

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
(SSCAFCA)
MINUTES OF JANUARY 4, 2010
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, at 9:30 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 Mark Conkling.

APPROVAL OF AGENDA.

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

ANNOUNCEMENTS.

Announcements were made by Mark Conkling 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
: Passing of the gavel.

Mr. Chaney made a motion to retain the officers SSCAFCA had last year by acclimation. It was seconded by Steve House. Mr. Rudy stated that he would like to have some discussion before the vote was held. He asked about the committee assignments. Mr. Conkling stated that the elected chairperson makes the committee assignments.

Mr. Metzgar stated that since it appears that there may be a "no" vote with regard to voting by acclimation, that the Board should go through each office separately. The motion was withdrawn.

Mr. Chaney made a motion to retain Mark Conkling as Chairman of the Board of Directors. It was seconded by Steve House. No other nominations were made.

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

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

A motion was made by John Chaney to retain Donald Rudy as Chair Pro Tem of the Board of Directors. It was seconded by Steve House. No other nominations were made.

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

3. Secretary of the Board of Directors.

A motion was made by John Chaney to retain Steve House as Secretary of the Board of Directors. It was seconded by Dub Yarbrough. No other nominations were made.

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

4. Treasurer of the Board of Directors.

A motion was made by Mark Conkling to retain Dub Yarbrough as Treasurer of the Board of Directors. It was seconded by John Chaney. No other nominations were made.

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

ASSIGNMENT OF COMMITTEE MEMBERSHIPS BY THE CHAIRMAN.

Mr. Conkling made the following committee appointments:

1. Executive Committee. Mark Conkling as Chair and John Chaney, Bernie Metzgar and David Stoliker as the Executive Committee, with Donald Rudy as alternate.
2. Budget Committee. Mark Conkling appointed Dub Yarbrough as Chair and Steve House, Debbie Casaus and David Stoliker as the Budget Committee, with John Chaney as the alternate.

3. Personnel Committee. Mark Conkling appointed Donald Rudy as Chair and John Chaney and David Stoliker as the Personnel Committee, with Mark Conkling as the alternate.
4. Lobbyist Liaison and Legislative Committee. Mark Conkling appointed Donald Rudy as Chair and Steve House as the Lobbyist Liaison and Legislative Committee, with John Chaney as the alternate.
5. Mid Region Council of Governments (MRCOG) Representative.
 - a. Water Resources Board. Mark Conkling appointed Dub Yarbrough to the Water Resources Board, with Donald Rudy as the alternate.
 - b. Executive Board. Mark Conkling appointed Donald Rudy to the Executive Board, with Steve House as the alternate.
 - c. Metropolitan Transportation Board. Mark Conkling appointed Steve House to the Metropolitan Transportation Board, with David Stoliker as the alternate.

Mark Conkling opened up the floor for any discussion at this time. Mr. House asked how the search committee for the new Executive Director is going to be handled. Mr. Conkling stated that this matter will come later under the Chairman's Report. He asked for a motion to alter the agenda to move the Chairman's Report to the present. A motion was made by Steve House to move the Chairman's Report to the present. It was seconded by John Chaney and passed unanimously.

CHAIRMAN'S REPORT.

Mr. Conkling stated that with regard to the search for a new Executive Director, SSCAFCA will start with advertising the professional criteria. SSCAFCA would have a window of application time. As those applications are received, staff will review them and consult with counsel. After that work has been done and after the closing date, four top candidates will be recommended. Then, an interview team made up of two board members, counsel, and members of the professional community. That team will either make a recommendation of a candidate or come up with the final two candidates to recommend to the Board. The Personnel Committee could also be consulted by staff on any issues. Mr. Conkling stated that they are hiring at a high level, but he doesn't want to discourage anyone from applying. He believes confidentiality should be high with regard to applicants. Donald Rudy stated that he believed that SSCAFCA already had a confidentiality policy and supports such a policy. Mr. House stated that the Board might want to discuss having outside people involved in the hiring process because their priorities might be different from SSCAFCA's.

In response to a question, Mr. Metzgar stated that personnel matters can be discussed in closed session, but not the selection of a new executive engineer. The selection must be held in open session. Any applicant can request that their identity remain private, but if they're in the final candidates, their names will be public information. Mr. Rudy stated that the Board doesn't need to make the number of recommendations a hard number, but rather leave it open after it sees the applicants. Mr. Yarbrough stated that if a Board member applies for the job, that member should be excluded from evaluating themselves. Mr. Conkling stated that he has purposefully excluded David Stoliker from this process because he does not believe that he should have a say in his replacement.

Mr. Conkling asked if there were any comments with regard to the selection of the committee members. Mr. Rudy stated that as the alternate on the Water Resources Board, he believes that he should be the alternate rather than David Stoliker.

Mr. Rudy stated that, with regard to the selection of the members of the Executive Committee, as far as he knows, the Executive Committee always has the Chair and the Vice Chair of the Board. A change was made to the Executive Committee this year and he believes it's inappropriate. Mr. Conkling stated that his appointments do go against tradition. In this unusual season of searching for an Executive Director, it seemed to him that the best thing to do was to spread the talents the Board has into the arenas most appropriate. Mr. Chaney stated that the old tradition was broken last year and the precedent has been set. Mr. Rudy stated that since it was done last year, it doesn't make it appropriate. Mr. Conkling stated that Mr. Rudy hasn't convinced him as to why he should change his appointments and respectfully disagrees with him. Donald Rudy stated that he considered this a policy change that was inappropriate and that was why he raised the issue.

Mr. House stated that David Stoliker should be taken off the Personnel Committee. Mr. Conkling stated that the Executive Director should always be on the Personnel Committee. It's important that he continue to perform his functions.

Mr. Conkling stated that in 2010, the Board's time will be soaked up by five different arenas where he intends to exercise leadership. The five arenas are to search for the Executive Director, bond funding and application of funds, the grand opening and celebration of SSCAFCA's new building, the quality of life issues, and intergovernmental relations. He would like to be seen as a leader with a highly cooperative and easy to work with agency eager to solve the public's problems. He would like to be seen as forward looking and on the leading edge of how buildings are built.

RESOLUTIONS FOR APPROVAL.

1. Resolution 2010-1, Notice for Meetings.

Mr. Stoliker presented Resolution 2010-1 and stated that there are no changes from the previous year. A motion was made by John Chaney to approve Resolution 2010-1 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.

2. Resolution 2010-2, Designation of Official Newspaper.

Mr. Stoliker presented Resolution 2010-2. 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 John Chaney to approve Resolution 2010-2 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 2010-3, Check Signing Authorization.

Mr. Stoliker presented Resolution 2010-3 and stated that there were no changes from 2009. A motion was made by John Chaney to approve Resolution 2010-3 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 2010-4, Designation of Legal Holidays.

Mr. Stoliker presented Resolution 2010-4. A motion was made by John Chaney to approve Resolution 2010-4 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.

STAFF REPORTS.

Executive Engineer:

1. Action/Approval of Resolution 2010-5, Authorization to Purchase State Trust Land.

Mr. Stoliker stated that staff is asking for approval today of the authorization to purchase state trust land for the Upper SLO Dam at the cost of approximately \$400,000.00. Staff budgeted \$440,000.00. Mr. Metzgar stated that SSCAFCA has changed the original draft of the Sale Agreement that the state land office sent SSCAFCA. SSCAFCA was not happy with the way it was drafted because one of the things that was in there was that if SSCAFCA ever stopped using it as a flood control feature, that it would be sold back to the state land office at the same purchase price. SSCAFCA negotiated with the state and changed that language. The other item with which SSCAFCA was unhappy was also negotiated and changed. He recommended that this Resolution be adopted. One of the things that the state land office doesn't do is, if they have leases of their land, they don't record them in the County records where the land is located. This precludes you from doing a regular title check because there still could be a lease of land that is not in the County records. You actually have to check the state land office records. The state land office told SSCAFCA of three title companies in Santa Fe that did that kind of work and know how to check it. For some reason, it wasn't done. SSCAFCA would want this approved subject to review of the land office records to make sure there are no problems.

Mr. Stoliker presented Resolution 2010-5. A motion was made by John Chaney to approve Resolution 2010-5 subject to the title search of the state land office records, as requested by Mr. Metzgar. 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. Action/Acceptance of Fiscal Year 2009 Audit Report.

Mr. Stoliker stated that there is a letter in the Board's packet that says that SSCAFCA waived the ability of a five day notice waiting period and that allows this item to be placed on this agenda for action. Staff has gone over the audit and it meets with staff's approval. There are really no changes to what had already been submitted.

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

3. Notice of Special Board Meeting on January 20, 2010 at 2:00 p.m.

Mr. Stoliker stated that the next board meeting will be on January 20, 2010 at 2:00 p.m. This is not on the normal Friday meeting date. It is a Wednesday and it is for the bond sale. The time was selected to allow for the bids to come in and Financial Advisor to review them and determine to whom to award the bid.

BOARD OF DIRECTOR'S COMMENTS.

Mr. Chaney stated that he noticed there is a new movie theater being proposed close to the new Presbyterian Hospital and that will require the movie theater to purchase some property for SSCAFCA or give up part of the arroyo to accommodate the theater. Mr. Conkling stated that it was reported wrong and there is no issue.

Mr. Chaney stated that ESCAFCA is having problems because of the tax levy and asked for recommendations from David Stoliker on how to help them. Mr. Stoliker stated that staff has been in contact with some of the people who are trying to cause the train wreck at ESCAFCA and they are trying to talk to them about the reality of the situation. People voted for this and they should have known what they voted for. Mr. Chaney stated that the other increases in valuation in the County of Sandoval have coincided with the ESCAFCA taxation. Mr. Stoliker stated that there is now a petition to eliminate ESCAFCA. If that happens, the public may come back to SSCAFCA and ask it to extend its jurisdiction and help them. He would like the Board to wait until the dust clears. He personally doesn't believe that they're going to be able to get rid of ESCAFCA. ESCAFCA has the ability to lower its mil rate and SSCAFCA could support that. Mr. Conkling stated that SSCAFCA's current position should be that it thinks that the public needs to be protected, sometimes that's expensive, sometimes it isn't, but the public should be protected.

Randall Carroll, flood plain manager for City of Rio Rancho and the SAD engineer for the City stated that SAD 8 is producing a pond off of Hapsberg which is a large pond to take care of the watershed upstream going through Lomas Encantadas. It has nothing to do with the ponds on the property that is County owned. SAD 8 is the only active SAD in that area. It is for the properties on Nacell from Nativitas east to the city limits and the properties off of Nagoya. The next road south is the only place he could obtain property to build the drainage facility necessary for the other two roads.

Mr. Yarbrough asked when the 19th Street Dam will be built. Mr. Stoliker stated that they have signed off on the plans for the West Side Channel. The next thing that they asked for was to not build 19th Street Dam, but to use the money for it and purchase needed right-of-way in the Black Watershed. The construction of Sunset Dam alleviates the pressing problem in the Black Watershed and gives SSCAFCA time to not have to build another dam for five or ten years. Staff had approval from the Board to do that. The next project is Sugar Dam and possibly sell the dirt out of that and make some money.

ACTION/APPROVAL OF THE MINUTES OF OCTOBER 16, 2009.

A motion was made by John Chaney to approve the minutes of October 16, 2009 as presented. It was seconded by Steve House and passed unanimously.

ATTORNEY'S REPORT.

None.

FOR YOUR INFORMATION.

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

1. Approval was given to PNM for an Easement to cross the Venada Arroyo.

PUBLIC FORUM.

None.

OTHER BUSINESS.

- Special Board Meeting Wednesday, January 20, 2010 at 2:00 p.m.
- Next Regular Board Meeting is on Friday, February 19, 2010 at 9:00 a.m.

ADJOURNMENT.

A motion was made by Dub Yarbrough and seconded by John Chaney to adjourn the meeting. It was carried unanimously. Meeting adjourned at 10:48 a.m.



MARK CONKLING
CHAIRMAN



STEVE HOUSE
Secretary

DATE APPROVED: 2/19/10