

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
(SSCAFCA)
MINUTES OF JANUARY 18, 2008
BOARD OF DIRECTORS REGULAR MEETING**

CALL TO ORDER.

The special meeting of the SSCAFCA Board of Directors was called to order by John Chaney, Chairman, at 9:08 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 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.

ELECTION OF OFFICERS.

1. **Chairman of the Board of Directors/President of the Authority.**

Mr. Conkling nominated John Chaney to serve as Chairman and President of the Board of Directors for the year 2008. It was seconded by Donald Rudy, who also moved that the nominations be closed. No other nominations were made and Mr. Chaney was elected unanimously.

2. **Chair Pro Tem of the Board of Directors/President Pro Tem of the Authority.**

Mr. Conkling nominated himself as Chairman Pro Tem of the Board of Directors and Dub Yarbrough as Alternate Chairman Pro Tem of the Board of Directors for the year 2008. It was seconded by Donald Rudy. No other nominations were made and Mr. Conkling and Mr. Yarbrough were elected unanimously.

3. **Secretary of the Board of Directors.**

Mr. Conkling nominated Steve House to serve as Secretary of the Board of Directors for the year 2008. It was seconded by Donald Rudy. No other nominations were made and Mr. House was elected unanimously.

4. Treasurer of the Board of Directors.

Mr. Conkling nominated Donald Rudy to serve as Treasurer of the Board of Directors for the year 2008. It was seconded by Donald Rudy. No other nominations were made and Mr. Rudy was elected unanimously.

ASSIGNMENT OF COMMITTEE MEMBERSHIPS BY THE CHAIRMAN.

Mr. Chaney made the following standing committee appointments:

1. Budget Committee.

Mr. Chaney appointed Donald Rudy (chair), with Dub Yarbrough, Perry Baird, and David Stoliker as Committee members. He appointed Steve House as the alternate to the Board members on this Committee.

2. Personnel Committee.

Mr. Chaney appointed Steve House (chair), with Donald Rudy and David Stoliker as Committee members. He appointed Mark Conkling as the alternate to the Board members on this Committee.

3. Executive Committee.

Mr. Chaney appointed John Chaney (chair), with Mark Conkling, Bernard P. Metzgar, and David Stoliker as Committee members. He appointed Dub Yarbrough as the alternate to the Board members on this Committee.

4. Mid Region Council of Governments (MRCOG) Representative.

a. Water Resources Board.

Mr. Chaney appointed Donald Rudy to the MRCOG Water Resources Board. He appointed David Stoliker as the alternate.

b. Executive Board.

Mr. Chaney appointed Donald Rudy to the MRCOG Executive Board. He appointed David Stoliker as the alternate.

c. Metropolitan Transportation Board.

Mr. Chaney appointed Steve House to the MRCOG Metropolitan Transportation Board. He appointed David Stoliker as the alternate.

5. Additional Committee Assignments and Appointments.

BOARD OF DIRECTORS REGULAR MEETING

JANUARY 18, 2008

Mr. Chaney stated that he would like to create a new committee due to substantial turnover in SSCAFCA's engineering department in the near future. David Stoliker's contract expires soon and SSCAFCA will need to train another Executive Engineer to take over that position. He stated further that SSCAFCA may have some turnover in drainage engineers and may very well want to have a new engineer for the quality of life issue. He would like to call the new committee the Executive Search Committee. He appointed Steve House as the chair, with Mark Conkling to serve on this committee and Mr. Chaney would serve as an alternate.

Mr. Chaney stated that last year Donald Rudy served as liaison for SSCAFCA's lobbyist, but he would like to make this a formal committee as well, Lobbyist Liaison and Legislative Committee. He appointed Donald Rudy as chair with Steve House on the committee as well. Mr. Chaney would serve as an Alternate.

Mr. Chaney stated that it also might be appropriate to have board members involved in strategic planning. He appointed Dub Yarbrough (chair) and Donald Rudy as a member of the Strategic Planning Committee. Mr. Chaney would serve as an alternate.

Mr. Chaney appointed Steve House as the liaison to ESCAFCA.

RESOLUTIONS FOR APPROVAL.

1. Resolution 2008-1, Notice for Meetings.

Mr. Stoliker presented Resolution 2008-1 and stated that there are no changes from the previous year. A motion was made by Steve House to approve Resolution 2008-1 as presented. It was seconded by Mark Conkling.

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

2. Resolution 2008-2, Designation of Official Newspaper.

Mr. Stoliker presented Resolution 2008-2. He stated that staff recommends that the Albuquerque Journal be designated SSCAFCA's official newspaper and that The Observer be designated as an additional newspaper. A motion was made by Mark Conkling to approve Resolution 2008-2 as presented. It was seconded by Steve House.

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

3. Resolution 2008-3, Check Signing Authorization.

Mr. Stoliker presented Resolution 2008-3 and stated that there were no changes from 2007. A motion was made by Mark Conkling to approve Resolution 2008-3 as presented. It was seconded by Donald Rudy.

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

4. Resolution 2008-4, Designation of Legal Holidays.

Mr. Stoliker presented Resolution 2008-4. A motion was made by Steve House to approve Resolution 2008-4 as presented. It was seconded by Dub Yarbrough.

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

EXECUTIVE DIRECTOR'S REPORT.

1. Action/Acceptance of Selection/Budget for Architects for SSCAFCA Building Expansion.
2. Action/Acceptance of Task Order with Huitt-Zollars.

Mr. Stoliker stated that he had previously recommended doing an O & M building, but in talking with the Executive Committee and receiving input from the Board, he now believes that he should yield to the Board's will and the O & M building will not be pursued at this time. SSCAFCA will, however, continue with an operations and maintenance contract, and will bring in an operations and maintenance contract with a change in it which will allow response to emergency situations in a more rapid way. However, there should also be an expansion of the administrative building to accommodate extra staff. The budget right now is \$1.6 million which includes architectural, expansion of the building, redoing the landscaping, and putting up a wall that was supposed to be put up years ago.

There are two task orders included in the budget today, one for an architect (EDI) for \$165,000, plus certification, etc. on the existing building; and a second for Huitt-Zollars to do the support work that goes along with that. The task order for this is around \$40,000.

Mr. Stoliker stated that there is a schedule for completion of the project, which should be done by Thanksgiving 2008. Kent Beierle, Principal of EDI, stated that they have a new schedule to send out later today.

Mr. Beierle stated that they will start design upon approval of this contract. The first kick-off meeting will be in a week, and a couple of weeks after that design work should start. Mr. Stoliker stated that he has asked the architect to come in every month or so and keep the Board updated with design work.

Mr. Stoliker stated that the budget is a forecast, but each part will be brought to the Board for approval. The Board needs to approve the contracts and then review the budgets as they go through. Mr. Metzgar stated that the limitation of liability clause has been taken out of the contract and there is sufficient coverage to protect SSCAFCA.

Mr. Beierle stated that LEAD Certification is a national standard that everybody can understand. It has been adopted by the federal government as mandated for all GSA projects. That program is set up as a shopping list in terms of points, and you earn points for doing a variety of different things. In our climate, solar is a very effective way of generating power because of the

BOARD OF DIRECTORS REGULAR MEETING

JANUARY 18, 2008

ample solar resource. It has been refined over the years and he is for it, but he will not ram it down the Board's throat.

A motion was made by Donald Rudy to approve the contract for EDI, as well as the task order for Huitt-Zollars. It was seconded by Steve House.

Mr. Beierle stated that in the grand scheme of things they were initially looking at the \$200/square foot range, which included all the high tech equipment and electronics, etc. They have changed the scope a little bit so that must be re-assessed. He stated that they are shooting for the \$200 - \$220 square foot range.

The motion passed unanimously.

3. Action/Acceptance of Selection of Fiscal Services Director.

Mr. Stoliker stated that Perry Baird's contract was at the end of its four year period and SSCAFCA had to go out with a new proposal. Perry was the only applicant to SSCAFCA's RFP for financial director.

A motion was made by Mark Conkling to approve that Perry Baird continue under contract with SSCAFCA as Fiscal Services Director. It was seconded by Donald Rudy and passed unanimously.

4. Action/Acceptance of Contract Renewal for Surveying with Community Sciences Corp.

Mr. Stoliker stated that this is a renewal of the contract with Community Sciences Corp.

A motion was made by Mark Conkling to approve the renewal of the contract with Community Sciences as presented. It was seconded by Donald Rudy and passed unanimously.

ACTION/APPROVAL OF THE MINUTES OF DECEMBER 21, 2007.

A motion was made by Donald Rudy to approve the minutes of December 21, 2007 as presented. It was seconded by Steve House and passed unanimously.

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

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.

CHAIRMAN'S REPORT.

Mr. Chaney asked for a report with regard to Wallen Builders. Mr. Metzgar stated that SSCAFCA had entered into an agreement with Wallen on his subdivision where he would transfer a lot to SSCAFCA that would be included in SSCAFCA's Sugar Dam, in addition to removing 50,000 cubic yards of dirt from that dam site, or the Sunset Dam site. SSCAFCA thought everything was

fine with that until David Stoliker was approached by the project manager of the Wallen Subdivision who had taken the position that they would remove the dirt, but they were not responsible for the disposal of the dirt, and that they were also not responsible for a SWPPP that would have to be obtained for the project. Part of the problem was that Wallen himself had sold this project to another developer and the other developer had not been involved in the negotiations and when they read the documents presented to them, they didn't say removal and disposal. Staff has had a meeting with them and they have been told that their position was not valid since they had already applied to the City for a route for disposal. Their attorney wanted to get background information on it and SSCAFCA met with them last week. The attorney told them that he would give them an opinion as to what they should do in a very short time and SSCAFCA would be notified.

Mr. Stoliker stated that the cost of disposal is estimated at \$5.00 per cubic yard, at 55,000 cubic yards, which would cost \$275,000. It's probably 20% for excavation and 80% for disposal, but it depends on the disposal route. In exchange for them removing the soil, SSCAFCA gave approval to them for their subdivision. Mr. Rudy asked if SSCAFCA could rescind its approval. Mr. Metzgar stated that SSCAFCA does not yet know what their position is. The developer avoided having to build a flood control structure by cutting this deal.

Mr. Conkling stated that it is his belief that the misunderstanding lies with the buyer and seller of the project and they will have to work it out between themselves and that SSCAFCA will not be involved in that. He would like for SSCAFCA to develop a form contract that can be used for these purposes in the future.

BOARD OF DIRECTOR'S COMMENTS.

Mr. Yarbrough asked where SSCAFCA stands on the moving of the arroyo for Presbyterian Hospital. Mr. Stoliker stated that they are designing the channel, Mr. Johnson is in the process of purchasing the property in the West Branch and they are building the structure under Westside Boulevard. Staff has reviewed the channel plans and sent them back with comments, but staff hasn't heard anything since December.

Mr. Yarbrough stated that he lives in Unit 17, which is where the SAD is going in. The City has assessed each property owner a minimum of \$13,575.00 per lot.

Mr. Yarbrough stated that the City says that SSCAFCA does not have the authority to work on the Guadalajara project. Scott Sensenbauer, the Acting City Engineer, stated that they have been working very closely with David on the design of that project. Mr. Yarbrough stated that the money that has been raised is the responsibility of the City and SSCAFCA does not have the authority to go in and do the project. Mr. Sensenbauer stated that he is unaware of that position being taken by the City. Mr. Stoliker stated that SSCAFCA's plans are prepared by professional engineers and they always meet with the City as part of the project team. There are signatures for David as Executive Director for SSCAFCA and he only puts his signature on the document after the Board approves the budget and he is given direction to do the project. The second signature is for the City Engineer. Any public right of way that is not designated specifically can be used for drainage. In this case, Guadalajara is a public roadway that can also be used for drainage, so SSCAFCA will be putting a pipe in there.

Mr. Yarbrough asked if there was any money in the budget that can be changed to those projects in Unit 17. The Homeowners' Association has come up with about \$500,000 to help with the projects. Don Chapman, Homeowners' Association president, stated that they have requested up to \$2 million from the Legislature, which will be passed through to SSCAFCA in the form of future projects. He thinks that it makes sense to do the Alberta Detention Pond next. Alberta was seriously affected in the flooding. Mr. Yarbrough stated that the majority of the people in Unit 17 do not want the roads paved. If the drainage can be taken care of to not endanger houses, he thinks it would go a long way to solve the problems down there and get out from under the SAD. He hasn't had any correspondence with the City, but the City never put this to a vote of the public. It is his understanding that SAD units have to have 51% approval of the public. Mr. Chaney stated that the City Council can find for reasons of public safety and health that they can impose a SAD. The ones you have seen recently, a large number of the property owners request it and they go through the process. If there are no objections, then they can authorize it.

Mr. Chaney stated that if Resolution 3 is approved by the City, they would then have to come up with actual costs and then have another resolution. Mr. Sensenbauer stated that if Resolution 3 is approved, they would proceed with design, they will have revised estimates, a round of letters will go out explaining what the estimates are. Resolution 4 would then be presented which authorizes the City to go out to bid. Resolution 5 would establish the final cost. Mr. Conkling stated that the Board has been looking for projects it can do in concert with the City. SSCAFCA's concern is to not do something that would be changed by the SAD design, but rather that SSCAFCA does something to help and SSCAFCA has already set aside \$1 million to help with the problems. Mr. Yarbrough stated that the money that has been committed is mostly for the Guadalajara drainage.

Mr. Chapman stated that SSCAFCA has indicated that the Teton Drain would be done as a priority. There is a culvert that exists at Kim and Chihuahua, and if that is not taken care of, there will still be an issue with the water that comes down Kim Road. Mr. Yarbrough stated that the City Council has its mind made up with regard to the SAD and it will take quite a lot to change their minds.

Mr. Rudy stated that SSCAFCA's primary responsibility is to find out how much of the whole flooding problem in this area can be defined as arroyo or regional issues, address itself to those and make sure that all of them are taken care of. SSCAFCA is not in a position to affect the political and financial positions with respect to the City, nor the other infrastructure issues with regard to roads and curbs, etc.

Mr. Sensenbauer stated that at the February 13, 2008 meeting, if Resolution 3 is approved at that meeting, it will create District 7 and direct the City to proceed with bidding for construction of the district improvements. The design would take place basically during the spring and the summer. Resolution 4 is scheduled, and the dates are subject to change if the governing body directs those changes to be made, for August 13, 2008. This would set the time in place for an assessment hearing. Notices would then be sent to property owners with a revised estimate. The City hopes that the estimates would come down. Resolution 5 is scheduled for October 8, 2008, and this would confirm and approve the assessments and construction would start some time after that.

Mr. Metzgar stated that at the last Board meeting, SSCAFCA was given a list of regional facilities that would work whether there was a SAD or not. His understanding was that SSCAFCA

does not have any present funding to do all of those projects, but it was going to be prioritized and SSCAFCA would move on it as quickly as possible with any other funds that the Legislature might come down with during this session. Mr. Yarbrough stated that SSCAFCA needs to put the building expansion on hold and use that money to help in Unit 17 at this point in time. Mr. Stoliker stated that even if the SAD goes through, they are not doing anything with regard to regional drainage and SSCAFCA will still need to do work in the area.

Mr. Yarbrough asked if FEMA has paid everything. Mr. Stoliker stated that they have not. Staff is submitting a report, which they do every quarter, and FEMA is severely behind in their payments. SSCAFCA has only received around \$483,000, which represents two payments, and FEMA owes about \$1.5 million. The way it has been set up is that it has not been authorized by FEMA for disbursement. The process is very slow.

ATTORNEY'S REPORT.

Mr. Metzgar stated that the SSCAFCA v. Intrepid lawsuit had been put on hold because the parties were attempting to work out an agreement. Mr. Chaney signed the agreement this morning. The pond will be built before March. The signatures are being obtained on the agreement.

PUBLIC FORUM.

Mr. Eddie Paulsgrove stated that some of the people with AMAFCA and the developer felt that the Corps was holding up the process. The property to be assigned as wildlife habitat and the conservation easement is being pursued and it looks like it will be fine. The main problem is the water quality pond proposal has been sent repeatedly to the state engineer's office and has been sent back repeatedly. The water quality pond that is a part of the west branch of the Black Arroyo is also part of a previously permitted project about four years ago. The developer for Cabezon Development, when they got their permit for construction, went ahead with their construction, but the water quality pond was never built. It has not yet been built. The Corps feels it is appropriate to require that the state engineer sign off on the final agreement of the water quality pond prior to any construction and that construction of the pond be conducted concurrent with the development at the west branch property.

Mr. Paulsgrove stated that they have not received an application for the sewer line in the arroyo bottom for the City Centre. They did issue a cease and desist order on the line in the Lomitas Negras.

FOR YOUR INFORMATION.

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

1. **ROW Update.**

Mr. Stoliker stated that right-of-way for Sugar Dam and Sunset Dam are both complete. SSCAFCA still has five lots left on Lisbon that they are in the process of acquiring. SSCAFCA is still working on purchasing the last three lots in the 19th Avenue dam site. There are some issues in

BOARD OF DIRECTORS REGULAR MEETING

JANUARY 18, 2008

Unit 17, and SSCAFCA is trying to buy one lot on Oculus Loop. With regard to the Saltillo Channel, SSCAFCA signed the purchase on that the other day. On the Cabezon Channel connection, he will be asking for reallocation of that money into the Sunset Dam project.

2. December 31, 2007 letter to Jack Westman regarding operations and maintenance of easement for Tierra de Corrales.
3. January 7, 2008 Executive Committee Meeting Minutes.
4. January 11, 2008 correspondence to Rick Devers from Wallen Builders regarding Wallen Park Sub.
5. A dedication ceremony for the Sportsplex Dam is being planned and will be incorporated into the Board Meeting of March 21, 2008. A budget of \$5,000 is anticipated to cover the expenses for food, tent, etc.


OTHER BUSINESS.

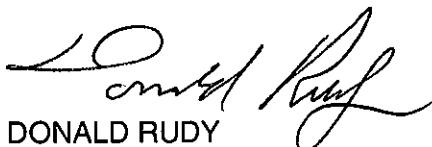
The next Board meeting is February 15, 2008 at 9:00 a.m.

SSCAFCA will be closed on Monday, January 21, 2008 in observance of Martin Luther King Jr. Day.

ADJOURNMENT.

A motion was made by Dub Yarbrough and seconded by Steve House to adjourn the meeting. It was carried unanimously. Meeting adjourned at 10:50 a.m.


JOHN CHANEY
CHAIRMAN


DONALD RUDY
Secretary

DATE APPROVED: 2/15/08