

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY  
(SSCAFCA)**

**MINUTES OF JUNE 17, 2003  
BOARD OF DIRECTORS REGULAR MEETING**

**CALL TO ORDER.**

The regular meeting of the SSCAFCA Board of Directors was called to order by Dub Yarbrough, Chairman, at 1:05 p.m.

**PLEDGE OF ALLEGIANCE.**

The Board was led in the Pledge of Allegiance by Dub Yarbrough.

**ROLL CALL OF DIRECTORS.**

Directors in attendance were John Chaney, Mark Conkling, Richard Deubel, and Dub Yarbrough. Donald Rudy was noted as absent. David Stoliker, Executive Director, and other staff were present. Bernard Metzgar, SSCAFCA's attorney, was also present.

**APPROVAL OF AGENDA.**

Dub Yarbrough stated that Mr. Stoliker had indicated that Item VII, number 2, Selection/Approval of Audit Firm was added to the agenda right before the meeting commenced. He stated that items f, g, and h were added to the "For Your Information" portion right before the meeting commenced.

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

**ANNOUNCEMENTS.**

Announcements were made by Dub Yarbrough that all electronic devices needed to be turned off during the meeting and that the microphones are voice activated.

**CONSENT AGENDA.**

1. Minutes of May 20, 2003 Regular Meeting.

A motion was made by Mark Conkling to approve the Minutes of May 20, 2003 as presented. It was seconded by Mark Conkling and passed unanimously.

2. Recognition/Acknowledgment of the Treasurer's Report for May 30, 2003.

Mr. Conkling asked if there were any questions regarding the Treasurer's Report. There were none.

### Action/Approval of Budget Resolution 2003-5 FY-03 Budget Adjustment.

Mr. Conkling stated that the budget adjustment resolution is on the building fund, furniture and equipment. Mr. Stoliker stated that next year's budget does not contain a building fund so the money needs to be moved.

A motion was made by John Chaney to approve the Budget Adjustment Resolution 2003-5 as presented. It was seconded by Mark Conkling. Roll call vote: John Chaney, yes; Mark Conkling, yes; Richard Deubel, yes; and Dub Yarbrough, yes. The motion passed 4-0.

### Selection/Approval of Audit Firm.

Mr. Stoliker stated that two firms submitted for SSCAFCA's audit firm: Henderson Black and Co. and Mackie, Reid & Company. The Selection Advisory Committee consisted of David Stoliker and Perry Baird, with a telephone discussion with Mr. Conkling. The Committee recommends that the firm of Mackie, Reid & Company be the auditor for SSCAFCA for the fiscal year ending 2003, with the possibility of two annual renewals of the contract. He stated that Mackie, Reid is SSCAFCA's current auditor.

A motion was made by John Chaney to approve Mackie, Reid & Company as SSCAFCA's audit firm. It was seconded by Mark Conkling and passed unanimously.

### PUBLIC FORUM.

None.

### CHAIRMAN'S REPORT.

#### 1. Discussion of Rio Rancho City Ordinance Regarding On-Lot Ponding

Mr. Yarbrough stated that it might be time for the Board to re-visit SSCAFCA's policies. Right now, SSCAFCA has a 50 acre minimum requirement and 500 cubic feet per second requirement. He would like to appoint a committee to re-visit SSCAFCA's policies and maybe bring back a list of recommended changes, if any, sometime in the near future. He stated that it seems like Rio Rancho is building a lot of smaller subdivisions that fall below SSCAFCA's criteria. SSCAFCA may or may not want to lower its minimum criteria to be involved with these smaller subdivisions.

Mr. Conkling stated that the City of Rio Rancho needs some additional energy to push for an ordinance that would require on-site ponding. Mr. Curtis has previously asked if SSCAFCA would be willing to help them with that. Mr. Metzgar stated that, from the discussions he's had with Mr. Yarbrough, he believes that Mr. Yarbrough is looking more toward revising SSCAFCA's Drainage Policy. Mr. Yarbrough agreed. Mr. Metzgar stated that the Drainage Policy goes hand-in-hand with the agreements SSCAFCA has with the

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City of Rio Rancho and others. He said that developers have shown concern that SSCAFCA's Drainage Policy states that a developer who is the first into an area has to take care of all the flow, including flow from above the development. Mr. Metzgar stated that the LEE line is not in SSCAFCA's policy which should also be looked at.

Mr. Yarbrough stated that he would like the Committee's work completed, or at least have some recommendations in hand, by the end of the year. Mr. Conkling stated that he would be happy to serve on the Committee. Mr. Chaney stated that he is available to serve on the Committee as well. Mr. Chaney expressed concern as to whether or not the tightening of SSCAFCA's standards would unduly burden the staff. The City of Rio Rancho is doing the majority of the work right now with regard to the on-site ponding. Mr. Yarbrough stated that the City of Rio Rancho is exploding in population and that SSCAFCA might want to get a handle on these issues before there are big problems with drainage down the road. Mr. Deubel stated that it is a good idea to review the standards and see what the implications might be if the standards are tightened. Mr. Ken Curtis, of the City of Rio Rancho, stated that he would be willing to serve on the Committee as well.

### **BOARD OF DIRECTOR'S COMMENTS.**

None.

### **ATTORNEY'S REPORT.**

Mr. Metzgar stated that he does not have anything to report at this time except that the acquisition of properties for the Sportsplex is ongoing and a couple of properties have been acquired.

### **EXECUTIVE DIRECTOR'S REPORT.**

Mr. Stoliker introduced Kenneth, SSCAFCA's summer intern, who started last week. He will be with SSCAFCA for six to eight weeks. Mr. Stoliker also introduced Barb, who is a temp for the next month or so. Laura had an operation and will be out for the next month.

#### **1. Action/Acceptance of a Proposal to Purchase SSCAFCA Property by Curb, Inc.**

Mr. Stoliker stated that in 1994 SSCAFCA purchased Lot 97, Block 79, within Unit 16, which is the blighted area that Rio Rancho wants to re-develop, together with permanent drainage easements on some lots, and temporary construction easements on other lots. The property and easements were required for the Corps of Engineers' Black's Arroyo Emergency Stream Bank Protection Project, which was completed in 1995. It was done off of 27th Street to protect the school that is in there. Curb, Inc. has obtained the right to re-develop the area within Unit 16, from the City. The property and easements

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that SSCAFCA acquired in 1994 are within the redevelopment area. Curb, Inc. has proposed purchasing Lot 97, Block 79, from SSCAFCA for \$13,000.00.

Mr. Stoliker stated that the funding for that project was a cooperative funding with the Corps of Engineers and was cost-shared 75% federal and 25% local. That is an issue that still needs to be resolved. He has contacted the Corps of Engineers and asked them to be here, but there are no Corps of Engineers people here today. If the Board approves this purchase, he is not sure that there still might be some binding agreements between SSCAFCA and the Corps with respect to the property that still needs to be resolved. He stated that with Board, DFA and COE approval, Curb, Inc. would pay SSCAFCA the money and take the property. Curb, Inc. would then do the improvements that SSCAFCA would require as part of SSCAFCA's approval of the drainage project. Curb, Inc. would then give the property back to SSCAFCA. Mr. Stoliker stated that he contacted DFA and, since the sale is less than \$25,000.00, DFA would be okay with the sale so long as SSCAFCA can justify it in writing.

Mr. Yarbrough stated that his only question was that the appraisal was done in 2002. Mr. Ken Curtis stated that it was done in the Fall, but he is not sure when exactly. Mr. Yarbrough stated that he was under the impression that SSCAFCA couldn't use an appraisal that was older than six months. Mr. Metzgar stated that there is no hard and fast rule on six months. DFA generally wants a current appraisal and they consider six months as current. If it varies by a couple of months, he is not sure if DFA would require an updated appraisal. If it is less than \$25,000.00, DFA will not be as rigid as they would be with a larger sum. If DFA thought that there might be a problem with the appraisal, they would tell SSCAFCA to update the appraisal; or they would send it to the Taxation and Revenue Department appraisers to see if they agreed with it.

Mr. Stoliker stated that Curb, Inc. is trying to obtain everything within that area so that when they re-develop they can erase all the lines and redo it the way they want it. It is more a development issue. Mr. Stoliker stated that Curb, Inc. would have to work with SSCAFCA on the drainage plan, and the property will be modified the way that Curb, Inc. needs it to be for drainage.

A motion was made by Mark Conkling to accept the offer to purchase as presented. It was seconded by John Chaney and passed unanimously.

2. Action/Acceptance of an Agreement with Ink Impressions to Assist the County with the October 23, 2003 Bond Election.

Mr. Stoliker introduced Ernie Marquez, of Ink Impressions. Mr. Marquez stated that he met with members of the SSCAFCA staff and members of the County on conducting an all mail election. He said that an all mail election will have more bang for the buck as far as voter turnout and participation. He showed how the ballots work. He stated that the

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question of postage has come up. SSCAFCA will pay for the postage going out to the voter. The bar code on the ballot is unique to the voter. He stated that there will be some mail come back as undeliverable. Even if a piece of mail is marked by the post office as forwardable, ballots cannot be forwarded. It would have to come back to the office and re-  
sent if the voter called and said they never got their ballot. Most times, whenever these types of elections are done, the voters pay for the postage coming back. If SSCAFCA wanted to, it could get a "qualified business reply mail" which would only charge SSCAFCA for the pieces returning to the County; however, they would come in at .47 cents each. SSCAFCA will pay 28.5 cents for one ounce going out to the voters. On top of that, it will pay the \$450.00 counting fee and \$150.00 annual fee that has to be paid to the post office for the reply mail. It is not required that SSCAFCA pay for the postage coming back.

Mr. Marquez stated that at one point they mailed out 254,000 for the City of Albuquerque, and they got 60,000 back as undelivered. In this case, 10% most likely will be undelivered. It does not cost anything to get these envelopes returned. Mr. Marquez stated that the books to register voters will close on the 25th of September. They will mail out on the 9th of October. Mr. Deubel stated that it is more economical if SSCAFCA paid postage only on the number returned. Mr. Marquez stated that he believes SSCAFCA will have at least 50% return on its ballots. Mr. Deubel stated that SSCAFCA's last bond election had a 6% turnout.

Mr. Stoliker stated that there are three options for postage return. Mr. Eddie Gutierrez of the County has stated that SSCAFCA doesn't have to pay for return postage and can rely on the voters to mail the ballots in themselves. The County did it that way for its last election. The next option is to put return postage on every envelope. The third option is to pay for only those that are returned. Mr. Chaney stated that he would not like to pay for return postage at all. The public, if they want to participate, can afford to put a stamp on the envelope and return it. Mr. Yarbrough stated that he believes that if SSCAFCA is going to ask the public to put a stamp on the envelope, they're going to toss it rather than vote. Mr. Chaney stated that if they really care about the issues, they'll put a stamp on it. Mr. Marquez stated that return ballots will drop about 10% to 15% if the voters have to put a stamp on it themselves, but a lot of people still return the ballot. The ballots can be mailed or delivered to the Sandoval County Clerk.

Mr. Stoliker stated that staff is recommending that the Board pay the extra .47 cents on the ballots returned. Mr. Ken Curtis stated that the City paid for the postage in its last election. Mr. Deubel stated that there are two scenarios to SSCAFCA paying the postage. One is to put a .37 cent stamp on every return envelope, versus paying only for those that are returned at .47 cents per returned envelope. Mr. Deubel stated that he would like to go with the .47 cent cost per returned envelope. Mr. Conkling agreed with Mr. Deubel. Mr. Marquez recommended going that way because SSCAFCA will get more ballots back.

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Mr. Yarbrough stated that he would like to have the return postage on the envelopes because the Board would be defeating part of its reason for doing the mail ballot in the first place, which is to increase voter turnout. Mr. Metzgar stated that the Board still needs to decide whether it is going to approve Ink Impressions as the contractor to do this. At that point, the Board needs to go to the next vote as to whether to include the postage on the return envelopes. Mr. Marquez stated that the price Ink Impressions is quoting is based on 30,400 voters, however, that count may go down or up.

A motion was made by Mark Conkling to approve the proposal from Ink Impressions as written. It was seconded by Richard Deubel.

Mr. Stoliker stated that this was not a matter that needed to go out for RFP. Ink Impressions is under contract with Sandoval County and Sandoval County will be running the election. Ink Impressions also has a state contract where they produce ballots in all elections for the State of New Mexico.

The motion passed unanimously.

Mr. Metzgar stated that there should now be a motion for either the .37 cents or .47 cents per envelope. A motion was made by Mark Conkling that SSCAFCA pay only the postage on the ballots returned, i.e., .47 cents. It was seconded by Richard Deubel.

Mr. Chaney asked how much more the mail-in ballot was costing SSCAFCA and the taxpayer than previously run campaigns. Mr. Stoliker stated that SSCAFCA's last election cost around \$40,000.00; this election is being estimated at \$45,000.00. Mr. Chaney stated that he would like to see the public pay their own postage to return the ballots. Mr. Yarbrough stated that most people would not want to even return the ballot. Mr. Deubel stated that if the public pays its own postage, it will cost SSCAFCA about \$7,000.00 less. He stated that he agrees with Mr. Conkling in looking at the 'per vote' cost for each election rather than the total amount. He stated that he believes the extra cost to SSCAFCA is well worth it with the increased turn-out.

The motion passed, with John Chaney abstaining.

3. Action/Acceptance of Bond Election Materials.

Mr. Jeff Buell, of Hurst-Cordova, stated that the Board packets included two written materials that Hurst-Cordova has prepared for dissemination to the public. He stated that Mr. Chismar, of the City of Rio Rancho, has made it possible for SSCAFCA to secure an informational booth at the Fourth of July celebration. This should provide the Board with a working deadline to get this information printed for public exposure. These two items are referred to in the communications plan which was approved by the Board in May.

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He stated that the larger of the two materials is a four page color brochure which outlines the various projects that would be funded if the bond issue is approved by the voters in October. It also gives some information about the election itself. The back page contains a heading which reads, "Why Worry About Flooding in a Drought?" as well as a heading which reads, "Glossary of Useful Terms." They added this in the hopes of answering those questions. He stated that he would like to take any changes as a group, incorporate them, and proceed with printing them for dispersal.

He stated that the second of the two materials is a "fact sheet." This is an attempt to draw the interest of people. These are outreach tools which will need to be in place and used at special events in the hopes of exposing the public to what SSCAFCA does.

Mr. Conkling stated that the amount contributed to the Ditch & Water Safety program should be changed to read "\$20,000.00 over a four year period." The "\$200,000" to the local government should also be changed to read "\$50,000.00 per year, per jurisdiction." Mr. Deubel stated that this should also be specified as to which local governments are benefiting from this money. Mr. Jeff Buell stated that he proposes to change it to read, "\$200,000.00 to the Local Government Assistance Fund to provide matching dollars for local capital projects in the City of Rio Rancho, Village of Corrales, Town of Bernalillo and Sandoval County." Mr. Deubel stated that it should be specified that \$50,000.00 is awarded to each entity each year, as requested by the entities. It was suggested that the wording be changed to read, "\$50,000.00 is made available to each entity..."

Mr. Chaney stated that it would be better to change the "\$100,000 to pay the legal..." to read, "\$50,000.00 to pay the legal and procedural costs tied to issuing each bond should voters approve them." Mr. Conkling stated that, under the "October Bond Election," he stated that the first sentence should read, "The 2003 SSCAFCA bond election will be conducted through a mail-in ballot *and will involve no tax rate increase.*" Jeff stated that he was going to add at the end of that paragraph, "the two bond issues total \$6 million." Mr. Chaney stated that they might also want to add that since SSCAFCA was founded, the tax rate has not increased. Mr. Metzgar stated that it might be wise to include the date SSCAFCA was founded.

Mr. Conkling stated that under the "October 2003 Bond Projects," the "Sportsplex Dam and Soccer Field" sounds better than what is there right now. Mr. Deubel stated that he would prefer to keep the soccer fields mentioned in the text where it is now rather than have it in the title because that might make some people think that SSCAFCA is in the recreation business. He stated that the headings should be limited to flood control facilities. Any of the multi-use aspects of the flood control facilities should be contained within the text. He is concerned that some people might criticize SSCAFCA and say that its focus is on recreational facilities rather than flood control facilities. Mr. Conkling

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stated that in a sense it is in that SSCAFCA doesn't do a flood control facility unless it is multi-use. Jeff Buell stated that they have made a statement in the October bond election section where they describe how the projects were selected by the Board and they said that SSCAFCA is dedicated to protecting public safety and multi-use nature of the projects.

Mr. Conkling stated that "Venada Arroyo" would also sound better if it read, "Venada Arroyo and Trails Project." The marketing names of the projects could highlight their multi-use.

Mr. Metzgar stated that by adding more to the names will not take from it. By reading the text, the public will find out that SSCAFCA's part is not the recreational part of the project, as that is provided by other jurisdictions. Mr. Conkling also suggested changing, "Lomitas Negras" to "Lomitas Negras/School Project." SSCAFCA's purpose for this project is to protect the school. He suggested changing "Sunset Road Dam" to "Sunset Road Dam and Athletic Fields." Mr. Stoliker stated that these are very good ideas. Jeff Buell suggested changing that name to "Sportsplex Dam and Recreational Facility." Mr. Stoliker stated that is better because SSCAFCA is not sure what the City will put there, but it will be some sort of multi-use.

Mr. Yarbrough stated that the first project on the Lomitas Negras is to keep the water from coming down the roadway and going into the school. Mr. Stoliker stated that this is a high dollar project and SSCAFCA is unsure of what the final costs will be, but it is designed for all the way around the school and all the way to 528. The property is coming from the school. The Library Pond project might need some additional wording to reflect the passive use of the property. Mr. Conkling suggested changing the name to "Library Pond/Memorial Garden."

A motion was made by John Chaney to approve the bond election materials as discussed. It was seconded by Richard Deubel and passed unanimously.

A discussion was held on how important it was to have SSCAFCA staff and Board members at the Fourth of July Celebration to help answer any questions that the public might have.

Mr. Buell stated that they have had three companies bid on print jobs for the brochures in quantities of 5,000, 10,000 and 20,000. They would like to have 20,000 printed. He has a quote summary with him and the total cost for 20,000 from the three vendors runs from \$5,400.00 to \$5,600.00. Mr. Stoliker stated that this amount is over his limit if the Board wants them mailed out, and that materials need to be ordered. The question is how much the Board would like staff to order. The last time 28,000 were ordered and mailed to every household in the area. Mr. Buell stated that, at least initially in this campaign, they propose to hand them out to visitors at the booth. Closer to the election, he may come back and suggest a mailing or newspaper insert. He stated that rather than have staff decide when and where SSCAFCA has a booth set up, he would like



to form a committee to make these decisions. Mr. Chaney stated that he agreed that this matter should go to a committee and the committee should bring back a recommendation.

Mr. Buell stated that the Board doesn't have to have 20,000 copies printed, however, he would like to have enough printed for the event coming up. More can be printed later for other community events but the per unit price will go up. Mr. Conkling asked what Mr. Buell's recommendation is on how many SSCAFCA has printed right now. Mr. Buell recommended printing 20,000 copies of everything. He stated that Rio Rancho Printing did not present a bid for printing 20,000 copies; however, they were low bid on the other quantities. He will follow up with them on a cost for printing 20,000 copies.

Mr. Metzgar stated that staff was correct in getting at least three bids on this project. It is only because of the Fourth of July event that Mr. Buell needs a fast answer on this matter. The Board can approve to have 20,000 printed at this point and the committee can work on some of this other stuff in the future.

A motion was made by Mark Conkling to approve having 20,000 brochures printed at this time. It was seconded by Richard Deubel and passed unanimously.

4. Selection/Approval of Bond Counsel.

Mr. Stoliker stated that the current contract for bond counsel expires June 1, 2003. It was republished and two firms responded: Modrall Sperling and Hughes & Strumor. The Selection Advisory Committee consisting of Mr. Chaney, Mr. Conkling and Mr. Stoliker reviewed and evaluated the proposals. Both firms were found to be well qualified and satisfied the criteria. There was a disparity in the selection and the Committee wanted to bring it to the full Board to let the Board make the selection. In the audience is Bob Strumor. Mr. Strumor is SSCAFCA's current bond counsel. Mr. Stoliker stated that Mr. Strumor helped SSCAFCA in changing its statutes at no cost. Mr. Strumor has never charged SSCAFCA additional costs for any extra work he has done besides bond counsel. Also in the audience is Duane Brown with Modrall Sperling. Modrall Sperling used to be SSCAFCA's bond counsel and is current bond counsel to AMAFCA and DFA.

Mr. Chaney stated that the Committee had a dilemma with choosing between two very good options and that is why this matter was brought to the Board. He stated that he thought it was very important to recognize that current bond counsel has not charged SSCAFCA for any extra work that he has done on behalf of the Board. Mr. Strumor's proposal was slightly higher than the Modrall firm, but if there would have been charges for the additional work, the Modrall firm's charges were higher than current bond counsel. He stated that when Modrall was bond counsel for SSCAFCA, the counsel who promoted the Modrall firm did not run the bond program, it was an associate who did the work as bond counsel. This was one of the reasons SSCAFCA changed bond counsel originally.

Duane Brown stated that what has been proposed in Modrall ' s proposal is that they have a pretty good sized bond department that includes six attorneys who do bond counsel work. He would be responsible for the bond work, as well as two other partners, and that work would not be assigned to associates in the office.

Bob Strumor stated that with regard to the Legislative work, he worked very closely with the director and the sponsor, Tom Swisstack, in order to get the SSCAFCA mail-in ballot election authority, as well as shorten the time within which to do the bond resolutions. The 180 day requirement has been reduced down to 50 days. He stated that the difference between competitive sealed bids and competitive proposals is that the opportunity to negotiate exists with a proposal and not with a bid. With regard to fees, without mentioning any specifics, the Board has discretion to make a selection and proceed on compensation as a separate matter.

A motion was made by Dub Yarbrough to approve Hughes & Strumor, Ltd. Co. as SSCAFCA ' s bond counsel as presented. It was seconded by Richard Deubel and passed unanimously.

Mr. Chaney stated that, in light of Mr. Strumor ' s remarks on price, he would like Mr. Stoliker to negotiate a bit on the contract price.

Mr. Metzgar stated that, in order to avoid this sort of problem in the future, SSCAFCA ' s procurement policy should be followed. Under the Procurement Policy, which follows the State policy, Mr. Stoliker is to appoint an advisory committee for every contract. The policy also states that Mr. Stoliker is to ask members of the Board who may want to sit on that committee. It does not have a minimum number of committee members, but the maximum number of board members is two. That advisory committee is then to make a recommendation to the Board. If it can ' t make a recommendation, then it has to come to the Board like it did. This is the first time that he has known of that an advisory committee did not make a recommendation. There is nothing wrong with how this was handled and no policy has been violated, but making a recommendation is probably the better way. Mr. Chaney stated that he believes that staff did not completely brief the Committee on all of the contributions that were made by SSCAFCA ' s existing bond counsel. Had that occurred, there might not have been a split vote.

5. Action/Acceptance of Lateral Erosion Envelope (LEE) for High Range Subdivision.

Mr. Stoliker stated that Mr. Kim Kemper is the engineer on this project. He stated that Curb, Inc. is proposing to develop approximately 36 acres at the northwest corner of the Idalia Road and 40th Street as a single family residential subdivision. A tributary of the Lomitas Negras Arroyo transverses the site along the north property line. Huitt-Zollars was retained by Curb, Inc. to prepare the plans for the site. They have calculated a LEE for the tributary. SSCAFCA staff has had it checked by Bohannan-Huston, and there is a slight

deviation between the two. Curb, Inc. proposes to dedicate this area to the City of Rio Rancho, with the City granting SSCAFCA an easement over the area. After reviewing the plan, staff met with Huitt-Zollars to review the information. The zoning for this type of development requires a 25 foot minimum setback on the back which may be used to supplement the LEE line. There are three or four properties that are in question in that they encroach slightly (up to 15') into the LEE line depending upon which engineer you consult. HZ proposes to use their LEE line and retain the 25' setback as a fall back. Mr. Stoliker stated that the City would be the one to enforce the 25 foot setback. He stated that staff recommends that the plan proposed by Huitt-Zollars be accepted by the Board and recommends acceptance of the proposed grant of easement to SSCAFCA.

A motion was made by Mark Conkling to approve the LEE, as recommended by Huitt-Zollars, for High Range Subdivision as presented. It was seconded by John Chaney.

Mr. Deubel stated that it appears to him that one of the boundaries on the topographic representation goes along the arroyo bottom. Mr. Stoliker stated that the line is showing the LEE on one side of the arroyo only. Mr. Deubel stated that a LEE should be established for both sides at the same time. Mr. Kemper stated that when they do the calculation, that is done, but they don't control the other side. Whoever owns the other side would have to do so at the time that it is being developed. He stated that if the other side were going to be developed, SSCAFCA would require the same setback on the other side. However, that side is not part of this project.

Mr. Kemper stated that the LEE calculation is pretty subjective. It relies a lot on opinion and physical inspection. This representation is a tiny area of some 60 lots that bound the arroyo. It is quite amazing that the engineers agreed on 95% of the LEE line. What it comes down to is how the center line of the arroyo was established. From their perspective, the lots will not erode.

The motion passed unanimously.

**FOR BOARD INFORMATION:**

- A. Task Order from Surveying Control, Inc. for Lomitas Negras Summary Plat.

Mr. Stoliker stated that this is contained in the Board's packets.

- B. Update on Sandoval County/Rio Rancho Mapping Information Charges.

Mr. Stoliker stated that this is contained in the Board's packets. He stated that Sandoval County was delivered the east part of Sandoval County, east of the river, last week. SSCAFCA will most likely get its packet on July 30, 2003 or the week after.

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C. Ivory Channel Change Order.

Mr. Stoliker stated that this is contained in the Board ' s packets and that the Board had approved this at the last meeting.

D. June 6, 2003 Letter to Bo K. Johnson of Curb, Inc. Regarding Cabezon .

Mr. Stoliker stated that this is contained in the Board ' s packets. He stated that staff has not seen anything on this and is very concerned that there is a lot of activity going on and that Curb, Inc. needs to be sure that it gives SSCAFCA time to review it.

E. June 9, 2003 Letter to Ed Chismar Regarding the Montoyas Arroyo Detention Dam at the Rio Rancho Sportsplex.

Mr. Stoliker stated that this is contained in the Board ' s packets. He stated that SSCAFCA has asked the City for an easement on the property that it wants for the Montoyas. If the City responds that SSCAFCA can have it, which is what is anticipated, Mr. Stone will prepare a replat and will get it signed off.

F. June 11, 2003 Correspondence from T. Smith, Village of Corrales, re: Proposal to Bridge the Harvey Jones Channel.

Mr. Stoliker stated that this is contained in the Board ' s packets. The Village wants to bridge the Harvey Jones at the Y. From a technical standpoint, they can do it; however, staff has always been very concerned about it because it is a sensitive area in that it has a surface inlet, the outlet structure for the 500 year event, a sewer line underneath it, soil cement, and other unusual things going on. Staff has informed the Village that it needs NRCS and Board approval.

Mr. Yarbrough stated that he wanted to be sure that Mr. Stoliker impressed on the Village that it needs SSCAFCA and NRCS approval before anything is done. He stated that he is very concerned about anybody getting close to the Y in the channel.

Mr. Stoliker stated that Mayor Kanin has told him that an engineer is supposed to look at a transportation program for the Village. One of the items in it is that Angel Road is looking at being closed off. Staff is concerned that Angel Road allows the public to go west, upstream of the notch and get away from potential flooding. It is the emergency access to get out of the area. As a technical matter, he recommends that a letter be written to the Village telling them to preserve Angel Road to allow egress out of a potential hazardous area. Mr. Chaney stated that this is not a transportation issue, it is an emergency egress to protect the public. The study by the Village has not been started yet, but the Village is getting ready to do it. Mr. Yarbrough stated that he would like David

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Stoliker to point out to the Village that Angel Road is an emergency exit route in case of flooding.

- G. Task Order for Huitt-Zollars in the Amount of \$6,200.00 to Replat Enchanted Hills Elementary School and the Lomitas Negras Arroyo.

Mr. Stoliker stated that this is contained in the Board ' s packets.

- H. Task Order for CSC to Verify Property Line Location Between Lots 114/116, Salida Del Sol Subdivision.

Mr. Stoliker stated that this is contained in the Board ' s packets.

**OTHER BUSINESS.**

Mr. Stoliker stated that staff has received a letter from the State Board approving SSCAFCA ' s budget.

**SIGNATURES.**

Board items needing official signatures by the Chairman and/or Secretary.

1. Minutes
2. Agreement for Property Purchase
3. Agreement with Ink Impressions.
4. Budget Adjustment Resolution.
5. Resolution 2003-05.

**ADJOURNMENT.**

A motion was made by John Chaney and seconded by Mark Conkling to adjourn the meeting. It was carried unanimously. Meeting adjourned at 3:13 p.m.

*Richard Deubel*

RICHARD DEUBEL  
Secretary

WM. C. YARBROUGH  
Chairman

*Wm. C. Yarbrough*

DATE APPROVED:

C:\Documents and Settings\Administrator\My Documents\Board Minutes\Minutes.6.17.03.doc