

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
(SSCAFCA)
MINUTES OF JANUARY 2, 2009
BOARD OF DIRECTORS SPECIAL MEETING**

CALL TO ORDER.

The special meeting of the SSCAFCA Board of Directors was called to order by John Chaney, Chairman, at 9:03 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.

SWEARING IN NEWLY ELECTED BOARD MEMBER, DR. DONALD RUDY.

Mr. Rudy read and signed the "Oath of Office."

ELECTION OF OFFICERS.

1. Chair of the Board of Directors/President of the Authority.

Mr. Chaney nominated Mark Conkling to serve as Chair and President of the Board of Directors for the year 2009. It was seconded by Donald Rudy. No other nominations were made and Mr. Conkling was elected unanimously.

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

Mr. Conkling nominated Donald Rudy as Chair Pro Tem of the Board of Directors for the year 2009. It was seconded by Steve House. No other nominations were made and Mr. Rudy was elected unanimously.

3. Secretary of the Board of Directors.

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Mr. Conkling nominated Steve House to serve as Secretary of the Board of Directors for the year 2009. 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 Dub Yarbrough to serve as Treasurer of the Board of Directors for the year 2009. It was seconded by Steve House. No other nominations were made and Mr. Yarbrough was elected unanimously.

ASSIGNMENT OF COMMITTEE MEMBERSHIPS BY THE CHAIRMAN.

Mr. Conkling made the following Standing Committee appointments:

1. Executive Committee.

Mr. Conkling appointed Mark Conkling (Chair), with John Chaney, Bernard P. Metzgar, and David Stoliker as Committee members. He appointed Donald Rudy as the Alternate to the Board members on this Committee.

2. Budget Committee.

Mr. Conkling appointed Dub Yarbrough (Treasurer/Chair), with Donald Rudy, Perry Baird (or Debbie Casaus), and David Stoliker as Committee members. He appointed Steve House as the Alternate to the Board members on this Committee. He charged this Committee with getting the FEMA money as soon as possible. The Budget Committee will meet on the second Tuesday of every month at 9:00 a.m.

3. Personnel Committee.

Mr. Conkling appointed Steve House (Chair), with John Chaney and David Stoliker as Committee members. He appointed Mark Conkling as the Alternate to the Board members on this Committee. He charged this Committee to review and complete SSCAFCA's Personnel Policy in 2009 and asked that they consult Mr. Yarbrough with regard to the Policy. The Personnel Committee will meet on the first Wednesday of each month at 9:00 a.m.

4. Lobbyist Liaison and Legislative.

Mr. Conkling appointed Donald Rudy (Chair), with Steve House as Committee members. He appointed John Chaney as the Alternate to the Board members on this Committee.

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

a. Water Resources Board.

Mr. Conkling appointed Donald Rudy to the MRCOG Water Resources Board. He appointed David Stoliker as the Alternate.

b. Executive Board.

Mr. Conkling appointed Donald Rudy to the MRCOG Executive Board. He appointed Steve House and David Stoliker as the Alternates.

c. Metropolitan Transportation Board.

Mr. Conkling appointed Steve House to the MRCOG Metropolitan Transportation Board. He appointed David Stoliker as the Alternate.

6. Board Liaison to Staff.

Mr. Conkling stated that there has been so much going on lately that he would like to have a board member serve as a liaison to the staff who serves the function of being knowledgeable about activities of how SSCAFCA functions. That job would involve meeting every two weeks with a designated staff member that the Executive Director would appoint. He appointed Dub Yarbrough as the Board Liaison to Staff.

RESOLUTIONS FOR APPROVAL.

1. Resolution 2009-1, Notice for Meetings.

Mr. Conkling presented Resolution 2009-1. Mr. Metzgar stated that he made one change on the Resolution under paragraph 2 with regard to a statutory change in the language; instead of 72-19-13 it is 72-19-16. A motion was made by Steve House to approve Resolution 2009-1 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.

2. Resolution 2009-2, Designation of Official Newspaper.

Mr. Conkling presented Resolution 2009-2. He stated it is the same as last year. A motion was made by Steve House to approve Resolution 2009-2 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.

3. Resolution 2009-3, Check Signing Authorization.

Mr. Conkling presented Resolution 2009-3. Mr. Stoliker stated that they have added the fiscal services director under paragraph 1 for check signing authorization. There is also an additional paragraph 3 for checks exceeding \$20,000.00 shall be co-signed by at least one board member. Mr. Chaney stated that he believed that \$20,000.00 was too high of an amount and suggested that \$5,000.00 and below being the limit for staff to sign, at least for the first year.

A motion was made by Donald Rudy to approve Resolution 2009-3 as presented. It was seconded by Steve House

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

Mr. Chaney stated that he would like to amend the Resolution to have a board member sign all checks above \$5,000.00. It was seconded by Steve House.

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

4. Resolution 2009-4, Designation of Legal Holidays.

Mr. Stoliker presented Resolution 2009-4. A motion was made by Steve House to approve Resolution 2009-4 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.

EXECUTIVE DIRECTOR'S REPORT.

1. Action/Acceptance of Contract Renewal with Changes for Fiscal Services Director.

Mr. Stoliker stated that Mr. Baird is asking for an increase in his contract from \$70.00 to \$75.00 per hour. Staff is recommending approval.

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

FISCAL SERVICES DIRECTOR REPORT.

1. Recognition/Acknowledgment of the Fiscal Services Report for November 30, 2008.

Mr. Baird stated that there is nothing unexpected happening in the general fund revenue. SSCAFCA is still awaiting the FEMA funds. There is one more month of residential building permits. The City of Rio Rancho has issued 30% fewer residential permits than at this same time last year. This will bear heavily on assumptions in the Report. SSCAFCA is expecting 15% growth, but as the permits roll through the system, it might be less than that. This shows that the tax base is growing at a much slower rate than the advisors were using. This would mean that not as many bonds would be able to be issued, however, there is no problem issuing the \$4 million next month.

Mr. Stoliker stated that he has asked the fiscal services department to check Baja De Corrales to make sure that SSCAFCA is receiving the property taxes from that area. It should have been converted this year from AMAFCA to SSCAFCA. The second is that they will be coming in with a new budget. The last is yield control. He mentions this because it might turn into a legislative

issue. He believes that it was set up to be for Grandma and Grandpa to keep their house and only have a certain tax increase every year. He believes it's also being applied to commercial and industrial properties. He does not see a reason why Wal-Mart should get a break on taxes. If anybody has an impact on SSCAFCA, it's commercial and industrial. Staff is going to talk with the County and the City about it.

Mr. Chaney stated that there are many small businesses in trouble and yield control may keep them in business. Mr. Rudy stated that is a question for the legislature to set the cut-off.

CHAIRMAN'S REPORT.

Mr. Conkling thanked the staff for all the work that was done on the dedication of Sunset Dam.

Mr. Conkling stated that he would like for David Stoliker to arrange some meetings; one of them would be with the Executive Committee of AMAFCA to talk about common objectives that the entities might have. The second meeting he would like to have would be with the Executive Committee of ESCAFCA for the same reason. He would like to make sure that SSCAFCA's Watershed Park is well known in the area. SSCAFCA's objective will be to lay out ways in which SSCAFCA can cooperate with these agencies. The third meeting would be with the City Manager and the Mayor. He would like to explore cooperative goals for the year and also to look specifically at each entity's roles with regard to drainage policies.

Mr. Chaney stated that if SSCAFCA takes over major drainage projects in the City, it would be a major change in SSCAFCA's mandate and would be a fundamental change in the direction of the Board, particularly as to how it might impact SSCAFCA's budget.

BOARD OF DIRECTOR'S COMMENTS.

Mr. Yarbrough asked where SSCAFCA was advertising for the building construction. Mr. Stoliker stated that at the last meeting the Board gave him approval to advertise and he has been in contact with Kent Beierle of EDI regarding technical issues that need to be worked out. It will be advertised next week.

Mr. Yarbrough asked about the incentives for the Wal-Mart at Unser on drainage. Mr. Stoliker stated that he believes that they did get a pass on a little bit of drainage work that he thought that Wal-Mart should have done, but the City has picked up that work. It was the work that was going to be done under Unser to make the connection to the open channel south of Southern. At the time it was estimated to cost about \$30,000.00.

Mr. Yarbrough asked if Bo Johnson had finished moving the arroyo. Mr. Stoliker stated that there is a letter of map revision that is going through the process right now. As always, there has been some back and forth on the technical portions of that and it is still being worked out. Mr. Johnson has excavated a temporary channel around the hospital site, but SSCAFCA is still retaining its easement over that until the letter of map revision is done. The second thing staff is doing is going over the hardened channel design documents and the technical portions of the engineering part of that will be finished shortly.

Mr. Yarbrough stated that downstream on 528 on the Los Montoyas three or four years ago, SSCAFCA gave Bo Johnson a commitment and he was supposed to help build a drop structure. SSCAFCA also gave the people upstream where the soccer fields are a commitment, along with the Boys and Girls Club. He has not seen any work on these projects. He suggested that the Board consider that when a commitment is made, a time limit be put on it. Mr. Stoliker stated that Pulte was supposed to put in a drop structure and they just completed it. The Nakamura Subdivision, which is right next to the Boys and Girls Club, is going through a revision and SSCAFCA just received a check for that in the last couple of months. With respect to Mr. Johnson, he just had a tough time with the egress from that subdivision. It is reasonable that a time limit be put on commitments.

Mr. Yarbrough stated that in light of the recession, he is sure that engineering firms are laying people off. SSCAFCA has a new hire and he missed out on when that was discussed. He asked why SSCAFCA needs another engineer at this time. Mr. Stoliker stated that Trevor Alsop is going to do SSCAFCA's environmental work, plus all the regular stuff done by SSCAFCA. Ralph Montoya is going to do more of the design work and will be able to oversee the operations and maintenance. Staff's workload is such that SSCAFCA was going well beyond its two week limit for review and additional staffing is needed.

Mr. Conkling asked what David Stoliker's plans were with regard to retirement. Mr. Stoliker stated that he is very pleased with where SSCAFCA stands. Within the next thirty (30) days he will know what he plans on doing. Right now he plans on finishing out his contract and wants to make sure that SSCAFCA is taken care of. His contract ends in August.

Mr. House stated that Mr. Stoliker is following the business plan that was approved by the Board and he should be commended for sticking to the plan.

Mr. Chaney asked that if Presbyterian Hospital delays its building for any amount of time, how it would affect SSCAFCA's priorities in terms of what SSCAFCA does for drainage. Mr. Stoliker stated that it will have a minimal affect on our plans. SSCAFCA had programmed to complete Sunset Dam, which would give us about 10 years worth of drainage "breathing room" for development to continue at its current pace, and pursue ROW only. If Presbyterian does not build within 5 to 10 years, then plans will need to be revisited.

Mr. Conkling stated that with regard to imposing time limits on developers, he thinks it's a good idea, but he stated that sometimes it's better to put a structure limitation on developers. The dollar amount is inconsequential.

ACTION/APPROVAL OF THE MINUTES OF NOVEMBER 14, 2008 AND DECEMBER 3, 2008.

A motion was made by John Chaney to approve the minutes of November 14, 2008 as presented. It was seconded by Donald Rudy and passed unanimously.

A motion was made by John Chaney to approve the minutes of December 3, 2008 as presented. It was seconded by Donald Rudy and passed unanimously.

ATTORNEY'S REPORT.

Mr. Metzgar stated, for informational purposes, that the Unit 13 Redevelopment (Pulte Development - Loma Colorado), is fully completed as far as acquisition of properties. The last case was settled last week prior to mediation. No case went to trial. The furthest the cases went was mediation. He thinks that the City might be thinking about going to the Legislature and asking for an exception from the condemnation prohibition on redevelopment projects for the City of Rio Rancho simply because there will be no other way of getting redevelopment done in the City of Rio Rancho without condemnation power.

Mr. Conkling stated that SSCAFCA does not see any conflict if Mr. Metzgar's law firm represents ESCAFCA and SSCAFCA would always be able to question a possible conflict on any future matter.

PUBLIC FORUM.

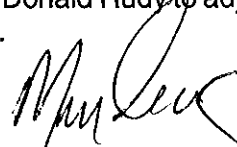
None.

OTHER BUSINESS.

- Special Board Meeting Thursday January 22, 2009 at 11:30 a.m.
- Next Regular Board Meeting is on Friday, February 20, 2009 at 9:00 a.m.
- Executive Committee Meeting on January 6, 2009 at 9:30 a.m.

ADJOURNMENT.

A motion was made by Steve House and seconded by Donald Rudy to adjourn the meeting. It was carried unanimously. Meeting adjourned at 10:25 a.m.



MARK CONKLING
CHAIRMAN



STEVE HOUSE
Secretary

DATE APPROVED: 2/20/09