

SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
(SSCAFCA)
MINUTES OF JANUARY 20, 2017
BOARD OF DIRECTORS REGULAR MEETING

CALL TO ORDER.

The regular meeting of the SCAFCA Board of Directors was called to order by James Fahey, Chairman, at 9:02 a.m.

ROLL CALL OF DIRECTORS.

Directors in attendance were Mark Conkling James Fahey, and Michael Obrey. Steven House and John Chaney were noted as absent. Charles Thomas, Executive Engineer, Bernard Metzgar, SCAFCA's attorney, and members of the public were also present.

PLEDGE OF ALLEGIANCE.

The Board was led in the Pledge of Allegiance by James Fahey.

ANNOUNCEMENTS.

An announcement was made by James Fahey that all electronic devices needed to be turned off during the meeting and that the microphones are voice activated.

APPROVAL OF AGENDA.

A motion was made by Michael Obrey to approve the Agenda as presented. It was seconded by Mark Conkling and passed unanimously.

ACTION/APPROVAL OF THE MINUTES OF DECEMBER 20, 2016 AND JANUARY 3, 2017.

A motion was made by Michael Obrey to approve the minutes of December 20, 2016 and January 3, 2017 as presented. It was seconded by Mark Conkling and passed unanimously.

PUBLIC FORUM.

None.

STAFF REPORTS.

Executive Engineer:

1. Resolution 2017-1, Notice for Meetings.
2. Resolution 2017-2, Designation of Official Newspaper.
3. Resolution 2017-3, Check Signing Authorization.
4. Resolution 2017-4, Designation of Legal Holidays.

Mr. Fahey stated that at the January 3, 2017 meeting, Mr. House had not quite made it for the meeting, so the swearing in ceremony was delayed. The appearance was that there was not a quorum until the swearing in was held. There was a quorum, but so there is no question, the resolutions will be approved again.

A motion was made by Mark Conkling to pass and approve Resolution 2017-1 as presented. It was seconded by Michael Obrey. Roll call vote: Mark Conkling, yes; James Fahey, yes; Michael Obrey, yes. The motion carried 3-0.

A motion was made by Michael Obrey to pass and approve Resolution 2017-2 as presented. It was seconded by Mark Conkling. Roll call vote: Mark Conkling, yes; James Fahey, yes; Michael Obrey, yes. The motion carried 3-0.

A motion was made by Mark Conkling to pass and approve Resolution 2017-3 as presented. It was seconded by Michael Obrey. Roll call vote: Mark Conkling, yes; James Fahey, yes; Michael Obrey, yes. The motion carried 3-0.

A motion was made by Michael Obrey to pass and approve Resolution 2017-4 as presented. It was seconded by Mark Conkling. Roll call vote: Mark Conkling, yes; James Fahey, yes; Michael Obrey, yes. The motion carried 3-0.

5. Action/Approval of Resolution 2017-05 Final Acquisition of Property for Critical Flood Control Facilities from AMREP.

Mr. Charles Thomas stated that Resolution 2017-05 is for the final acquisition of property for critical flood control facilities from AMREP. This Resolution authorizes SSCAFCA to be able to proceed with the full powers of the agency to gain acquisition of needed right of way for critical flood control facilities. AMREP and its associated company, Outer Rim, are major landholders within SSCAFCA jurisdiction. Many property holdings are located where SSCAFCA has planned facilities. There have been some changes with the organization of AMREP itself. The local office has seen reduced independence in the decision making process and some staff changes have resulted in the decision making occurring at the parent company level. Negotiations have not gone as smoothly as in the past. SSCAFCA is currently in a situation with the Unser Dam where the next step is to

proceed with condemnation of the property that is needed. There are numerous other facilities that will also require property from AMREP and this Resolution will allow SSCAFCA to proceed in that fashion.

Mr. Fahey stated that SSCAFCA has tried to work with the parent company in good faith in order to purchase the properties. Mr. Thomas stated that SSCAFCA obtained an appraisal from a third party entity that is on call and let the property owners see that appraisal. SSCAFCA always encourages the property owners to obtain their own appraisal to verify the numbers. In this case, AMREP did obtain their own appraisal of the property. The parties had negotiated between the two numbers, however, upon learning that the amount of property SSCAFCA was at this time seeking was only four acres, AMREP indicated that they did not want to work with SSCAFCA unless it was dozens of acres more. The Resolution identifies that SSCAFCA will pursue use of its full powers if necessary.

In response to a comment from the Board, Mr. Metzgar stated that a Resolution does not hurt negotiations. They can still proceed. The City of Rio Rancho always has a resolution for condemnation projects. Mr. Conkling stated that he was concerned that it “throws down the gauntlet” with regard to negotiations.

A motion was made by Michael Obrey to pass and approve Resolution 2017-5 as presented. It was seconded by Mark Conkling. Roll call vote: Mark Conkling, yes; James Fahey, yes; Michael Obrey, yes. The motion carried 3-0.

6. Presentation of Harvey Jones Channel Improvements, Phase 4 Project - The Final Phase.

Mr. Charles Thomas stated that the problem with this Channel since its inception has promoted an air of unsolvability throughout its existence. SSCAFCA is getting close to completion of the next phase of improvements and getting it into a fashion that will function at its most efficient level. It is hoped that this will be the last phase of work for the Harvey Jones.

Mr. Thomas stated that the Montoyas Watershed drains to the Harvey Jones Channel, and has been the most heavily impacted by storms that hit the area. The crossing at NM 448 is the problem area where the channel was installed with insufficient capacity based on its original design. Phase I was the improvements done to the Lomitas Negras Arroyo just before the flow enters the Dulcelina Curtis Channel. Phase 2 involved some work at the channel itself by providing a positive slope downstream to increase the hydrologic capacity at the culverts underneath NM 448. Most recently, the Lower Montoyas improvements were completed just upstream to reduce the impact of the