

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY  
(SSCAFCA)  
MINUTES OF NOVEMBER 19, 2010  
BOARD OF DIRECTORS REGULAR MEETING**

**CALL TO ORDER.**

The regular meeting of the SSCAFCA Board of Directors was called to order by Mark Conkling, Chairman, at 9:00 a.m.

**ROLL CALL OF DIRECTORS.**

Directors in attendance were John Chaney, Mark Conkling, Steve House, and Donald Rudy. Dub Yarbrough was noted as absent. Bernard Metzgar, SSCAFCA's attorney and David Stoliker, Executive Engineer, were present.

**PLEDGE OF ALLEGIANCE.**

The Board was led in the Pledge of Allegiance by Mark Conkling.

**APPROVAL OF AGENDA.**

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

**ANNOUNCEMENTS.**

Announcements were made by Mark Conkling that all electronic devices needed to be turned off during the meeting.

**PUBLIC FORUM.**

Ron Myer, a Rio Rancho resident, stated that he asked that his area be included in a project for next year. It has been four years since significant damage was incurred in the area. The area will continue to incur damage unless SSCAFCA acts. There is no SAD in that neighborhood. Mr. Conkling stated that the Board was hopeful that the SAD for the area would come through, which is why it committed so much money to help. He stated that SSCAFCA has not been unresponsive to the needs of the area. The area is not included on the schedule until 2014. Mr. Rudy stated that this is a first draft and is simply a schedule of projects.

Mr. Chaney asked if there were any upstream improvements that would help alleviate some of the problems in this neighborhood. Mr. Stoliker stated that SSCAFCA has nothing planned for that area. The SAD was going to be the way to resolve the issues. SSCAFCA's next planned project is in the Alberta Road area. Mr. Stoliker stated that there are always ways to fix this area; all it will take is money.

## **STAFF REPORTS.**

### **Fiscal Services Director:**

1. Recognition/Acknowledgment of the Fiscal Services Report for October 31, 2010.

Debbie Casaus stated that SSCAFCA is currently 19.49% through its total budget for the year. Currently SSCAFCA is 33% through fiscal year 2011, so expenditures are doing very well. SSCAFCA is waiting for its first distribution from the County to see where the property taxes lie. They continue to monitor City of Rio Rancho permits. At this point, they are 33% lower than the same time last year. The interest earned on the funds at the State Treasurer's Office for the last month was at .215%. It's low, but better than a treasury bill. SSCAFCA currently has a \$750,000.00 CD that is maturing this month. It was a .33%. SSCAFCA will evaluate its cash flows and see what interest rates are doing right now to see if it is advantageous to reinvest those funds or if they will be needed for projects right now.

Ms. Casaus stated that SSCAFCA has an audit exit interview on Monday. That will wrap up the audit, which will then be submitted to the State Auditor's office for its review and approval. Hopefully, SSCAFCA will have its audited financials when it goes out for its bond sale.

### **Executive Engineer:**

1. Presentation/Approval of Finance Plan Update  
: Presentation of 2011 Bond Issue Projects.

Eric Harrigan, of RB Capital Markets, stated that, in the past, SSCAFCA has enjoyed very strong growth in its assessed valuation. Last year, that growth slowed. They also expect the growth to slow in the foreseeable future at around 3% per year. For the 2011 bond sale, they have structured the bond issue to have no principal repayment in the first seven years to allow SSCAFCA to issue the bonds without a tax rate increase. The amount would be approximately \$2.5 million. Interest rates are still quite low in the municipal bond market. They expect at the first of the year, at least municipals, will tighten or go down. This means that the sale might come at an advantageous time.

Mr. Harrigan stated that the Board is approving a Notice of Sale Resolution. The rating presentations are being scheduled for January 6, 2011 with a competitive sale and approval of the sale by the Board on January 19, 2011. Money would be available to SSCAFCA on March 1, 2011. Mr. Conkling stated that SSCAFCA has the authority to sell \$4.5 million. Prudence leads him to believe that should not be done because of the income and the state of the economy. However, there is a big issue that could change SSCAFCA's income substantially in a favorable way, depending on negotiations with Intel and the County. This would give SSCAFCA about an additional \$250,000.00 annually.

Should that happen, he asked if SSCAFCA could issue the rest of the bond money in a short time. Mr. Harrigan stated that if that potential exists, that SSCAFCA may be able to do so. That income has not been calculated.

Mr. Stoliker stated that the bond project listing is contained in the Board's handouts. The Executive Committee reviewed it yesterday. There are four projects on the list. The Lomitas Negras construction is planned. The plan for this should be done by February or March 2011. It will cost between \$1.3 and \$1.8 million. The list shows that between \$746,000.00 in drainage improvements and another \$900,000.00 later would be used in the project. Clint could do Phase I of that project with some funds in this next issue. The second is right-of-way acquisition to buy the property for the Upper SLO Dam. That dam site acquisition could be completed with funds from the next issue. The third is a right-of-way acquisition reserve fund to be determined by the Board. The last is the Industrial Park Facility Plan for \$100,000.00. The Department of Transportation is looking at widening 528 between High Resort and Southern. He would like to do the facility plan to include the Industrial Park for the drainage portion so when DOT begins, SSCAFCA can show them what they need to take care of as far as drainage is concerned. If SSCAFCA does get a drainage plan for the Industrial Park, he will be asking the Board to approach the City Council about imposing an SAD over the commercial and industrial site to build the infrastructure in the area.

No formal action was taken. It was the consensus of the Board to continue with the Plan.

2. Action/Approval of Resolution 2010-18 Bond Sale.

Mr. Tommy Hughes, bond counsel, stated that the Resolution 2010-18 accomplishes four things. 1) It provides a form of notice that will be published about the sale; 2) SSCAFCA tells the potential bond buyers that it will take whatever action is necessary for the bond proceeds to remain tax exempt; 3) SSCAFCA will make the continuing disclosures required by the SEC; and 4) declares them to be qualified tax exempt obligations. This allows financial institutions such as commercial banks to purchase the bonds and take advantage of the tax exempt interest under the Code.

He stated that he is also bond counsel for Sandoval County. Since January, they have been in discussions with Intel because their original industrial revenue bond project expires on December 1, 2010. They also have one that will expire in 2023. There were also some other amendments done with regard to the projects. Intel's senior counsel has been in contact with Sandoval County regarding the 2004 transaction and he says Intel didn't think anything became taxable until 2034. It looked like it was headed for litigation. A couple of weeks ago, one of the Intel management persons met with County Manager Vigil and the County Assessor. As a result of that meeting, they took a tour of what the Intel people think is the 1980 project. They are going to do a metes and

bounds survey to find out if they are including everything that needs to be included. Also, when they had the Executive Committee meeting last month, in the Intel Lease, there is a provision that on December 1, 2010; they will pay the tax due. In the County's discussion with the Intel representative, he agreed that what that meant was that on December 1, 2010, they will pay the property taxes that they arrive at, as of December 1, 2010. At this point, it is very encouraging. Over the years, Intel has kind of blurred the lines in building things out.

A motion was made by Donald Rudy to accept Resolution 2010-18 as presented. It was seconded by John Chaney. Roll call vote: John Chaney, yes; Mark Conkling, yes; Steve House, yes; and Donald Rudy, yes. The motion passed 4-0.

3. Presentation/Acceptance of Montoyas Arroyo Watershed Management Plan V.2.  
Plan will be placed on SSCAFCA's website for comments for 60 days.

Mr. Stoliker stated that the Montoyas Plan was originally done in 2002. It has now been updated to include many new additions. As an example, a public domain hydrology model, HEC-HMS, has been added as identified in the DPM. The idea is not to approve the Plan today, but to accept it and allow it to be put on the website for about 60 days and receive comments from the public.

Mr. Howard Stone, of Bohannon-Huston, stated there are a number of reasons that the Management Plan has been updated. He stated that since 2002 there have been roughly 40 additional subdivisions approved. They are in various stages. Secondly, SSCAFCA needs to incorporate the HEC-HMS program model into the Watershed Management Plan. Another update is the 100 year flow and the volume changes with regard to the subdivisions. It also updates the recommended watershed improvements for the Montoyas Arroyo Watershed. HEC-HMS is an Army Corps of Engineer model, which is required for the federal side.

Mr. Stone stated that some of the property is subdivided, but higher in the reach it consists of undeveloped land. All of the City property is platted. When they did the previous model, they assumed that the platting could be developed out in the densities that were prescribed in the plat. No new assumptions have come in about water harvesting, so this still could impact the flows.

Mr. Stone stated that HEC-HMS is very important and it is a real credit to SSCAFCA to adopt this model. First of all, it is public domain. It is very important that this model communicate with GIS because that's how things are done now. The GIS information is very rich and helps SSCAFCA to create updated models. You can see the basins and the city information behind it. The colors on the maps represent different types of land usage, all the way from residential from 1/8 acre up to one acre, all the

commercial sites, the roadways, the drainage corridors. All that information can be uploaded to HEC-HMS.

Mr. Stone stated that with regard to the 100 year events, the results of the flows, at the Rio Grande where the Montoyas exits, in 2002, existing hydrology came up with roughly 5,400 cfs at the outlet of the Montoyas. Existing 2010, which incorporates how the world is right now, but also incorporates the 40 subdivisions that will eventually be brought into the system and affect the flows in the Montoyas show a flow of 9,120 cfs. The development improvements produce roughly 6,100 cfs. For the foreseeable future, the flow will be 6,100 cfs. The channel capacity is up to 8,000 cfs, which is not true at the Corrales Bridge, which is roughly 5,000 cfs. This is something that SSCAFCA needs to be aware of for the future.

Mr. Stone stated that there are two reasons why the flows have gone up so much. One is the increased effect of the volume from the impervious area. The flows from the subdivisions earlier would try to constrain to the historical event, but the volume is more. When you have more flow coming down, you have flows that are wider. The effect is an increase in flow. The second reason is there is a new assumption in the flows in the AHYMO. They were under-predicting the routes and the flows were increasing downstream and the program didn't realize it. This was only found out by using the HEC-HMS program.

Mr. Stone stated that he has three types of improvements. One is the oval, which represents either a regional dam or a regional pond. This would consist of two future dam sites up in the Montoyas watershed. One is a dam and one is a pond. The distinction between these two is that a dam is greater than 50 acre feet and greater than 50 feet in height. There is a pond between 528 and the entrance to the Harvey Jones Channel, which is pond #2, which is less than 50 acre feet and is more of a water quality pond, combined with improvements to the industrial area, along with the potential for wetlands. Most of the cost estimates will be done as the work is needed, but those have been provided in the report as well.

Mr. Stone stated that the priorities are to do pond #1 that Clint Dodge is working on right now and which will go to construction next year. Pond #2 is the area from the entrance to the Harvey Jones Channel up to 528 in the Industrial Park area. The third would be Dam #8 near North Hills on the Montoyas Arroyo. The fourth would be another dam on Saratoga on the Lomitas Negras. A little farther out would be to raise the Corrales Bridge. The total for the entire watershed is \$93 million. That represents their best estimate of a combination of ponds, dams and natural wetlands.

A motion was made by John Chaney to accept the Montoyas Arroyo Watershed Management Plan V.2 as presented. It was seconded by Donald Rudy and passed unanimously.

4. Presentation/Acceptance of Comprehensive Management Strategy for Arroyo Corridors  
Plan will be placed on SSCAFCA's website for comments for 60 days.

Mr. Scott Armstrong, of Bohannon-Huston, stated that the project purpose was to look at different methods to preserve natural features within the intermittent arroyo systems and then to evaluate the potential to keep them naturalistic and to develop recommendations to preserve the naturalistic characteristics of the arroyo corridors. They defined a natural arroyo as an ephemeral drainage way; sloping moveable beds; and steep, vertical, erodible banks, which have not been directly impacted by human intervention. These carry over to a naturalistic arroyo with the exception that they have been directly altered by human intervention. They have come up with other criteria as well. Typically, naturalistic arroyos will have some kind of limited erosion protection measures as needed to prevent damage to infrastructure and then a part of that is that they want to maintain the natural bed and bank materials to the maximum extent possible. They also want to see that a naturalistic arroyo can continue to be used by wildlife and offers other multi-use benefits.

Mr. Armstrong stated that, with those definitions, they came up with the first draft of the report in February 2010. At the time, they were looking at the title as the La Barrancas Arroyo Study and they were focusing on the effect of the City Centre Development on that watershed. They also looked at some technical geomorphic analysis to identify what the arroyo may look like in the future. From there, the title of the report was changed to the Study of Different Alternatives to Preserve the Natural Features of the Systems. They expanded the technical analysis into a full case study for the Barrancas Watershed. There is an entire section in the report which is the example analysis done for that watershed. Another important distinction is that they wanted to expand the emphasis from arroyos to arroyo corridors. It is important to remember that the flood protection can benefit from having a wider area rather than focusing on the FEMA 100 year flood plain. He stated that in doing so, they also expanded the analysis to include the entire SSCAFCA jurisdiction rather than just the Barrancas watershed.

Mr. Armstrong stated that this brought them to the current version of the report, which the Board has received titled, "Comprehensive Management Strategy for Arroyo Corridors." The final revision was to further refine the goals of the study and to define some management alternatives to be used by SSCAFCA to achieve those goals. He stated that column on the left of the table is the goals that the team identified. They want to use this strategy to establish a naturalistic flood plain for public safety. These were developed in conjunction with SSCAFCA's mission and vision. The alternatives to achieve those goals are listed on the right hand column. They have identified five separate categories of the alternatives. The first one, public education and outreach, is going to be implemented to achieve all of the goals. Other categories they have

identified are actual acquisition of land, whether through purchase or easement; some regulatory and zoning options; flood plain mapping; and engineering solutions.

Mr. Armstrong stated that water harvesting is ongoing, along with not building in the LEE line. The matrix shows that to achieve any one goal, there are multiple ways to achieve it. Mr. Rudy stated that the LEE line is defined in terms of erosion, but for this purpose SSCAFCA might need a different purpose. However, the report gives SSCAFCA options. Mr. Chaney stated that he is very much in favor of this report. Some regulations from the City on development within the LEE line would be helpful.

Mr. Stoliker stated that the flood plain is regulated by FEMA. The LEE line goes on both sides of the arroyo and may extend outside of the floodplain. It has been difficult to regulate the LEE line. There is a FEMA requirement that if you can identify it as an erosion zone, it actually can be part of the mortgage insurance and have more regulatory oversight.

A motion was made by John Chaney to accept the Comprehensive Management Strategy for Arroyo Corridors as presented. It was seconded by Donald Rudy.

John Chaney left at 10:15 a.m. prior to the vote on the acceptance of his motion.

Ron Reader asked if there had been any indication that large scale upstream water harvesting has any effect on the downstream flora and fauna in terms of less water and not growing as well. Mr. Armstrong stated that it is more of a natural process. If you harvest water upstream, it probably mimics historic flows. Water harvesting would decrease the effects of increased water flow. Mr. Rudy stated that water harvesting does not reduce the amount of water in the arroyo; rather it makes the flow of the water more uniform.

The motion passed unanimously.

5. Discussion of Draft Planning Document Hierarchy Policy  
Public comments will be taken at this time.

Mr. Stoliker stated that they are still taking comments on the Hierarchy Plan. After this meeting, he is going to put all the comments together and get it out. No comments were offered by the public or the Board.

6. Middle Rio Grande Flood Control Authority Breakfast on December 1st from 7-9AM at Four Hills Country Club. (Any Board members wishing to attend please contact a staff member at the end of the meeting).

Mr. Stoliker stated that there is an annual breakfast where all the flood control authorities get together. It will be held on December 1, 2010 from 7:00 a.m. to 9:00 a.m. They are now starting to reach out to elected officials. If any members of the Board would like to attend, staff would like to know. Every flood control authority will make a three to five minute presentation at the breakfast with regard to its accomplishments in the past year.

**Environmental Services Director:**

1. Annual reporting to EPA on storm water management program activities is required as a condition of permit coverage under the current NPDES Phase II discharge permit. A draft annual report covering the activities conducted during July 1, 2009 through June 30, 2010 is available to the public for review at the SSCAFCA offices or from the website [www.sscafca.com](http://www.sscafca.com). Public input on the report will be taken at the November 19, 2010 Board of Directors meeting and will be considered in preparation of the final report submitted to EPA.

Trevor Alsop stated that the 30 day public comment period on SSCAFCA's annual report to the EPA is now closed. He asked that the Board ask for public comments so that it can officially be closed. No public comments were received.

2. Update on Department of Homeland Security & Emergency Management reimbursement for August 23, 2010 Storm Event.

Trevor Alsop stated that with regard to SSCAFCA's application to the Department of Homeland Security & Emergency Management for reimbursement for the damages from the August 23, 2010 storm event, staff has received word that there was a state declaration made and that \$750,000.00 was made available to applicants. SSCAFCA applied and is eligible to receive approximately \$367,000.00 in reimbursement for the cleanup and future activities. The agreements were signed two weeks ago and have been received by the Department and it has started processing the agreements. SSCAFCA could receive up to \$150,000.00 for the money it has already spent to clean out the facilities in the near future.

Mr. Conkling stated that based on some of the work that Trevor Alsop has been doing in the area with regard to the clean water permit, Jennifer House has headed up a team that is looking into how to put recycling, trash management, bottle and cans, etc.,



before the Legislature in such a way that a Memorial can be implemented which will require a year-long look at a particular issue, fiscally, conceptually, etc.

Jennifer House stated that they have met twice. At the first meeting they discussed how to address the Legislature with Larry Horan in creating a Memorial that would put some notice within the public sector to get some input and create a blue ribbon task force to research ways to address the trash and water quality issues from the Legislative standpoint. A Memorial does not create law; it merely creates an opportunity to do some studies. In addition, they are researching ways to do some community outreach and education to help reduce the trash. They have developed some leads with regard to recycling and waste management. Their next meeting is on the 30th and Waste Management will have a representative to present their short term and long term goals on waste management to the committee. They are in the process of siting a recycling facility.

Mr. Conkling stated that this is not a small effort. It is a long-term, unending effort because water quality is SSCAFCA's mandate and it is only going to get more difficult to get the permits. He wants SSCAFCA to be in the lead with regard to best management practices and to work with other agencies. SSCAFCA is trying to build a coalition of people who will stand against bottles, cans and trash. This could reduce the cost of keeping water clean if the source can be addressed. This also might provide the opportunity for new jobs in New Mexico. Glass will be included in the request for recycling.

**Field Services Director:**

Mr. Jim Service stated that Westside Channel is coming along well. Shotcrete will be finished in the middle of next week, which is ahead of schedule. They are looking at finalizing it by March 2011. SSCAFCA is helping the City with some fence repair in Northern Meadows as well.

**CHAIRMAN'S REPORT.**

None.

**BOARD OF DIRECTOR'S COMMENTS.**

None.

**COMMITTEE REPORTS.**

Mr. Rudy stated that the Personnel Committee has met and interviewed an impressive number of highly qualified individuals. The selection was a combination of

staff, Board and other comments. Mr. Stoliker stated that Catherine Conrad will be starting on January 10, 2011.

Mr. Conkling stated that alternative strategies for acquiring and holding right-of-way may become very important this coming year.

**ACTION/APPROVAL OF THE MINUTES OF SEPTEMBER 24, 2010.**

A motion was made by Steve House to approve the Minutes of September 24, 2010 as presented. It was seconded by Donald Rudy 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. 09/25/10 newspaper article, "Corrales, SSCAFCA Agree on Salce Park Restoration."
2. 10/23/10 newspaper article, "Crackdown on ATVs in Arroyo."
3. State of New Mexico Unofficial Election Results

**OTHER BUSINESS.**

The next Regular Board Meeting is on Friday, December 17, 2010 at 9:00 a.m.

SSCAFCA will be recognizing the many years of service given by retiring board member William C. "Dub" Yarbrough.

Mr. Conkling stated that Mr. House was recently re-elected to the Board for a six year term. Dr. Fahey, of Corrales, will be joining the Board in January 2011 as well.

**ADJOURNMENT.**

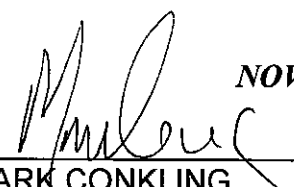
A motion was made by Steve House and seconded by Donald Rudy to adjourn the meeting. It was carried unanimously. Meeting adjourned at 10:45 a.m.

**BOARD OF DIRECTORS REGULAR MEETING**

**NOVEMBER 19, 2010**



\_\_\_\_\_  
STEVE HOUSE  
Secretary

  
\_\_\_\_\_  
MARK CONKLING  
CHAIRMAN

DATE APPROVED: \_\_\_\_\_

11/19/11

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