

SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
(SSCAFCA)
MINUTES OF OCTOBER 16, 2015
BOARD OF DIRECTORS REGULAR MEETING

CALL TO ORDER.

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

ROLL CALL OF DIRECTORS.

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

ANNOUNCEMENTS.

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

PLEDGE OF ALLEGIANCE.

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

APPROVAL OF AGENDA.

James Fahey stated that there were a couple of changes to the Agenda. Some property acquisitions were added that weren't finalized when the Agenda was prepared. Also, the next meeting will be on November 13, 2015.

A motion was made by Mark Conkling to approve the Agenda as amended. It was seconded by John Chaney and passed unanimously.

ACTION/APPROVAL OF THE MINUTES OF SEPTEMBER 18, 2015.

A motion was made by Michael Obrey to approve the Minutes of September 18, 2015 as presented. It was seconded by John Chaney and passed unanimously.

PUBLIC FORUM.

None.

STAFF REPORTS:

Executive Engineer:

1. Action/Acceptance of Resolution 2015-18 Authorizing the Execution and Delivery of a Water Project Fund Grant Agreement.

Mr. Charles Thomas stated that Resolution 2015-18 is required by the Water Trust Board in order for SSCAFCA to receive the \$950,000 worth of grant funds that SSCAFCA was successful in obtaining this past year. It documents that SSCAFCA will move forward with the project. The Board requires a match without a dedicated utility fund stream and SSCAFCA is able to meet its match burden with its property acquisitions. The project for this grant agreement is the Upper SLO Detention Dam. The advertisement for this project started on October 14, 2015. Staff will seek approval for the contractor from the Board at the November meeting.

A motion was made by John Chaney to accept Resolution 2015-18 as presented. It was seconded by Michael Obrey. Roll call vote: John Chaney, yes; Mark Conkling, yes; James Fahey, yes; Steve House, yes; Michael Obrey, yes. The motion passed 5-0.

2. Update on Meeting with South Pacific Division of USACE.

Mr. Charles Thomas stated that he and Ms. Conran went to the South Pacific Division of USACE to meet with Ms. Peterson, who is the chief of the South Pacific Division. This Division oversees the Albuquerque District. They had a very good discussion regarding SSCAFCA's projects. USACE felt positive in how SSCAFCA was approaching its work because it is remaining under the \$10,000,000 limit, which is the limit that the Corps has for small project authorization. This keeps SSCAFCA in more of a local competition rather than national competition for money for projects. The Corps was pleased to hear that SSCAFCA was acquiring all of the property and completing much of the investigation into a project before moving forward to seek funding from the Corps.

Mr. Thomas stated that SSCAFCA staff also presented information on the LEE. One of the factors in the Corps' process of approving projects is to determine if the benefit exceeds the cost of the project. One of the major metrics is the level of flooding that would impact any nearby homes or commercial properties. Flood waters impacting homes is not the biggest issue in New Mexico. The arroyo meandering laterally and undercutting foundations is more likely in SSCAFCA's

jurisdiction. The Corps understood that there was no metric in their cost analysis to evaluate this circumstance. SSCAFCA staff mentioned that they were working on developing one and the Corps encouraged them to make a follow up trip to present that information to their chief economist. The LEE is a forward looking element for damage that could occur in the future and agencies such as the Corps struggle to apply these damages in a cost/benefit ratio process.

In response to a question from the Board, Mr. Thomas stated that it is a cost/benefit concept, but the Corps does not have the ability to figure out what that benefit is. When floodwaters impact a home, there is a certain point at which the house is deemed a complete loss, but before that there is a prorated damage level that they use. With the erosion of an arroyo, if it undercuts a portion of the foundation, the property is no longer usable. The idea is that SSCAFCA wants to identify a means to evaluate when a storm event occurs, if there is a way to forecast how much the LEE might move given the size of the storm event. The first recommendation that staff would make to developers is that the arroyo needs to be stabilized to protect the property. If they are not interested in that, staff could let the developer know not to put significant infrastructure in the area.

3. Action/Acceptance of Resolution 2015-19 Final Acquisition of Property for Rainbow Pond and Tributary A Dam.

Mr. Charles Thomas stated that, despite much success in voluntary acquisition of properties for the projects, Resolution 2015-19 authorizes the full authority of SSCAFCA to acquire these properties. Rainbow Pond is a series of 6 half acre properties owned by one individual; Tributary A Dam is one property. The properties in the Rainbow area are appraising for approximately \$7,000 for ½ acre lots. The Tributary A property is \$10,000 per acre. The Rainbow Pond owner is in Montana. The Tributary A property owner is local. If the properties are not acquired through eminent domain, the projects cannot be built as designed. SSCAFCA would have to redesign the footprint in alternate locations, which would require additional property acquisition in other locations, which would raise the price considerably for the projects.

A motion was made by John Chaney to accept Resolution 2015-19 as presented. It was seconded by Michael Obrey. Roll call vote: John Chaney, yes; Mark Conkling, yes; James Fahey, yes; Steve House, yes; Michael Obrey, yes. The motion passed 5-0.

Fiscal Services Director:

1. Recognition/Acknowledgment of the Fiscal Services Report for September 30, 2015.

Ms. Deborah Casaus presented the Fiscal Services Report for September 30, 2015 in the Board's packets. She stated that property tax revenue after three months of collections are less than last year, but nothing to be too concerned about. General fund expenditures through September 30, 2015 amount to 10.48% of the total budget and SSCAFCA is 25% through the fiscal year. The City of Rio Rancho has issued 25 single family residential permits for the month of September, and a total of 331 for the year. That is about 20% down from last year. Interest earned on the State Treasurer's funds was at a rate of .148% for the month of September. The 90 day treasury bill is at 0.0%.

The Fiscal Services Report for September 30, 2015 was recognized and acknowledged by the Board.

2. Certification of SSCAFCA's Inventory.

Ms. Deborah Casaus stated that SSCAFCA is required to bring a listing of SSCAFCA's fixed and tangible assets and have the Board certify the Capital Asset Inventory Listing. A listing of all of SSCAFCA's assets is included in the Board's packets. No equipment or vehicles were added, but SSCAFCA did add donated right of way of \$313,000, purchased right-of-way of \$1.74 million, and infrastructure of \$83,000, which was the work done in Corrales Heights.

A motion was made by Mark Conkling to certify the asset inventory as presented. It was seconded by John Chaney and passed unanimously.

3. Action/Acceptance of contract renewal with Maid Brigade for Janitorial Services with no requested changes.

Ms. Deborah Casaus stated that the contract with Maid Brigade for Janitorial Services is up for renewal with no requested changes. This is a yearly contract and this is the third year of the contract.

A motion was made by John Chaney to approve the contract renewal with Maid Brigade as presented. It was seconded by Mark Conkling and passed unanimously.

4. Action/Acceptance of Selection/Agreement with Modrall Sperling for Bond Counsel Professional Services.

Ms. Deborah Casaus stated that SSCAFCA issued a new RFP for bond counsel professional services and the committee unanimously selected the Modrall Sperling law firm based on RFP submissions.

A motion was made by Michael Obrey to approve the selection of the Modrall Sperling law firm for bond counsel services. It was seconded by John Chaney and passed unanimously.

Environmental Services Director:

1. Action/Acceptance of maintenance contract with Meridian Contracting, Inc. for landscape watering at the Lower Montoyas Water Quality Feature.

Mr. Dave Gatterman stated that this is the contractor who built the project and one of the items that was in the bid is a two year watering for all the landscaping. The preference is to retire the project and separate the items out and form a new contract because of the renewal and retaining of the bonds. Another item included in this is the installation of the willow whips. Those are not supposed to be planted until March and the project is effectively completed. There is also some final grading in the lower sediment pool at the east entrance to the Harvey Jones. The contractor could not accomplish this because of the rains. The idea is that they will come in and do the final grading under this supplemental contract. There is no increase in any costs, they are all under the original bid of the contract. There is not an actual amount because they are still working on the actual earthwork numbers. The estimated value of the contract is about \$92,000 plus tax.

Mr. Conkling asked about the possibility of entering into local contracts as opposed to going through bonding companies. Mr. Thomas stated that this is something that can be looked into, but he doesn't know the answer for sure. Any project that is going to be using an alternate source of funding, such as federal funds, or other state money, the funding agency will most likely require a bond. The only application to pursue an alternate means of bonding would be on projects funded solely with SSCAFCA bond funds.

A motion was made by John Chaney to enter into the contract with Meridian Contracting, Inc. as presented. It was seconded by Steve House and passed unanimously.

OTHER COMMITTEE REPORTS.

Mr. Charles Thomas stated that with regard to personnel activities, staff is in the process of moving forward with hiring a civil drafter. An offer has been made to an individual. It is anticipated that the offer will be returned signed.

ATTORNEY'S REPORT.

None.

CHAIRMAN'S REPORT.

Mr. James Fahey stated that the tour of the SSCAFCA facilities was super. He stated that the ribbon cutting ceremony at the Harvey Jones was good. There were many positive comments received.

BOARD OF DIRECTOR'S COMMENTS.

None.

PROPERTY MATTERS.

1. Action/Acceptance – Unit 17, Block 96, Lot 23 – 1.00 Acres – Christopher Pointe.
2. Action/Acceptance – Unit 10, Block 18, Lot 43 – 0.2861 Acres – Tributary “A” Dam.

Mr. Charles Thomas stated that it is necessary to obtain these properties for the Christopher Pointe and Tributary “A” Dam projects. The Christopher Pointe property completes the property acquisition for a small drainage pond in Unit 17. The Tributary A Dam property is a partial acquisition.

A motion was made by Michael Obrey to approve the property acquisition as presented. It was seconded by John Chaney and passed unanimously.

FOR YOUR INFORMATION:

1. Corrales Comment article, “Bank Swallow Habitat at Montoyas Arroyo Damaged”, (07/25/2015).

OTHER BUSINESS.

- The next Regular Board Meeting has been rescheduled to Friday, November 13, 2015.

ADJOURNMENT.

BOARD OF DIRECTORS REGULAR MEETING

OCTOBER 16, 2015

A motion was made by Mark Conkling and seconded by John Chaney to adjourn the meeting. It was carried unanimously. Meeting adjourned at 9:38 a.m.



MARK CONKLING
Secretary


JAMES FAHEY
CHAIRMAN

DATE APPROVED:

11/13/15