 19th Avenue Dam. SSCAFCA has the appraisals on them, but needs help on the acquisition process.

Mr. Stoliker stated that SSCAFCA advertised for right-of-way acquisition firms and received two responses, the other being from TBE Group. Laura stated that Scott McDowell left TBE Group and they have not sent another representative. She believes they are working out of state. Mr. Stoliker stated that this project was bid through the open bidding process and that the City of Rio Rancho has used this company to do their work. They are a national firm out of Oklahoma and are very experienced in this type of work.

A motion was made by Steve House to approve the request. It was seconded by Donald Rudy.

Mr. Rudy stated that he noticed that 19th Avenue Dam and Lisbon Dam are both on the list, but the amounts involved don't look terribly large. He understands there are other land issues with respect to that area. He asked if this will take care of all of it or if there will be more. Mr. Stoliker stated that this is the first cut and takes care of all of the acquisition in the Black Watershed except Tributary A dam which ASCG is investigating. Right now appraisal work is being done on all of the properties. The next phase will be to make the offers.

The motion passed 3-1.

3. Action/Acceptance for Summary Plat of Enchanted Hills Dam No. 1.

Mr. Stoliker stated that Mr. Spangler's July 16, 2007 letter in the Board's handout really has three parts to it. The first deals with ownership of record. SSCAFCA accepted ownership of this facility a couple of years ago. At the time there were issues with respect to it. The ownership form was never filled out and sent in. Mr. Stoliker stated that it would be correct to sign it as he believes that SSCAFCA has accepted ownership. He is asking for approval of the form.

Mr. Stoliker stated that the second issue is that the last page is a letter that needs to be sent to the State Engineer that the developer needs to proceed to the next step with respect to the dam itself. The letter states that SSCAFCA has accepted ownership and will follow up on an O & M plan and an emergency action plan. The letter is acceptable to him.

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Mr. Stoliker stated that Rob Demuele will take the Board through on what is happening on the platting on the dam, which is the third issue. He stated that SSCAFCA has an easement on portion of the dam and the City owns the rest. Rob Demuele stated that this is an administrative issue to correct the history of this property.

A motion was made by Steve House to accept the summary plat as presented. It was seconded by Donald Rudy.

Mr. Yarbrough stated that he thought that the City was supposed to take the ownership of the dam and SSCAFCA would take an easement only. Mr. Stoliker stated that the City owns the dam proper and SSCAFCA has an easement on top of it right now. Somehow the paperwork didn't get submitted showing that SSCAFCA had operational and maintenance responsibility for it. Mr. Stoliker stated that this will change fee ownership of the dam to SSCAFCA because SSCAFCA has traditionally been accepting high hazard structures.

Mr. Stoliker stated that the reason the platting is not being done right now is because the developer is negotiating with the City on the extent of a park that he wants to put in the area. This is why the fee simple ownership to SSCAFCA is not being changed at this time. There is a sewer line that is going through the berm and this has been one of the issues. SSCAFCA has recently changed its policy to where it has taken over ownership of all high hazard dams. Mr. Stoliker stated that the Executive Committee recently met and SSCAFCA's attorney stated at that time that SSCAFCA doesn't have liability insurance to cover SSCAFCA if there is a park there. Mr. Stoliker stated that this is why they are holding off on the replatting of this until the park is identified and the park will be continued in fee simple ownership by the City and SSCAFCA will take the high hazard structure.

The motion passed 3-1.

ACTION/APPROVAL OF THE MINUTES OF JUNE 29, 2007.

Mr. Stoliker stated that there are no minutes for approval at this time.

RECOGNITION/ACKNOWLEDGMENT OF THE TREASURER'S REPORT FOR JUNE 30, 2007.

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

BUDGET COMMITTEE REPORT.

Discussion of Fall 2007 or January 2008 Bond Issue.

Mr. Rudy stated that the Budget Committee has met and with respect to the year that SSCAFCA just finished and the year that is now beginning, and there are essentially no anomalies in the budget at the moment. There is one issue that needs to be discussed, and that is that the committee has been reviewing bond counsel's recommendations. The projections of bond counsel with respect to SSCAFCA's ability to sell bonds is in surprisingly good shape.

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Kevin Powers confirmed that SSCAFCA has increased 47% in total valuation in its jurisdiction. The Town of Bernalillo went up 20%. SSCAFCA can issue the remaining \$6 million bond issue now so that SSCAFCA can have the money in November. This matter can be brought back to the August meeting for an actual notice of election. Mr. Powers has also indicated that SSCAFCA can go back to general election in 2008 for a \$10 million authorization, to follow up with \$5 million every other year.

Mr. Conkling stated that identification of property that is needed for key dams and flood control structures has become SSCAFCA's highest priority because of the rapid change in land values. The values have increased, so SSCAFCA's acquisition costs have increased. Mr. Yarbrough stated that these bonds can be issued without an increase in SSCAFCA's mil levy. SSCAFCA has never increased the mil levy since it was formed.

Mr. Rudy stated that the Budget Committee will be meeting on August 8, 2007.

CHAIRMAN'S REPORT.

Mr. Conkling stated that in the confusion throughout the political spectrum with the change in mayoral leadership, he has heard a number of comments about how grateful the public is about how SSCAFCA got involved and came up with part of the positive solution for the Presbyterian Hospital and its site.

BOARD OF DIRECTOR'S COMMENTS.

Mr. Yarbrough asked where SSCAFCA was on the discussion with the arroyo in front of the Presbyterian Hospital. Mr. Stoliker stated that SSCAFCA has completed everything it needed to with respect to negotiations with the developer; the Developer knows exactly what he needs to do. Staff has conveyed to the Corps of Engineers comments to include in their environmental review of the project. Staff has received comments from Boca Engineering which go to the design issue. This will start the process on how to work out the actual design.

Mr. Rudy stated that there have been reports in the newspapers dealing with dead ducks on Chamisa Hills property. The particular ponds and areas that are of a concern do drain into SSCAFCA's arroyos. He attended a hearing on Tuesday. At the moment, he thinks they probably have the issue largely under control. The biggest concern was finding that facilities of this sort under the control of the City are designed for only a 25 year storm.

PUBLIC FORUM.

Cheryl Ganch, property owner of the Los Rios Neighborhood, stated that the majority of property owners in the area do not want the roads paved, but do want to be protected from the water. The ponds under construction and the pipe under Rio Oso should take care of the major problems they had in Los Rios from the floods. Rio Mora has become an arroyo and needs to be addressed at some point in time. Several months ago, there were some representatives talking about grant money for flood control projects. She asked if there was any way for their community to work through SSCAFCA with the Corps to obtain money for the Rio Mora project. They want the grant to help them opt out of the SAD. They have not been in contact with SSCAFCA's lobbyist.

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Mr. Conkling stated that he is in an awkward situation with regard to opting these residents out of the SAD, when the rest of the neighborhood is in favor of it. Mr. Rudy stated that the lobbyist could possibly give them guidance on how to proceed next. Staff was directed to meet with the Neighborhood Association with the lobbyist to see if we can help with the understanding that the issues discussed must directly relate to SSCAFCA issues.

CLOSED SESSION.

A motion was made by Donald Rudy to go into Closed Session for the purpose of discussion property acquisition in Lisbon Dam Site. It was seconded by Steve House. Roll call vote: Mark Conkling, yes; Steve House, yes; Donald Rudy, yes; and Dub Yarbrough, yes.

RESUME OPEN SESSION.

A motion was made by Donald Rudy to resume open session. Mr. Conkling stated that the only discussion held in Closed Session was the property acquisition in Lisbon Dam Site and that no action was taken.

FOR YOUR INFORMATION.

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

1. July 5, 2007 Correspondence to Bo Johnson regarding Cabezon Subdivision – West Branch Channel.
2. July 5, 2007 Notice from the City of Rio Rancho for a proposed ordinance to adopt a moratorium on the issuance of building permits, or development of any kind in the Lisbon Dam, Sugar Dam, Sunset Dam & 19th Avenue Dam sites.
3. July 5, 2007 correspondence to Rob Demuele from Huitt-Zollars regarding the Hydraulic Drainage Study.
4. DPM Drainage Committee Hydrologic Model Evaluation.
5. The Audit Contract with Chester W. Mattocks, CPA was signed on June 6, 2007.
6. ROW Update.
7. July 11, 2007 letter to Tim Eichenberg regarding Lot 5, Block 166, Unit 17.
8. July 12, 2007 correspondence to Edward Paulsgrove – Corps of Engineers regarding the West Branch of Black Arroyo in Rio Rancho.

OTHER BUSINESS

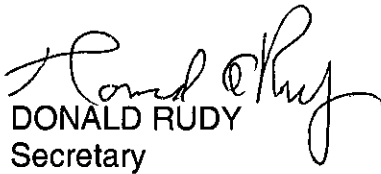
The next board meeting is August 17, 2007 at 9:00 a.m.

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ADJOURNMENT.

A motion was made by Steve House and seconded by Mark Conkling to adjourn the meeting. It was carried unanimously. Meeting adjourned at 11:10 a.m.


DONALD RUDY
Secretary

MARK CONKLING
CHAIRMAN PRO TEM



DATE APPROVED: 9/21/07

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