

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
(SSCAFCA)
MINUTES OF DECEMBER 17, 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 9:02 a.m.

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.

Due to the serious nature of all Board Meetings, Chairman Obrey asked that all cell phones or devices that may distract participants or disrupt the meeting be turned off.

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

ACTION/ACCEPTANCE of the minutes of the Regular Board Meeting of November 19, 2020

A motion was made by James Fahey to accept the minutes of November 19, 2020 as presented. It was seconded by John Chaney.

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

PUBLIC FORUM.

Mr. Thomas instructed members of the public, who wished to comment on non-agenda items, to add their name to the chat list and he would take comments in the order received. There was no comment from the public.

STAFF REPORTS.***Executive Engineer:***1. State Legislative Update (Larry Horan)

Mr. Thomas stated that Mr. Horan, SCAFCA's State Lobbyist, would present an update on the upcoming 2021 Legislative Session. Mr. Horan provided a brief overview of post-election changes within the Senate and House. Mr. Horan explained how the newly elected or re-elected legislative members may impact SCAFCA - most notably the uncertainty of who the new members of key committees will be. In response to Covid, the upcoming session will be held virtually in the House and will operate in a hybrid or mainly virtual mode in the Senate. Each chamber will have the option to choose how they will operate; both will utilize Zoom. Mr. Horan stated that the Roundhouse will be off-limits to the public and lobbyists for the entire 60-day session, but these conditions are all subject change.

Mr. Horan stated that in June 2020, the legislature's revenue estimate for FY2021 indicated that they would be down \$1 billion dollars in the current fiscal year and predicated that they would be down as much as \$2 billion dollars in FY2022. However, a second revenue estimate in October 2020 indicated that the budget shortfall would not be as large as previously predicted. The loss was approximately \$500 million dollars less than anticipated. Mr. Horan stated the most recent revenue estimate in December 2020 indicated that the loss in FY2021 was approximately only \$182 million, which meant that the budget and revenues actually remained flat. Mr. Horan noted that this was a positive outcome despite being in the middle of a pandemic. Additionally, there would be \$2.5 billion dollars in reserves (or a 35% reserve.) Mr. Horan stated that local government revenues also remained steady during the past fiscal year. This was due to a combination of Covid-relief funding, stable gross receipts tax and increased personal income tax collections. The overall budget shortfalls were mainly due to the drop in oil prices.

Mr. Horan stated that we would be entering the upcoming session in a better financial position than we had anticipated. The projected funding for Capital Outlay was \$353 million dollars. These funds would be available to the Governor and legislatures for allocation to agencies like SCAFCA for their projects and could possibly increase depending on the actual final budget.

Mr. Horan stated that additional discussion topics for the upcoming session included, legalization of Cannabis, a new Civil Rights Cause of Action item, proposed changes to the Medical Malpractice Act and a strategy to replenish the State Unemployment fund.

In response to a question from Mr. Thomas, Mr. Horan stated that any old or unused Capital Outlay could be swept back. However, those sweeps would mostly be for funding from two to three years ago and would not likely affect SCAFCA. Mr. Thomas further noted that SCAFCA's latest 2019 Capital Outlay funds were already 95% expended, so SCAFCA was not at risk of losing any funding.

In response to a question from Director Fahey, Mr. Horan stated that even with a slight budget shortfall this year, SSCAFCA should request, more-or-less, the same amount of funding that had been previously requested. Mr. Horan explained that this fiscal year's funding would most likely be prioritized for projects that support public health and safety as opposed to projects for recreation. Since SSCAFCA is public health and safety focused agency, they would most likely be approved for funding. Mr. Horan stated that Capital Outlay has historically been a good fit for SSCAFCA's projects for that reason.

2. Action/Approval of Resolution 2020-19 for SSCAFCA 2021 Legislative Priorities

Mr. Thomas stated that Resolution 2020-19 was for approval of SSCAFCA's 2021 Legislative Priorities. Mr. Thomas stated that the two specific projects recommended for Capital Outlay funding were the Ivory Channel Improvements Project and the Industrial Park Project at Tortugas Arroyo. After presenting a project overview, Mr. Thomas stated that the Ivory Channel needed stabilization due to the flood risk that it posed to surrounding infrastructure, including homes and a community church. In response to Director Fahey, Mr. Thomas stated that the approximate cost of this project was \$1.2 million dollars.

Mr. Thomas presented information on the Industrial Park Project. Mr. Thomas stated that this long-standing project was necessary to capture the flow coming out of Rio Rancho's Industrial Park area and redirect it to the Lower Montoyas. This would essentially dry up the up the lower Tortugas arroyo, which was currently in a FEMA Zone A flood plain. In response to a question from Director Fahey, Mr. Thomas stated that although it was ancillary to the main goal of this project, SSCAFCA's efforts would remove this area from the flood plain, which would reduce the flood risk for future development. Mr. Thomas stated that this project's total cost would be approximately \$1.5 million dollars, funded with a federal grant award from the US Army Corp of Engineers, along with a 25% match from the legislature. In response to a question from Director Chaney, Mr. Thomas stated that any benefit that Abrazo Homes gained from the Industrial Park Project was incidental to completion of the project. Mr. Thomas noted that it is a standard practice to update the federal flood risk maps upon completion of a project.

A motion was made by James Fahey to approve Resolution 2020-19 for SSCAFCA's 2021 Legislative Priorities, which included the Ivory Channel Improvements Project and the Industrial Park Project at Tortugas Arroyo. It was seconded by John Chaney.

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

3. Action/Approval of Resolution 2020-20 for Authorization to Formally Assess Rio Rancho Golf Course Open Space for Acquisition.

Mr. Thomas stated that approval of Resolution 2020-20 for Authorization to Formally Assess Rio Rancho Golf Course Open Space for Acquisition would allow SSCAFCA staff to complete the remainder of the research needed to identify possible liabilities that may exist before accepting any donation of open space from Land Development 2, LLC. Mr. Thomas stated that part of the research would include reviewing any environmental assessments or possibly conducting testing. Mr. Thomas stated that a full report of the formal evaluation would be presented to the Board at a Work Study, tentatively scheduled to take place on February 4, 2021, prior to SSCAFCA's Regular February Board Meeting. In response to a question from

Director Fahey, Mr. Thomas reiterated that the overall purpose of the formal evaluation was to ensure that SSCAFCA had done their due diligence prior to accepting responsibility of the former Rio Rancho Golf Course. In response to a question from Director Chaney, Mr. Thomas stated that Dave Gatterman, SSCAFCA's Facility Operations Director, had produced a letter that would be sent out to residents who live in and around the former Rio Rancho Golf Course community informing them of SSCAFCA's potential acquisition of the open space and asking for their feedback. In response to a question from Director Conkling, Mr. Thomas stated that the feedback that we had received so far from residents was positive.

In response to Director Chaney's request for public comments, Mr. Skarsgard addressed the Board and thanked them for their consideration. Other members of public, representing various HOA and neighborhood associations from the former Rio Rancho Golf Course also commented, acknowledging their support of SSCAFCA's involvement with the potential open space acquisition.

In response to a question from the public regarding a Public Improvement District (PID), Mr. Thomas stated that there was no PID being developed at this time to his knowledge, and they were typically used for development projects and not open space conservation.

In regards to a second question from the public regarding abandoned ponds and dead trees on the former golf course, Mr. Thomas stated that LD2 LLC would include funds, along with the donation, that would cover the costs to remedy those specific issues.

In regards to a comment from the public regarding the inclusion of investigating additional portions of the former golf course proposed for development, Mr. Thomas stated that at this time, SSCAFCA's focus was on the open space donation portion of land.

A motion was made by John Chaney to approve Resolution 2020-20 for Authorization to Formally Assess Rio Rancho Golf Course Open Space for Acquisition. It was seconded by Mark Conkling.

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

4. Development Review

Mr. Thomas stated there were several items under review. Mr. Thomas stated that within the Calabacillas Watershed, the Los Diamantes Regional Pond Storm Drain drainage report and construction plans were still under pending review. Within the Montoyas Watershed, the preliminary plat, drainage report and construction plans for the 39 residential lots in Las Residencias Subdivision were under review. Also under review was the preliminary plat for the Cielo Azul Subdivision 4-Plex. Mr. Thomas stated that within the Venada Watershed, the Lomas Encantadas Subdivision Unit 2A Phase 1 construction plans had been approved. The final item was a Zone Map Amendment to rezone ten R-1 lots to R-4, also within the Venada Watershed, which was approved by SSCAFCA with no further comments.

Design Services Director:

1. Presentation of the Upper Bosque de Bernalillo Project

Mr. Sanchez presented an update to the Board on the Upper Bosque de Bernalillo Project. The main project components included approximately 7800 CY of excavation and fill placement. Approximately 1340 SY of reinforced shotcrete with no added color. Additionally, there were 1100 CY of dumped

riprap, 60 CY of NMDOT retaining walls, approximately 61 LF and 48" RCP pipe penetration through new retaining wall. The project also included installation of a base course maintenance road, fencing, pipe gates and seeding. In response to a question from Director Fahey, Mr. Sanchez stated that the newly created arroyo bank was closer to an existing home than it had been prior to the project, however the home was not in danger of any flood risks and had no flood history that SSCAFCA knew of. Mr. Sanchez stated that in his opinion, the homeowner in question would have an enhanced level of flood protection post construction. Mr. Sanchez stated that the overall project was completed approximately \$1,300 under budget. The Board thanked Mr. Sanchez for his efforts in getting the Upper Bosque de Bernalillo Project successfully completed.

Mr. Abramshe commented that he had seen the project and he felt that the project was very well done and that the homeowner should feel more protected as the new alignment, although closer, is much deeper and provides more protection in his opinion.

OTHER COMMITTEE REPORTS.

None.

ATTORNEY'S REPORT

None.

CHAIRMAN'S REPORT.

None.

BOARD OF DIRECTOR'S COMMENTS.

None.

PROPERTY MATTERS.

None.

FOR YOUR INFORMATION.

1. The Professional Lobbyist Services Contract with Larry Horan has been renewed for the third year under the same terms and conditions. (m/o)
2. The General Landscape Maintenance Services contracts have been renewed under the same terms and conditions with the following contractors: (m/o)
 - Black Forest Tree Service
 - RAC Construction, Inc.
 - Santiago's Native Landscaping, LLC
3. ABQ Business First Article, "People on the Move, Robert Demeule, P.E." (10-30-20) (m/o)
4. Corrales Comment Article, "Protection for Corrales Siphon Brings Big Changes in Rio Grande," (11-7-20) (m/o)
5. RR Observer Article, "Scientist Gets Rio Rancho Councilor Nomination," (11-29-20) (m/o)

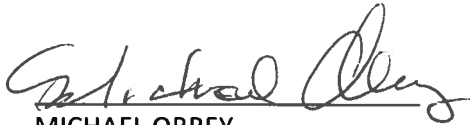
6. RR Observer Article, "Emergency Manager Earns State Award," (11-29-20) (m/o)
7. RR Observer Article, "COVID Surge Continues; Experts Expect Worse to Come," (12-6-20) (m/o)
8. ABQ Journal Article, "State Outlook for Revenue Reserves Bright," (12-9-20) (m/o)

OTHER BUSINESS

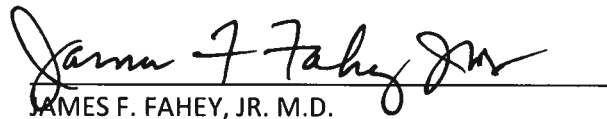
1. Next Regular Board Meeting is scheduled for January 4, 2021 @ 9:00 a.m.

ADJOURNMENT.

The meeting was adjourned by Chairman Obrey at 10:08 a.m.



MICHAEL OBREY
Secretary



JAMES F. FAHEY, JR. M.D.
Chairman

DATE ACCEPTED: 1-21-2021