

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
(SSCAFCA)
MINUTES OF SEPTEMBER 21, 2007
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 9:13 a.m.

ROLL CALL OF DIRECTORS.

Directors in attendance were John Chaney, Mark Conkling, Steve House, Donald Rudy, and Dub Yarbrough. Bernard Metzgar, SSCAFCA's attorney, 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 John Chaney.

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 John Chaney that all electronic devices needed to be turned off during the meeting.

EXECUTIVE DIRECTOR'S REPORT

1. Action/Acceptance of Cabezon Subdivision Tracts 13A, 14A-1 and 14-A-2 Drainage Management Plan & Hydraulic Drainage Study for 19th Avenue and Unser Blvd. Box Culverts - Extension under Westside Boulevard.

Eddie Paulsgrove, of the Army Corps of Engineers, stated that the Corps was involved in the Presbyterian Hospital/Cabezon development project on the west branch of the Black Arroyo. The project involves filling in the arroyo and recreating a flow regime to the north of the existing flow path in a concrete lined channel. The Corps is involved because the obliteration of the existing arroyo and the creation of a concrete channel requires a Section 404 permit under the Clean Water Act. He is the project manager for the project and is in the process of trying to evaluate the impacts to values and functions in the environment based on the proposed project to ensure that mitigation for the lost values and functions is accomplished by the developer. The Corps is relying on SSCAFCA and the City of Rio Rancho to ensure that flooding prevention and other flood issues are being addressed by the appropriate authorities. The main values and functions that he is evaluating are wildlife impacts in the arroyo. The West Branch of Black's Arroyo contains the largest known colony of bank swallows in the State of New Mexico. The Department of Game & Fish has stated that the Rio Rancho area is the only known habitat for the bank swallows. He met with the developers last week, who have proposed to try to accomplish off-site mitigation for the impacts to the wildlife. This would involve creating in excess of 13 acres of suitable, appropriate high value

habitat for the bank swallows, the burrowing owls and other wildlife species. This would hopefully create a continuous segment of open space corridor to possibly have trails along the side to provide for lost habitat foraging and wildlife movement. They are also looking at on-site mitigation, which would require an increase in the width of the proposed open space currently on the table. This includes a 52 foot wide concrete channel with about a 20 foot wide vegetated open space area along the southern boundary of the open space. This would run for about 5,800 feet through the project along the northern border.

Mr. Paulsgrove stated that the mitigation site, whatever is proposed, cannot be land that the City owns or that SSCAFCA owns. It must be done by the applicant and will have to be dedicated in perpetuity so that no development will occur on the site. If they select on site mitigation, the requirement for the open space would almost double to approximately 182 feet. The current open space equates to 13.3 acres, they would require in excess of 24 acres. If he were to make a recommendation to the Board as a project manager for the Corps, he would say that whatever decision the Board makes with regard to approval or non-approval of the drainage plans, as proposed, to be contingent upon the finalization of the Corps working with the developer so that there are no conflicts. He stated that in the cross-section of the plan that he 's been given is that a typical width is 52 feet wide from bank to bank of the concrete channel. Incorporated within that would be open space on either side of another 48 feet.

Mr. Stoliker stated that this development must have a drainage management plan that abides by all of SSCAFCA 's policies. In this case, there was an extra level of protection because it is a hospital. SSCAFCA asked that it be protected for the emergency services only up to the 500 year event. The development will engineer, design and construct the 19th Avenue Dam. It was originally proposed by SSCAFCA that the development purchase the remainder of the dam site. That has been worked out through a JPA with the City of Rio Rancho that the City will provide funding to SSCAFCA for purchasing the remainder of the site. The developer is supposed to do everything that SSCAFCA has asked for inside the Dam. They are to engineer, design and construct the gateway detention dam, or accommodate for the flow to protect the hospital. SSCAFCA had originally asked them to work with SSCAFCA and the City to acquire the remaining property in the watershed. This condition has also been eliminated. Item 5 addresses obtaining all necessary permits and approvals from the Corps, FEMA, State Engineer and other governmental agencies as required, which includes the City of Rio Rancho. The letter that SSCAFCA sent to Mr. Paulsgrove identified SSCAFCA 's concern for quality of life and protection of threatened and endangered species. The ratio of open space to right-of-way should be proportional to the Cabezon North development project. SSCAFCA has approximately 30 acres of easements and is looking for some kind of compensation to the public to make sure that the anti-donation clause is not violated. He stated that the Plan does abide by all of SSCAFCA 's requirements, but there are certain issues on which he would like to get direction and a variance from the Board.

Mr. Rob Demuele, the engineer of record for the Drainage Management Plan, stated that they are asking for approval of both documents today. Attached to the DMP was a submittal for a concrete box extension across 19th Avenue. Also included with the request for approval of the DMP is a request for a variance from SSCAFCA policy. The DMP defines the infrastructure required to develop the future potential Presbyterian Hospital site. They propose to extend the 19th Avenue Concrete Box Culvert, a creation of the 19th Avenue Dam at Unser that will handle the off-site flows from Tributary A and West Branch. The DMP also requires on-site infrastructure to be built on the

future Arroyo Road; it defines what the hardened channel will need to look like at the minimum. This report defines the hydraulic parameters, or the minimum requirements of what the channel will need to look like to safely convey storm water discharge. The DMP also requires that the site handle off-site fully developed flows, or build the Gateway Dam, which basically passes fully developed off-site water through the site to the existing conveyances to the Black Dam. Mr. Demuele stated that the variance that they are requesting is that the hydrologic model includes routing through all of the dams seen upstream. Their hydrologic model assumes that all the upstream dams are in place.

Mr. Demuele stated that the DMP requires that the following improvements or infrastructure are constructed: concrete box culvert extension of the existing quadruple 10 x 8 CBC structure from Unser Boulevard to the south side of West Side Boulevard; a hardlined trapezoidal channel along West Side Boulevard from the proposed concrete box culvert extension to the County line. Exhibit 2A is included as an exhibit of what is being contemplated, but the owner is currently in negotiation with the Army Corps of Engineers to determine specific mitigation measures required. Following the Corps negotiations, final open space dimensions will be determined. The next piece of infrastructure is a storm drain in Arroyo Road discharging north of the County line and into the proposed channel along West Side Boulevard. A storm drain or open channel from the Unser Boulevard crossing of Tributary E to the West Branch Arroyo at the County line; 19th Avenue and Unser Dam, and Gateway Dam, and accommodate for the flow. He stated that for the lower dam for Tributary E is to size the infrastructure in the DMP for mitigated flows, assuming the Gateway Dam is in place. The DMP will require that if the developer of Tract 13 does not construct Gateway Dam, that infrastructure, would have to be sized to handle the fully developed off-site flows. They have provided in the DMP calculations and preliminary design for a pipeline system, but they can't constrict the developer to pipes in a certain location not knowing the final layouts, etc.

Mr. Demuele stated that the DMP outlines lengths, distances, and approximate costs for the infrastructure. There are three documents in the binder that they are asking approval for: the DMP, the Concrete Box Culvert Extension Hydraulic Study, and the Drainage Implementation Plan. He stated that the report defines the minimum of the concrete channel. Mr. Stoliker stated that this needs to be the minimum – it will not be less than 100 feet wide.

Mr. Bo Johnson, the developer, stated that the 100 feet is minimum. It is a number that could change according to the final plans, which will be wider to accommodate the open space and trails. They spent a number of meetings with the Corps and at the last meeting it was determined that the habitat mitigation can be accomplished off-site. The construction drawings cannot be prepared without approval of the DMP from SSCAFCA. They have agreed to the Corps requirements in principal.

Mr. Conkling asked if Mr. Johnson was looking to SSCAFCA's powers of condemnation to acquire the properties for the off-site mitigation. Mr. Johnson stated that this is not their intent. Mr. Conkling stated that they had talked about a potential way of conserving their commercial values at the same time as preserving SSCAFCA's objectives by not only allowing, but encouraging the open space to meander as to width. Mr. Johnson stated that the proposed sketch shows 100 feet as a typical number, but some areas that can be widened, he is certain that the owner will be open to this intent. Mr. Johnson stated that when you add the right-of-way of Westside Boulevard, the total that you're actually talking about is 256 feet. Mr. Yarbrough stated that Westside Boulevard is not pedestrian friendly. Mr. Johnson stated that there is 41 feet from the curb to the right-of-way line to

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the north side. The existing channel is approximately 40 feet in 150 foot right-of-way. This is being landscaped with a service road and walking trail. When the project is taken as a whole, he does not see a relationship between the channel width and open space.

Mr. Stoliker stated that SSCAFCA only had about 30 acres of easement, but by what the developer has done; SSCAFCA now has about 25 acres, which is fee simple property, versus 40' of easement. The developer takes care of all of the flow, plus 19th Avenue Dam. He recommends approval.

Mr. Yarbrough stated that the drawing he saw shows the typical channel which looks very steep. Mr. Johnson stated that it is a function of the channel. Mr. Chaney stated that this Board has expressed on many occasions that it is against concrete lined channels if at all possible.

Mr. Johnson stated that they imagine providing habitat where the birds are living today. They imagine providing more than a small sliver and purchasing lots and leaving it in its natural state for future walking trails along the arroyo. Mr. Conkling stated that SSCAFCA's Quality of Life plan calls for folks being able to use it as educational opportunities, trails, park-like environments that are natural. He was hoping they would help SSCAFCA design that. Mr. Johnson said they would be happy to do that - to do the engineering and help SSCAFCA do the plans that would reflect that. Mr. Rudy asked if they had identified other sites for mitigation. Mr. Johnson stated that Mr. Metzner is going to address this issue and he proposes that SSCAFCA be involved and receive title to the lands adjacent to the natural arroyos.

Pete Metzner, of Metric Corporation, which is an environmental science and engineering firm, stated that they have been providing environmental input into this project. They have evaluated the existing habitat in the proposed project area. There are two bird species of concern - the bank swallow and the burrowing owl. They coexist in a certain reach of the arroyo that will be affected. They are presently searching in the Rio Rancho area for comparable habitat that supports both species. They are trying to determine what reaches of existing arroyos that are under private ownership might be candidates for replacement of this habitat. They would include the banks of the arroyos as well as set backs from the banks. Both species exist within the banks of the arroyos. They are looking at 13 acres off-site of preserved habitat. They hope to come up with an area sometime next week that can be used.

Mr. Yarbrough stated that if the facilities are found, he asked how they propose to get the wildlife to move into these areas. Mr. Metzner stated that they are looking for "working" habitat presently that has provided over the past season habitat for both species. They don't compete with each other for food or spaces to occupy. Mr. Rudy asked if it was possible to construct an area that would be appropriate. Mr. Metzner stated that the bank swallow wants to have a vertical, silty bank where they can dig cavities in.

Mr. Chaney stated that going back to the slides, and remembering what Mr. Conkling had mentioned about places on the site where you could have a larger channel and not impact the development financially, he asked if the design could be modified to be hard lined and have soil cement in the areas where the easement would be larger. Mr. Demuele stated that this is going to be a fairly high density commercial development, so a hydraulic conveyance is probably best left as a hard engineered, hardened, continuous channel. Mr. Johnson stated that they can find areas

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where they can jog out and provide some areas of space more than 100 feet and choke it down in other places. Once you have it in a concrete channel, it is probably best kept to the channel.

Susan Barton, a member of the public, stated that, with regard to safety, if the whole channel is going to be concrete lined and then above you have shade structures and places for the public to go, she asked what happens when a big flow of water is flowing - how do you protect the public who might be in the channel. Mr. Johnson stated that the channel is approximately eight feet deep and they do provide railings and safety equipment around the sides. He requested approval of the plan that is in front of the Board. The color is described as Sandia Brown, which is the same color as the Cabezon Channel.

Mr. Rudy stated that everything they have been given shows that the developer has made up its mind how this will look and that it doesn't seem interested in negotiating anything SSCAFCA may be concerned about because that would require some give and take on the developer's part. He would like to see some alternatives and options presented to SSCAFCA that come a lot closer to SSCAFCA's vision. He stated that water does not like straight line channelization, especially fast flowing water. Mr. Yarbrough agreed.

Howard Balmer, City Councilor for Rio Rancho, stated that he doesn't believe that the intent of this meeting today is to approve what the arroyo will look like. The intent is to approve the hydrology that has been devised for the site so that all of the engineering can take place. From the City's perspective, the LEE line put in place for the arroyo years ago was to protect the arroyo and where it's at, but that doesn't mean that the LEE line is where the actual development ends. In essence, SSCAFCA does not own 30 acres of land there, the property owner owns it. SSCAFCA doesn't own that land - private developers own it, and SSCAFCA will now get 13 to 15 acres of land in fee simple - plus an additional 11 acres.

Mr. Rudy stated that he does not agree with that. Once SSCAFCA has given conceptual design approval to what has been presented, there are boundaries and limitations to the amount of space that SSCAFCA has to work in. Given those limitations, the final design will not be very different from what has been presented. Mr. Stoliker stated that it is typical for SSCAFCA to look at the big picture and staff to approve the final design. Staff works with the developer to design and construct the facilities to help protect the site that he wants to build on. FEMA will not give approval for the hospital if the channel is not hardlined because dirt will erode. The hospital must be protected.

A motion was made by Mark Conkling to approve the DMP as presented, including off-site habitat contingent upon final negotiations with the Corps of Engineers and final approval by SSCAFCA of the construction designs, provided further that the total open space and off-site acreage should be equal to SSCAFCA's easement and that open areas meander by utilizing nodes and pockets. It was seconded by John Chaney.

Mr. Yarbrough stated that SSCAFCA is backpedaling from how they started out six months ago to accommodate a developer that is willing to do a portion of the project. Until SSCAFCA gets a little further along with some engineering drawings or something besides this multi-colored presentation, he opposes this DMP at this point. Mr. Rudy stated that he feels the same as Mr. Yarbrough in the way that the DMP has been presented, that all of the flood control and open space

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is restricted to a relatively narrow, defined corridor and the ability to vary the design, to modify, or improve the area, both in terms of flood control effectiveness, aesthetics, public views, etc. is limited to very narrow parameters and he does not believe that it is appropriate.

Kim Hedrick, with Presbyterian in Rio Rancho, asked for the Board's support for the DMP so that they can go forward and plan the arroyo corridor. Mr. Johnson has, in her opinion, bent over backwards to work with the commercial property and with the contiguous land owners. They feel they are going to come up with a user friendly property and should improve quality of life.

Roll call vote: John Chaney, yes; Mark Conkling, yes; Steve House, yes; Donald Rudy, no; and Dub Yarbrough, no. The motion carried 3-2.

2. Action/Acceptance of Cielo Norte Subdivision, Units I, II & III, grant of easements.

Mr. Stoliker stated that this is an approved subdivision and when it was approved the developer said that they would come back to SSCAFCA with the grants of easement. Staff is asking for approval of the grants of easement.

Amy Niese, of Isaacson & Arfman, stated that this is a four unit subdivision. It will be a total of 182 lots. There will be three areas for ponds in the Subdivision and will all be constructed with Phase I but will be spread out in the units. These will be owned by the City of Rio Rancho and maintenance will be done by SSCAFCA.

A motion was made by Donald Rudy to approve the grants of easement as requested. It was seconded by Mark Conkling and passed unanimously.

3. Action/Acceptance of Storm Drain Improvements for Operations & Maintenance for Ocotillo Hills Subdivision.

Mr. Jarrod Likar, of Huitt-Zollars, stated that SSCAFCA has already approved the DMP and they are here today to ask SSCAFCA to take over operations and maintenance.

A motion was made by Steve House to accept the operations and maintenance as requested. It was seconded by Donald Rudy and passed unanimously.

4. Discussion of Stonegate Development Plan.

Mr. Stoliker stated that the engineer of record is John McKenzie. The developer originally came in and was going to develop the whole area. It is a high density area and they originally were going to meet all of SSCAFCA's requirements. It got to be so expensive putting in large pipe that they couldn't make it work for a drainage, roadway, etc. Due to the cost, the developer stepped back and kept the original lots but didn't go for the subdivision. They also needed an easement from SSCAFCA for a sanitary sewer line, but this is more of a policy issue. Mr. Chaney stated that there are more issues that need to be resolved before this is approved.

Scott Medina, of Mark Goodwin engineers, stated that they have pulled back to the existing platting. They are looking at two basins, one that runs adjacent to their property and one that their

property lies within. They are looking at a small sliver of land that flows through their property and are asking for conceptual approval for a transfer from one basin to the other basin. This will increase the flow and volume, so they propose to facilitate the acquisition of the land adjacent to the arroyo to construct the facilities necessary to mitigate the increase in flow and volume. They are currently in coordination efforts with the adjacent property owners to address the drainage problems.

The drainage currently flows down 26 to the existing playa which creates a flooding condition. The basin transfer will come up with a cost-effective solution for the drainage problem. They are also looking for direction from SSCAFCA as to whether they will accept the space and transfer. Their site is bound by 19th Avenue, 30th Street, 26th Street and Fruit Road.

Mr. Medina stated that the basin transfer consists of diverting a portion of land which currently drains in an alternate direction. They had proposed doing on-site ponding and other options to mitigate the off-site flows. The other options would become public facilities to be maintained by SSCAFCA. They propose doing road improvements along 19th so they would be open to a roadside ditch or a storm drain to convey the flow westward. Even though the contours show it flowing through their site, they believe that it is intercepted by the crossing roads even though they are not improved. This creates a unique challenge in itself as to how to intercept that flow.

Mr. Chaney stated that at this point he would like to remand this issue back to the Executive Committee. Mr. Medina stated that their intention is to create a drainage facility that almost functions like a detention pond. Mr. Yarbrough is concerned about what will happen to the lower portion when they get ready to develop it. Mr. Stoliker stated that the issue is how to be careful not to get onto someone else's property between basin transfers. There is some area that they do not own. Mr. Stoliker stated that if SSCAFCA can work with the developer and the City on impact fees; this can be made into a natural area that can be used by the public. No action was taken on this item.

5. Presentation Discussing Utilities in Arroyos.

Eddie Paulsgrove, of the Army Corps of Engineers, stated that it is the Corps' position on sewer lines located in an arroyo below an ordinary high water line that it is not a good idea and is not environmentally sound. The feedback that he got from the EPA was very definitive that they agreed that it is not something that they would like, so unless it is something that is shown to be absolutely critical, they would not approve it. The sewer line that was placed in the Lomitas Negras was based on an emergency situation. This project right now is not an emergency. The permitting process would require an individual permit based on the length of the pipe and the type of material conveyed.

Unless there is data that he is not aware of showing him that this is the most environmental safe positioning of the sewer line he will vote to not approve it. The monetary issue is not important enough to allow the line to be in the arroyo. Mr. Conkling stated that the Board was impressed by their engineer's report on the continuously fused pipe that cuts the leak risk to the state of the art in America. The Board was impressed further that, running the sewer alongside the arroyo, any break in any substandard pipe would run into the arroyo anyway. The logic had to do with upgrading the pipe and addressing the safety issues where SSCAFCA might be better off.

Mr. Chaney stated that if this type of practice is going to be abandoned throughout the country and the Corps and other agencies are in opposition, the Board needs to consider not putting

it in the DMP. Mr. Chaney stated that it should be contingent upon all other regulatory agency approval.

Bill Zimmerman, of HDR, stated that they have reviewed how Rio Rancho sizes pipelines and they have quite a safety factor in their design criteria, so SSCAFCA doesn't have to worry about skimping on the size. They recognize the fact that a lot of the areas are not fully developed and things change. They have reviewed this and feel very comfortable with the design criteria. On placement, they agree to a minimum depth of eight feet to be located in the middle of the arroyos as much as it can be kept in the bottom. There would be witness posts every 300 feet. Detector tapes would further alert agencies. These procedures have been reviewed with the New Mexico Environment Department, and Richard Rhodes concurs with this. One of the elements of the sewer line is that they like to get in there and have access to it for maintenance. This is another innovative issue manway. A manway is a "T" in the line and is fused so it's tight. This is kept five feet below the surface so if the arroyo erodes down there is not a manhole sticking out of the arroyo. The top would be bolted down with a flange. The shaft is the same diameter as the pipe. Access would require excavation. Alternatively, manholes would be HDPE fused pipe, and it would only be where the arroyo crosses a road.

Mr. Zimmerman stated that the remarks on the 404 permit by the Corps surprises him because he has put sewer lines in arroyos and it has not been a problem. The City of Albuquerque just put a chemical feed line in the North Diversion right-of-way. Without them, the City of Rio Rancho will have to have a lot of pump stations.

6. Discussion of Sanitary Sewer Standard Details to be included in the Development Process Manual.

Liz Reardon, of Morrow, Reardon Landscape Architects, has been working on developing the portion of the DMP that addresses the quality of life amenities that would go in in conjunction with the utility lines. The first thing that the draft DMP addresses are policy issues, three of which directly affect the quality of life issues. The first is a statement that utilities will be allowed in arroyos when appropriately permitted. This ties into some of the concerns just discussed. The second is that SSCAFCA does value the natural environment and wants to protect the existing habitat and vegetation. As a result, SSCAFCA would identify selected arroyos within the system that would be set aside to be kept in their natural condition. Utilities would not be allowed in these selected arroyos. These have not been selected to date. The third issue is that SSCAFCA supports the Quality of Life Master Plan for Watershed Park and, as a result, would take advantage of a project such as a utility installation and work with that developer to construct quality of life amenities in conjunction with that project, in return for the usage of the land that would take place in that project.

Ms. Reardon stated that they are going forward with design criteria for the Watershed Park amenities in association with the utility lines. The first statement in the DMP is that all utility projects would incorporate quality of life improvements. Those amenities would be determined on a case by case basis. The basic amenities would include linkage elements such as trails and wildlife corridors, and supportive elements such as trail heads, view sites, and signage. All elements would be in accordance with the City of Rio Rancho development standards. All trails would have signage. Access to the trail heads and trail would be controlled by fencing and step through gates onto the trail. Locked access gates would be provided for maintenance vehicles. They would have

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designated parking areas. The trail head would be in accordance for ADA for handicap accessibility. Some additional elements at trail heads could be shade structures, benches, educational and informational signage and possibly maps of how the trail connects to other trails, trash receptacles and dog waste receptacles. The wildlife corridors would primarily tie both into the design and construction and would include restoration of disturbed habitats.

Ms. Reardon stated that they currently are looking at the trail where it crosses arroyos not having any kind of surfacing, and the trail outside the arroyo would be existing native dirt, possibly compacted and stabilized in areas where needed. This creates a challenge in ADA accessibility.

Mr. Conkling suggested at this point at putting the rest of the agenda items on SSCAFCA's special board meeting on Wednesday. Mr. Metzgar stated that the Special Notice and Agenda have already been sent out. He is not sure this can be added to the agenda for the special meeting because there is not enough time to publish the notice. He stated, however, that if it is done today that would be fine.

Mr. Larry Webb, of the City of Rio Rancho utility manager, stated that the EPA is very much on board with this idea. It has been shown that the practice of putting the sewer lines in the banks of the arroyos does not work. He knows of no regulations that say you can't do this. The bottom of the arroyo is not eroding; it's the banks that erode. The City is liable for all of these issues, no matter where the lines are placed. The systems where you put them on both sides of the arroyo they didn't like because of the exposure. Mr. Stoliker stated that what Liz would normally do on a trail could be as much as \$1 million; however, the trails will be much less than that on this facility. Mr. Conkling stated that when the contractor puts in the pipe and all the improvements that they take a little extra time to leave SSCAFCA with a hard trail. Mr. Stoliker stated that this information will be placed in the draft drainage procedures manual for approval at a later date.

Mr. Chaney stated that the rest of the agenda items that will require time be deferred until the special meeting on Wednesday.

7. Action/Acceptance of Northern Boulevard Sediment Basin Final Report.
Deferred.
8. Action/Acceptance of Final Adjusting Change Order No 2. For Lomitas Negras and DCC Channel.
Deferred.
9. Action/Acceptance of Task-Order for \$58,800 for Drainage Policy Update Extension.
Deferred.
10. Action/Acceptance of Change Order No. 4 & 5 for Sportsplex Dam Site.
Deferred.

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11. Presentation of Annual Report.

Deferred.

ACTION/APPROVAL OF THE MINUTES OF JULY 20, 2007.

A motion was made by Donald Rudy to approve the minutes of the meeting of July 20, 2007. It was seconded by Mark Conkling and passed unanimously.

Mr. Conkling stated that there has been some public concern about the timeliness of the minutes.

RECOGNITION/ACKNOWLEDGMENT OF THE TREASURER'S REPORT FOR AUGUST 31, 2007.

Mr. Rudy presented the Treasurer's Report for August 31, 2007 and asked if there were any questions. There were none.

1. Discussion of Yield Control.
2. Discussion of Bond Rating.

Mr. Rudy stated that this item can be discussed at SSCAFCA's special meeting.

PUBLIC FORUM.

None.

CHAIRMAN'S REPORT.

A motion was made by John Chaney to go into Closed Session for the purpose of discussion of Mr. Stoliker's contract. Mr. Metzgar stated that this is not allowed.

Mr. Rudy stated that some of the Board members have not seen the contract. Mr. Metzgar stated that it would be appropriate to discuss the contract in open session. He also stated that he is concerned about it not being on the agenda, but it definitely cannot be held in closed session. You can have personnel issues in closed session, but not renewal of a contract. It can be put on the agenda for Wednesday's special meeting.

BOARD OF DIRECTOR'S COMMENTS.

None.

FOR YOUR INFORMATION.

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

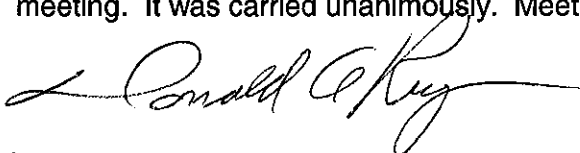
1. Adoption of Moratorium Ordinance No. 50 for the Lisbon, Sugar, Sunset and 19th Avenue Dams by the City of Rio Rancho.
2. August 22, 2007 letter from TLC Plumbing & Utility regarding Santiago Venada Arroyo Crossing.
3. September 5, 2007 correspondence from the Department of Finance and Administration approving the 2007-2008 fiscal year final budget.
4. September 6, 2007 newspaper article, "State's Retiree Premiums Going Up".
5. The following infrastructure plans were signed by the Executive Director:
 - a. Cielo Norte Units I & II, the Executive Director signed the mylars on August 9, 2007;
 - b. Rio Rancho Estates, Unit 17, Tract G, the Executive Director signed the mylars on August 27, 2007.
6. Task-Order in the amount of \$4,275 for the SAS Investigation Part II Extension.
7. September 11, 2007 newspaper article, "Flood Board to Sell Bonds".
8. September 15, 2007 newspaper article, "Wealthier Homeowners to Pay More".
9. September 18, 2007 correspondence from the Department of Game & Fish regarding mitigation for loss of Bank Swallow and Burrowing Owl habitat in West Branch of Black Arroyo.

OTHER BUSINESS.

A Special Board meeting will be held on September 26, 2007 at 11:30 a.m.
The next regular Board meeting will beheld on October 19, 2007 at 9:00 a.m.

ADJOURNMENT.

A motion was made by Donald Rudy and seconded by Mark Conkling to adjourn the meeting. It was carried unanimously. Meeting adjourned at 12:15 p.m.



JOHN CHANEY
CHAIRMAN


Vice Chair

for/ STEVE HOUSE
Secretary

DATE APPROVED: 11/16/07