

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
(SSCAFCA)
MINUTES OF JULY 16, 2020
BOARD OF DIRECTORS REGULAR MEETING**

CALL TO ORDER.

The regular meeting of the SSCAFCA Board of Directors was called to order by Michael Obrey, Chairman, at 9:16 am. The start of the Board meeting was delayed due to technical difficulties with the video software.

ROLL CALL OF DIRECTORS.

Directors in attendance were James Fahey, John Chaney, Mark Conkling and Michael Obrey. Charles Thomas, Executive Engineer was present, as well as Charles Garcia, attending as SSCAFCA's attorney.

ANNOUNCEMENTS.

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

PLEDGE OF ALLEGIANCE.

The Board was led in the Pledge of Allegiance by Chairman Obrey.

APPROVAL OF AGENDA.

A motion was made by James Fahey to approve the Agenda. It was seconded by John Chaney. Roll call vote: James Fahey, yes; Mark Conkling, yes; John Chaney, yes; Michael Obrey, yes. The motion carried 4-0.

ACTION/ACCEPTANCE OF THE MINUTES OF June 18th, 2020.

A motion was made by Mark Conkling to accept the minutes of June 18, 2020 as presented. It was seconded by John Chaney.

Roll call vote: James Fahey, yes; Mark Conkling, yes; John Chaney, yes; Michael Obrey, yes. The motion carried 4-0.

PUBLIC FORUM.

None.

APPOINTMENT OF BOARD SECRETARY FOR REMAINDER OF CALENDAR YEAR 2020

Chairman Obrey recommended Mark Conkling to be appointed as Board Secretary. The motion was seconded by James Fahey. Director Conkling stated that he would accept the appointment.

Roll call vote: James Fahey, yes; Mark Conkling, yes; John Chaney, yes; Michael Obrey, yes. The motion carried 4-0.

STAFF REPORTS.

Executive Engineer:

1. Action/Approval of Selection/Agreement for General Counsel/Legal Services.

Mr. Thomas stated that SSCAFCA had recently issued an RFP for General Counsel and other Legal Services. Three firms responded to the RFP. After evaluation of the firms, the Selection Committee recommended that Cuddy & McCarthy, LLP be retained as General Counsel. Mr. Thomas explained that this is for on-call services and can be renewed three additional annual terms for a contract length of up to four years.

A motion was made by James Fahey to approve the selection of Cuddy & McCarthy, LLP. It was seconded by Mark Conkling.

Roll call vote: James Fahey, yes; Mark Conkling, yes; John Chaney, yes; Michael Obrey, yes. The motion carried 4-0.

2. Action/Approval of Drainage Agreement with AMREP Southwest, Inc.

Mr. Thomas explained that this agreement is to receive a donation of 38 parcels fee simple in exchange for allowing AMREP Southwest, Inc. to construct drainage improvements for the Paseo Gateway master-planned development off-site on property owned by SSCAFCA. In addition to allowing AMREP to construct the facility, SSCAFCA would be required to provide a drainage evaluation confirming any peak flow or volume constraints. SSCAFCA would not receive the warranty deeds until the hydrology report is accepted.

In response to a question from the Board, Mr. Thomas confirmed that AMREP would be responsible to pay for the construction of any drainage improvements. Mr. Thomas also clarified that the construction of the facility would be required to be built to SSCAFCA and City of Rio Rancho requirements.

A motion was made by Mark Conkling to approve the Agreement as presented. It was seconded by John Chaney.

Roll call vote: James Fahey, yes; Mark Conkling, yes; John Chaney, yes; Michael Obrey, yes. The motion carried 4-0.

3. Capital Projects Update.

Mr. Thomas presented information on all of the capital projects that are currently active. The presentation was divided into discrete groups. The first group of projects were the planning projects currently underway. These projects included the Corrales Westside Drainage Plan, the Venada Watershed Park Management Plan, the Black Watershed Park Management Plan, the Water Quality Master Plan, the Quality of Life Master Plan, the Middle Venada Water Quality Facility, the Black Arroyo Wildlife Park Improvements and the Riparia Pond Design.

The second group of projects were the active construction/acquisition projects. These projects are the Lisbon Culvert at Sugar Channel, Upper Bosque de Bernalillo, Lisbon Pond and the Playa Preservation project.

The last group of projects are the projects in design, which are the High Range Pond, Lisbon Channel Phase 2, Rio Mora Drainage Improvements, Lower Venada Channel, Ivory Channel, Industrial Park Water Quality and the Lower Montoya Bank Stabilization project.

In response to a question from the Board, Mr. Thomas clarified that although we endeavor to keep all of our arroyos in their natural state, several have development closely encroaching, which can require some hardened bank stabilization and channel lining.

4. Discussion and Possible Action on Memorandum of Understanding (MOU) with Eastern Sandoval County Arroyo Flood Control Authority (ESCAFCA)

Mr. Thomas presented a Memorandum of Understanding (MOU) developed by ESCAFCA which identified several tasks that SSCAFCA staff could complete on behalf of ESCAFCA. The reason for the MOU is two-fold. First, the current Executive Engineer for ESCAFCA, Mr. Larry Blair, is retiring and ESCAFCA does not plan to fill the position in the short term. Secondly, ESCAFCA does not have any remaining bonding authority and is currently in a maintenance mode, reducing the work-load required by SSCAFCA staff.

Mr. Thomas explained that the MOU contains five basic tasks, including: Preparation and submission of ESCAFCA ICIP; Prepare and post for public comment the MS4 Annual Report by Oct 15; Submit Annual Report to EPA before Dec 1; Conduct inspection of ESCAFCA facilities, per ESCAFCA Operating and Maintenance [O & M] manuals; Contract for or perform identified repair or maintenance of ESCAFCA facilities, and Prepare and submit Capital outlay Requests and/or Grant applications to Water Trust Board for future projects, if requested by the ESCAFCA board of Directors.

Mr. Thomas stated that in consultation with Legal Counsel, the staff recommendation was to only accept the first two tasks, as the remaining tasks would require SSCAFCA to take on a more active role outside of the SSCAFCA jurisdiction and would likely require a Joint Powers Agreement processed through the Department of Finance & Administration.

Director Fahey also commented that the agreement, if accepted should only run for one year and not two years. Chairman Obrey and Director Conkling concurred with the staff recommendations and recommendations from the Executive Committee for the scope of the MOU.

In response to a question from the Board, Mr. Thomas clarified that all work completed on behalf of ESCAFCA would be billed to ESCAFCA directly and no SSCAFCA funds would be spent outside the SSCAFCA jurisdiction.

At the request of the Board, Mr. Larry Blair, the Executive Engineer for ESCAFCA, provided a brief history of ESCAFCA and a summary of current finances and situation. Mr. Blair stated that no further bond elections could be held until 2023 or 2024 and ESCAFCA was limited to maintenance activities only for the next few years. Mr. Blair also stated that the loss of Placitas created a significant loss of revenue, but that the current ESCAFCA Board has no plans to look into adding Placitas back into their jurisdiction. Mr. Blair stated that his contract expired in December of 2020.

In response to a question from the Board, Mr. Blair stated that ESCAFCA has discussed establishing an MOU with Sandoval County and the Town of Bernalillo, but nothing recent.

James Fahey made a motion to amend the MOU to include only the first two action items, ensure payment of all staff time and expenses by ESCAFCA funds and limit the length of the MOU to one year. The motion was seconded by John Chaney.

Roll call vote: James Fahey, yes; Mark Conkling, yes; John Chaney, yes; Michael Obrey, yes. The motion carried 4-0.

5. Development Review.

Mr. Thomas reviewed the developments projects currently active. The Hawksite development drainage management plan revisions are still under review. Similarly, the drainage report for the Garza property, which is adjacent to the Venada Arroyo, is also still under review. The Vista de Suez drainage report was approved. Lastly, the review of the Los Diamantes regional pond drainage report is still ongoing. This proposed pond will be located upstream of the subdivision and will divert storm flows due south to the Calabacillas Arroyo.

Fiscal Services Director:

1. Action/Acceptance of the Fiscal Services Report for June 30, 2020.

Ms. Casaus presented the quarterly fiscal report for the quarter ending June 30, 2020. Ms. Casaus stated that the operating property tax revenue after 12 months of FY20 is 4.4% greater than collections at the same time last fiscal year, and the debt service property tax revenue is 2.8% greater.

The General Fund expenditures fiscal year-to-date through June 30, 2020 amount to 78% of the total budget for the year. We are currently 100% through Fiscal Year 2020. There were 192 Single-Family Residential permits issued by the City of Rio Rancho for the months of April through June.

Finally, interest was earned on funds invested in State Treasurer's Office local government program at a rate of .340% for the month ending June 30, 2020. The current yield on a 90-day U.S. Treasury bill is .134%.

James Fahey made a motion to accept the Fiscal Services Report for June 30, 2020. The motion was seconded by John Chaney.

Roll call vote: James Fahey, yes; Mark Conkling, yes; John Chaney, yes; Michael Obrey, yes. The motion carried 4-0.

2. Action/Approval of Resolution 2020-09 Fiscal Year 2020 Budget Amendment.

Ms. Casaus stated that this resolution was not needed and requested that the item be removed from the agenda.

James Fahey made a motion to amend the agenda to remove Item #2 under the Fiscal Services Director's Report related to Resolution 2020-09. The motion was seconded by John Chaney.

Roll call vote: James Fahey, yes; Mark Conkling, yes; John Chaney, yes; Michael Obrey, yes. The motion carried 4-0.

3. Action/Approval of Resolution 2020-10 Budget for Fiscal Year Ending June 30, 2021.

Ms. Casaus stated that Resolution 2020-10 was to approve the budget for the fiscal year ending June 30, 2021. Ms. Casaus stated that there were a couple changes from the preliminary budget. The first was updating our cash balances to reflect the increased tax revenue which adds approximately \$110,000 to the Operating Budget and \$150,000 to the Debt Service Fund. The second was the property tax revenue estimate was amended from 2.5% to 3.0% and the third was adjusting the budget to reflect the final expenses at the end of the year.

James Fahey made a motion to approve Resolution 2020-10 as presented. It was seconded by John Chaney.

Roll call vote: James Fahey, yes; Mark Conkling, yes; John Chaney, yes; Michael Obrey, yes. The motion carried 4-0.

4. Action/Approval of Resolution 2020-11 Ad Valorem Tax Levy for Tax Year 2020 (FY 2021) Applicable to General Operating Fund.

Ms. Casaus stated that there was no increase in the mill tax levy projection for the general operating fund for FY21, the mill levy rate remained at 0.828.

A motion was made by James Fahey to approve Resolution 2020-11 as presented. It was seconded by John Chaney.

Roll call vote: James Fahey, yes; Mark Conkling, yes; John Chaney, yes; Michael Obrey, yes. The motion carried 4-0.

5. Action/Approval of Resolution 2020-12 Ad Valorem Tax Levy for Tax Year 2020 (FY 2021) Applicable to Debt Service Fund.

Ms. Casaus stated that there was no increase in the mill tax levy projection for the debt service fund for FY21, the mill levy rate remained at 1.242.

A motion was made by James Fahey to approve Resolution 2020-12 as presented. It was seconded by John Chaney.

Roll call vote: James Fahey, yes; Mark Conkling, yes; John Chaney, yes; Michael Obrey, yes. The motion carried 4-0.

6. Action/Approval of Resolution 2020-13 Final Quarter Financial Report for Year Ending June 30, 2020.

Ms. Casaus stated that Resolution 2020-13 was to certify the final cash balances carried over to FY21. The Department of Finance and Administration requires this balance to be certified by the Board.

A motion was made by James Fahey to approve Resolution 2020-13 as presented. It was seconded by John Chaney.

Roll call vote: James Fahey, yes; Mark Conkling, yes; John Chaney, yes; Michael Obrey, yes. The motion carried 4-0.

OTHER COMMITTEE REPORTS.

None.

ATTORNEY'S REPORT.

None.

CHAIRMAN'S REPORT.

None.

BOARD OF DIRECTOR'S COMMENTS.

Director Conkling asked for clarification regarding the application of the Open Meetings Act in regards to Zoom. Chuck Garcia clarified that video conferencing is covered. Mr. Thomas also clarified that even with Mr. House no longer on the Board, the definition of a quorum for the SCAFCFA Board, three Board members, did not change.

PROPERTY MATTERS.

None.

FOR YOUR INFORMATION.

None.

OTHER BUSINESS

1. A Special Board Meeting is scheduled for July 29, 2020 @ 9:00 a.m.
2. Next Regular Board Meeting is scheduled for August 20, 2020 @ 9:00 a.m.


INTERVIEWS WITH CANDIDATES FOR BOARD VACANCY

The Board of Directors interviewed one candidate for the vacant position on the Board of Directors.

The candidate interviewed was Mr. Eddie Paulsgrove, a resident of the Mariposa subdivision in the City of Rio Rancho.

ADJOURNMENT.

The meeting was adjourned by Chairman Obrey at 11:29 a.m.



Mark Conkling
Secretary



MICHAEL OBREY
Chairman

DATE ACCEPTED: 8/20/2020