

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY  
(SSCAFCA)  
MINUTES OF JULY 20, 2004  
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 1:08 p.m.

**ROLL CALL OF DIRECTORS.**

Directors in attendance were John Chaney, Mark Conkling, Richard Deubel, Donald Rudy and Dub Yarbrough. Bernard Metzgar, SSCAFCA's attorney, and members of the public were also present.

**PLEDGE OF ALLEGIANCE.**

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

**APPROVAL OF AGENDA.**

Mr. Yarbrough stated that there was a typographical error on the second page of SSCAFCA's Final Agenda under the Chairman's Report, which should be 2004 instead of 204.

A motion was made by John Chaney to approve the Final Agenda. It was seconded by Donald Rudy and passed unanimously.

**ANNOUNCEMENTS.**

Announcements were made by Dub Yarbrough that all electronic devices needed to be turned off during the meeting.

**BUDGET/BOND COMMITTEE REPORT.**

1. Action/Acceptance of Bond Counsel Contract Renewal  
Hughes & Strumor:

Mr. Conkling stated that the Budget/Bond Committee recommends approval of the Hughes and Strumor bond counsel contract renewal.

A motion was made by Donald Rudy to approve the Bond Counsel Contract Renewal as presented. It was seconded by John Chaney and passed unanimously.

2. Action/Acceptance of Addendum No. 1 to Montoya's Arroyo Watershed Management Plan.

Mr. Howard Stone, of Bohannon-Huston, stated that the purpose for the addendum was to show an additional detention dam on the Lomitas Negras Arroyo at the entrance to the Dulcelina Curtis Channel. There were three options for improvements contained in the Montoya's Arroyo Watershed Management Plan. The first was to build a total of eight regional detention dams. The second and third options were very similar in the fact that they both used the Corrales Crossing as one option to increase the capacity to match the capacity of the Channel. The Harvey Jones Channel capacity is 8,000 cfs, but at the bridge it reduces down to 5,000 cfs. Both options have regional ponds associated with them because just the raising of the bridge is not enough to address anticipated future development that could occur in the watershed.

Mr. Stone stated that option one includes the construction of a dam at the Dulcelina Curtis Channel inlet. With this constructed, it would reduce the number of total dams required from eight to six. Option two shows one additional dam at the Dulcelina Curtis Channel, along with the two that had been previously proposed at the Montoya's Sports Complex Dam and the one by King Boulevard. Option three is a variation of that which shows two dams higher up in the watershed as opposed to one at King Boulevard. He stated that they have two conditions to worry about where they have flows coming down the Montoyas Arroyo Watershed which made them consider adding the additional dam on the Lomitas Negras Arroyo. They have the peak flow in the main stem of the Montoyas Arroyo, along with the flow coming in from the Lomitas Negras; and they have the peak flow coming down Lomitas Negras and the flow from the Montoyas.

Mr. Stone stated that the Lomitas Negras is a much smaller watershed and is closer to the outlet and has a total of five square miles, while the Montoyas has 55 square miles. The total volume of water from the Lomitas Negras is about 300 acre feet and the Montoyas is 2,100 acre feet. He stated that the runoff based on the hydrograph, where the flow changes over time in the Lomitas Negras is a very short peak duration and a small sized detention pond will make a dramatic difference in that volume. The Lomitas Negras dam would only be 57 acre feet, where the smallest dam being proposed in the Montoyas is 240 acre feet. He stated that SSCAFCA owns all the property where the Lomitas Negras dam would be located. The dam location would also serve as a good location for an environmental improvement facility. He stated that without dam number 1 in the model, there are two peaks in flow. The first peak represents the flow coming in from Lomitas Negras without any dam on the system. Since the water right now is not checked by any detention structure, it is 2,300 cfs added onto the flow coming in at that point from the Montoyas. None of the detention dams in the Montoyas can push that flow back far enough to not add enough flow to do damage on the Lomitas Negras at the same time. When they initially did the Watershed Management Plan, they proposed putting in a dam of about 750 acre feet at the Sports Complex Dam. They are presently proposing one for 280 acre feet.

Mr. Stone stated that option one reduces the number of dams from eight to six and the estimated costs from \$23 million down to \$19 million. He stated that option two

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reduces the acre feet for the dam from 384 to 249; the cost went up a little bit because of the additional dam from \$13.2 million to \$14.4 million. That cost might go down more if he were to recalculate the effect of going from 384 to 249. He stated that with option three, the dams are exactly the same size, and the cost is a little higher from \$15 million to \$16.9 million. He recommended that SSCAFCA incorporate into the Water Management Plan an additional dam for the system. Mr. Stoliker stated that he concurs with this recommendation.

The Board directed Mr. Stone to discuss the next item prior to discussing and voting on them, as they are related topics.

### **3. Action/Acceptance of Conceptual Design of Montoya's Arroyo Sports Complex Detention Dam Site Report.**

Mr. Stone stated that the purpose of this study was 1) to define the right-of-way requirements for the dam site; 2) to prepare a conceptual layout of the dam; 3) prepare a more detailed project cost estimate for the Sports Complex Dam; and 4) identify the upstream and downstream improvement costs in the arroyo itself. Putting a dam into the system does affect the amount of sediment coming out of the arroyo. Under existing conditions, if we were to have a 100 year storm today, without Dam 4 constructed, there would be 5,900 cfs at the entrance to Harvey Jones and 6,900 at the Corrales Bridge. With the dam, at the entrance to Harvey Jones Channel it would be 4,810 cfs and at the Corrales Bridge it would be 4,950 cfs. The capacity of that bridge structure is 5,000 cfs. Under developed conditions, without reasonable improvements, it is 10,260 cfs to 11,000 cfs. With option one, it is 3,700 cfs at the Harvey Jones and 4,630 cfs at the entrance to the Corrales Bridge.

Mr. Stone stated that there is contributing flow getting into the system below the dam, including the Lomas Negras that gets into the Montoyas Arroyo. With the dam in place, so much flow would be held back at the dam itself. He stated that some of the capacity of the dam is not being utilized until you get developed conditions, so SSCAFCA could actually reduce the outlet to the dam under existing conditions and reduce the flow further, but when it gets to developed conditions, it would need to go back and change the outlet works at the dam for developed conditions. The dam is designed to hold the flows for the developed conditions.

Mr. Conkling stated that one of the issues had to do with how much time there would be between the feared fully developed conditions with no other solution and now and how much SSCAFCA spends between now and then and how much is built between now and then. He stated that SSCAFCA is building and spending against a feared unlikely condition. Mr. Stone stated that when the Black Arroyo Dam Watershed model was done, he did a pretty conservative model for the anticipated developed flows. It has been discovered now, even though the model was pretty conservative, that it wasn't

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conservative enough because they are now proposing to go back and make that dam bigger because of the impacts. He stated that if SSCAFCA can get that maximum now while it has the chance. He thinks that by looking at the outlet and making it small for right now and adjusting it later is probably a very good viable condition. It would delay having to put in another dam for a while.

Mr. Stone stated that if the dam was constructed on the Dulcelina Curtis inlet before the Sportsplex Dam was done, it would not meet the 5,000 cfs requirement. The general design criteria for the dam are complying with the goals and criteria for the Watershed Management Plan. The slopes are varied between 6:1 to 10:1. They want to have pretty gentle slopes on this dam so it blends in well with the neighborhood. They have a soil cement berm to protect against the dam being overtopped by the probable maximum flood. The soil cement berm would provide four feet of free board in the 100 year condition. The probable maximum flood is a severe condition which would be equivalent to taking Niagara Falls and dumping it on the watershed. The flow on a flood such as this is about 180,000 cfs; this is equal to the average daily flow in the Mississippi River.

Mr. Rudy asked if it was half that amount would it make a big difference in the cost of the project. Mr. Stone stated that it would not make that much of a difference. Mr. Rudy stated that by providing this probable maximum flood protection, the public will be protected for not much of a price difference. Mr. Stone stated that if it overtops, they have to make sure it doesn't wash out, which is the biggest part of the cost. You cannot have a collapse of the berm itself because it would cause a much greater condition downstream. Mr. Stone stated that they are installing a grade control structure upstream to lower the arroyo bottom in the pond to provide the volume storage for the pond. It is a great area for future recreational facilities. The dam provides opportunities for the Sports Complex to expand its facility. The dam crest width they are proposing would be 25 feet wide. This would be for maintenance and for a walking/jogging path around the dam. They would also harden the low flow channel in the dam flood pools so they would have a smaller stream coming through the flood pool for the small flows. They are also considering an option to build two feet of earth over the soil cement which would dampen the effect of the soil cement.

Mr. Stone stated that the surface area of the dam would be about 20 acres. It would have a 100 year volume and 279 acre feet. The surface inside the dam is 5,292. The peak flow with option one is 4,500 cfs. The peak outflow for developed conditions is 3,520 cfs. The dam has 2,200 acre feet coming in and they are using 208 acre feet to reduce that peak by 1,000 cfs in the developed condition. At the top of the berm it is 5,296 cfs and the bottom flood pool would be 5,268 cfs. For the principal spillway, they are proposing a series of concrete boxes. The reason for this is to try to alleviate those flows above the dam where the Lomitas Negras joins the Montoyas. They will take a closer look at this when they actually design the dam. The interior berm slope would be varied, but it would be mostly 6:1. The outside of the dam would vary from 6:1 to 10:1. The maximum berm

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height is 20 feet so it won't become a very out of proportion structure to the surrounding neighborhood.

Mr. Yarbrough stated that the bottom of the flood pool will be below the existing grade. Mr. Stone stated that they will cut out a portion in order to increase the volume. Mr. Yarbrough stated that the outlet structure will still drain the dam completely. Mr. Stone stated that, at this point, they are looking at the outlet structure being fixed; however, they could make it adjustable. By making it adjustable, it could make the structure last longer until there is a need to build a second structure because of development.

Mr. Stone stated that between SSCAFCA and the City, all of the property needed for the dam is in public hands except for two pieces of property. There is a small neck of land that is currently an existing local detention pond which would not be needed with this dam. The neighborhood would be able to use that land once the dam was built. The existing berm would not be touched by this project. The inside slopes are roughly 6:1 and the outside is about 10:1. There are also some opportunities for expansion that might be compatible with the City's plans. All of the proposed facilities are being kept outside of the flood pool. The arroyo is fairly straight and has already dipped into the bank along the existing facility. A future project will propose doing some bank improvement along with some grade control structures at key locations going down the arroyo.

Mr. Stone stated that the Sports Complex dam is \$4.2 million. The arroyo upstream would be \$.7 million and the arroyo downstream would be \$12.3 million. The improvement value that SSCAFCA could provide to the property that the City owns to expand the Sports Complex is a combination of doing earthwork and soil cement protection from any severe condition flood. Mr. Rudy asked what the public safety impact would be of putting off the arroyo improvements to the Harvey Jones Channel. Mr. Stone stated that the type of proposal they are doing which includes a series of drop structures and channel improvements over time would work well in doing isolated pieces where you have severe conditions. It could be done in stages over a fairly long period of time. He stated that SSCAFCA would probably want to do one downstream fairly quickly where they have the biggest effect. Beyond that, it could be over time. Mr. Yarbrough stated that the Arrowhead East subdivision that is going in right now will improve the Los Montoyas. Mr. Stone stated that was correct. The number should be reduced by the amount they are putting in to protect that reach of the arroyo. Mr. Stone stated that he is proposing a series of grade control structures, to include soil cement, rip rap, or some other material, and then doing some bank protection on both sides. He proposes leaving the bottom of the arroyo the way it is and not line the bottom of the arroyo. He stated that in this case, because the arroyo was straightened and narrowed, he doesn't feel comfortable saying that no bank protection is needed. If it was a more natural arroyo and had more space to deal with, that would be different.

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Mr. Conkling stated that no matter how big the Sportsplex Dam is, there is still the need to raise the Corrales Bridge. Mr. Stone stated that either additional dams are built, or the Corrales Bridge is raised. This is one of the common elements for all three options. The size of the Sportsplex Dam could affect the timing of having to raise the bridge. He has made sure that this dam size will work in all three options. The cost of Dam 1 is \$1.2 million. Dam 1 does an excellent job of reducing the peak flow from the Lomitas Negras. The Sportsplex dam is farther upstream from where the two arroyos come together. Mr. Conkling stated that if a legislative solution, i.e., onsite ponding, was found to the developed assumption, SSCAFCA would save about 30% to 35% of its infrastructure needs, thereby saving that much money. Mr. Stone stated that if a legislative solution was put in, the Sportsplex dam would definitely be needed; however, the Lomitas Negras dam may not be needed. It would not be smart to build the Lomitas Negras dam first if there is a legislative solution in mind for the upstream assumption. Mr. Stone stated that it is smart to build the Sportsplex dam first.

Mr. Conkling stated that there may be some blighting projects upstream that will substantially cut drainage. There might also be some assembly, so you can't assume what fully developed conditions will be three years from now. He stated that what he means by "legislative solution" is regulations by the City enforcing on-lot ponding. He is not convinced that SSCAFCA needs to build all of this infrastructure until all options have been explored.

A motion was made by Mark Conkling to approve Addendum No. 1 to Montoya's Arroyo Watershed Management Plan as presented. It was seconded by Donald Rudy and passed unanimously.

A motion was made by Mark Conkling to approve the conceptual design of Montoya's Arroyo Sports Complex Detention Dam Site Report as presented. It was seconded by Donald Rudy and passed unanimously.

#### **4. Presentation of Saratoga Road Crossing & Enchanted Hills School/Obregon Road Drainage Improvements.**

Mr. Stoliker stated that the cost for the Saratoga Road Crossing is estimated to be \$.25 million, and the cost for the Enchanted Hills/Obregon Road improvements is estimated to be \$.25 million. If you include the \$4.2 million for the Sportsplex dam site, the total cost would be \$4.7 million. The proposed amount for the bond election would be for a total of \$4.5 million, so the other \$200,000.00 would have to come from general funds.

#### **5. Action/Acceptance of Bond Projects List.**

Jack Thomas, a member of the public, stated that he thinks that SSCAFCA's bond issue should be no less than \$6 million. He stated that the arroyo behind his house is

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eroding badly and when the City puts sidewalks in they are going to redirect the water into the arroyo, so all of the water will be going into that arroyo. When it went in front of the City Council, they indicated that they were going to do it from Tarpon to Southern. He would rather see the City and/or SSCAFCA take care of the water upstream rather than downstream, i.e., taking the flows from Tulip to Southern instead. He feels that SSCAFCA should keep the higher figure in its bond election because his neighborhood would have been taken care of as part of the bond package before it was reduced. He does not believe that SSCAFCA will have fewer problems if it asks for \$4 million rather than \$6 million.

Mr. Chaney stated that in the last two bond issues, SSCAFCA had a substantial Ivory Channel expenditure. Even with all the work that was done out there before the bond election, the district was still voting against SSCAFCA. Mr. Thomas stated that by having the bond election during the general election, the naysayers may be driven out of control because of the better turnout. Mr. Conkling stated that the Board had thought it was better if the bond issue was lowered and the projects were more visible, that might increase the likelihood of having a successful bond issue. Mr. Thomas stated that he thinks being on the general election will help SSCAFCA pass its bond. Mr. Rudy stated that SSCAFCA was trying to concentrate on two major projects that were easiest to sell to the public. He stated that SSCAFCA definitely intends to do the work on the Ivory/Lisbon as soon as feasible.

Mr. Stoliker stated that the Black Arroyo Watershed Management Plan included the Lisbon dam right-of-way acquisition costs at \$570,000.00, and the Sunset dam right-of-way at \$270,000.00. The Lisbon dam itself was estimated to cost \$1.1 million, and the Sunset dam was about \$1.4 million. These are very rough cost estimates. Mr. Stoliker stated that if these dams were built, they would protect from Tulip all the way down to Unser. Everything from Unser east to Black Dam is being taken care of by Cabezon.

Mayor Kanin, of the Village of Corrales, stated that the more money that SSCAFCA is putting into Rio Rancho and taxing Corrales residents might not be as appealing as if SSCAFCA were spending money in Corrales. Mr. Yarbrough stated that 90% of the money that is spent by SSCAFCA directly affects drainage into Corrales. Mr. Rudy stated that the projects that are done in Rio Rancho impact Rio Rancho negatively because they take up space and the construction occurs on Rio Rancho property and Corrales benefits by the water not flowing downstream. He stated that the developers in Rio Rancho have been paying for roughly 85% of all flood control work being done in Rio Rancho because SSCAFCA has been requiring that this be done. Mr. Chaney asked what kind of bond issue SSCAFCA could ask to be approved that would not cause a raise in the mill levy. Mr. Conkling stated that if the changes that are being recommended today are approved, SSCAFCA could easily support the \$6 million bond. Perry Baird stated that the debt service levy that SSCAFCA has had for the last five or six years of .87 mills supported what SSCAFCA's financial advisor recommended. He stated that SSCAFCA could support \$5

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to \$6 million in bond authorization every four years. Anything higher than that will either have to be paid off over a longer maturity, or the levy will have to be raised, or faster growth in the tax base will be needed. Mr. Rudy stated that SSCAFCA is asking for the authority to float the bonds on the ballot, not a time schedule for floating the bonds. SSCAFCA can choose to sell bonds at such a rate that the mill levy is kept constant. Mr. Deubel stated that the more important issue, rather than eliminating certain projects in order to get the bond passed, was to get more voters to the polls.

Mr. Metzgar stated that if the Board were to consider the Lisbon/Ivory Channel project, it would need to be added to the list before any motion was made. Mr. Baird stated that the two successful bonds that SSCAFCA has passed were in 1992 and 1998. The two failures were in 2002 and 2003 and were stand alone elections. Mr. Conkling stated that there are two problems; one has to do with the high impact of Sunset Road Dam, and the second has to do with hard lining and repairing the Ivory Channel.

Robert Schultz, of the City of Rio Rancho, stated that the Sunset Dam would help alleviate Mr. Thomas' neighborhood's problem. If the flows were reduced, it would help stop the erosion. He stated that the site that the Sunset Dam would occupy is all subdivided into residential lots right now. The City can support SSCAFCA by denying permits on those lots, but if they don't have a better reason for doing so, they might lose the political initiative at some point. He stated that acquiring the dam site right now is a priority. The site is not identified as a FEMA special flood hazard area; however, the City and SSCAFCA both recognize it as a hazard area.

A motion was made by Richard Deubel to increase the bond projects list by \$1.5 million to a total of \$6 million to be able to include the Ivory/Lisbon Dam and Channel (Black Watershed) improvements project. It was seconded by Donald Rudy and passed unanimously.

### **6. Action/Acceptance of the Bond Financial Report.**

Mr. Stoliker stated that this financial report reviews SSCAFCA's financials strength and ability to issue \$4.5 million of debt. Previous reports have shown that SSCAFCA is capable of issuing \$5 million every four years without raising taxes. SSCAFCA will ask Dain Rauscher to recheck the numbers for the \$6 million issue being discussed.

### **7. Action/Acceptance of Bond Resolution 2004-11.**

Mr. Conkling stated that bond counsel had looked at refinancing some of SSCAFCA's bonds at contemporary rates to see what would happen. That can be done internally without going to the public. It was discovered that SSCAFCA would lose money to do it and it would not have a very positive impact on cash flow. They looked at leaving SSCAFCA's ratios the same. The bond resolution 2004-11 is the resolution to issue the



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bonds; the only difference will be the amount going up to \$6 million. Mr. Metzgar stated that there will be various places to change the \$4.5 to \$6 in the resolution itself. He stated that because of whatever constraints the County has, the County generally looks at this resolution to make sure that the polling places and precincts are correct. Mr. Gutierrez has not looked at this and may have some changes.

A motion was made by Mark Conkling to accept Resolution 2004-11, 2004 Bond Election, at the amount of \$6 million subject to any changes that might be required by the County and Mr. Strumor, bond counsel. It was seconded by Richard Deubel. Roll call vote: John Chaney, yes; Mark Conkling, yes; Richard Deubel, yes; Donald Rudy, yes; and Dub Yarbrough, yes. The motion passed 5-0.

**TREASURER'S REPORT.**

1. Action/Acceptance of the Ad Valorem Tax Levy for Tax Year 2004, Resolution 2004-13, Applicable to General Operating Fund.

Mr. Conkling stated that at the last Board meeting, there was a recommendation to change the ratio of SSCAFCA's general fund mill levy to debt service fund mill levy to increase the operating side of SSCAFCA. However, in anticipation of the new bond issue, calculations were run and it was determined that this did not need to be done. The committee has recommended that the levy mix not change. Mr. Baird stated that the reason for the recommended change in the mill levy was because of the failure of the two bond elections. The DFA has the final say in this regard. The DFA may take the view of raising the mill levy because of the non anticipation of new bonds. SSCAFCA may be able to retain this debt service levy that it has had for several years, even though no bonds are issued. SSCAFCA has had to do some interfund borrowing in the past to be able to make its payments.

A motion was made by John Chaney to approve Resolution 2004-13 as presented. It was seconded by Donald Rudy. Roll call vote: John Chaney, yes; Mark Conkling, yes; Richard Deubel, yes; Donald Rudy, yes; and Dub Yarbrough, yes. The motion passed 5-0.

2. Action/Acceptance of the Ad Valorem Tax Levy for (FY 2005), Resolution 2004-14, Applicable to Debt Service Fund.

A motion was made by John Chaney to approve Resolution 2004-14 as presented. It was seconded by Donald Rudy. Roll call vote: John Chaney, yes; Mark Conkling, yes; Richard Deubel, yes; Donald Rudy, yes; and Dub Yarbrough, yes. The motion passed 5-0.

3. Action/Acceptance of FY (2005) Budget Resolution 2004-12.

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Mr. Conkling stated that the implications are that SSCAFCA's 2005 budget will change because the general fund and debt service tax rates will remain the same. The essential difference shows up in the right-of-way acquisition line item and adjustments have been made accordingly.

A motion was made by Mark Conkling to approve Resolution 2004-12 as presented. It was seconded by Donald Rudy. Roll call vote: John Chaney, yes; Mark Conkling, yes; Richard Deubel, yes; Donald Rudy, yes; and Dub Yarbrough, yes. The motion passed 5-0.

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

#### **1. Action/Acceptance of Tierra De Corrales Drainage Study.**

Mr. Kim Kemper, of Huitt-Zollars, stated that they have concluded the study and the plan, as it was turned in, had various different ownerships for various parcels affecting drainage. There are tracts that are set aside to convey storm water and there are tracts set aside as ponding areas. Essentially, there are three ponds in the project, two are internal to the subdivision and are designed to control public waters with regard to the improvements. The third pond is constructed at the entrance to the Dulcelina Curtis Channel and is designed to function to help remove floatables and to try to institute an idea of UV treatment to try to treat fecal coliform. This pond is owned by SSCAFCA. As it was turned in, the plan had the other two ponds dedicated in fee to the Village. The Village has recently reconsidered how it wanted to handle the drainage and those ponds are going to be owned and primarily maintained by the homeowners' association. Along with that, SSCAFCA and the Village will both have easements over those ponds to maintain if necessary. In addition to that, there are three separate drainage tracts that convey storm waters; one of those is a piece of 30" storm sewer, and two of them are open channels.

Mr. Kemper stated that the very first parcel on the far west side, Tract F, accepts a small amount of runoff, 20 cfs, from the Industrial Park in Rio Rancho. That parcel will be dedicated in fee to the Village with an overriding easement given to SSCAFCA. The idea was that it was important to the Village to have additional authority over those waters going into the Village from Rio Rancho. Tracts E and C will be owned by the homeowners' association with a SSCAFCA and a Village easement over it. Tract D contains the pipeline and is owned by the homeowners' association, with an easement to SSCAFCA and the Village. Tract B contains one of the internal ponds and functions primarily as a desilting pond; it will be owned by the homeowners' association with easements to the Village and SSCAFCA. Tract H contains a 3.72 acre pond, which is the SSCAFCA pond entrance to the Dulcelina Curtis. Tract A is the second internal pond which will be owned by the homeowners' association, with both the Village and SSCAFCA having easements.

Mr. Kemper stated that the horse facility will be an equestrian facility that is owned by the homeowners' association. The reason it is called a retention pond is because part

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of the discussions early on with SSCAFCA staff was that SSCAFCA wanted no discharge from that facility into the Dulcelina Curtis Channel. Mr. Stoliker stated that if there is more than a 100 year flood, that facility will overtop. He stated that the parcel immediately to east of that parcel is an easement that SSCAFCA will obtain from Mr. Westman, which will take any overflow from that facility. He stated that the EPA understands that if SSCAFCA has a "PMF," probable maximum flood, the river will take a hit. The idea is that with the increase flow, it will be gone in a short period of time and the flush of the water will be very quick.

Mr. Kemper stated that the reason the arena doesn't consume the entire parcel is because a backwater area was calculated for the existing culvert, incorporating some future offsite concerns to the north. The backwater from that culvert will not impact the arena. Mr. Yarbrough questioned why SSCAFCA would want to have the easements if the homeowners' association and the Village are going to have the responsibility for the tracts.

Mr. Stoliker stated that it is very unusual for SSCAFCA to do this; however, the Village has asked SSCAFCA to take the easements along with the Village. Mr. Yarbrough stated that he would prefer not to take the easement with the Village. Mr. Stoliker stated that SSCAFCA's standard language is that it will be accepted for maintenance but not be obligated for the maintenance. Mr. Rudy suggested using this for inspection. He stated that SSCAFCA should have the easement for the sole purpose of seeing to it that somebody else is maintaining the channels. Mr. Stoliker stated that the reason the Village wants SSCAFCA to be involved is for assurance to the Village and because of the pipeline being buried about twelve feet deep and the Village not used to maintenance involved with this kind of pipeline.

Mr. Deubel asked about the agreement with Mr. Westman for the sale of the SSCAFCA land. Mr. Metzgar stated that the agreement issue has not been resolved. Mr. Deubel asked if the acceptance of this plan in any way affects or is affected by that agreement. Mr. Metzgar stated that the acceptance of this plan does not in any way affect the sale of those lots to Mr. Westman. Mr. Yarbrough asked why the Village would not be capable of digging up the pipeline if maintenance became necessary. Mr. Kemper stated that the Village was concerned with confined space requirements. He stated that the first line of maintenance responsibility is the homeowners' association. The reason that SSCAFCA and the Village are getting easements on top of that is in case they fail to do the maintenance and there is a critical situation that needs to be rectified. Mr. Yarbrough stated that this was understood; however, he can see the homeowners' association going to the Village to fix the problem, and the Village coming to SSCAFCA and saying that SSCAFCA needs to fix the problem. Mr. Chaney asked if there was a stipulation in the agreement where SSCAFCA could go back to the homeowners' association for repayment of any cost. Mr. Stoliker stated that this could be placed in the agreement.

Mr. Chaney asked why SSCAFCA should even be involved in this agreement. Mr. Metzgar stated that if SSCAFCA has to go into a certain area for construction, it is basically

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a condemnation. If there is no easement to go in and do the work, SSCAFCA would be condemning property for a temporary construction permit. Most of the time you can get the owner to agree to it, but this way SSCAFCA would already have an easement and could go on the property for any reason that it needed without having the owner bar SSCAFCA from going in. This facility goes from the City of Rio Rancho into one of SSCAFCA's facilities and crosses Village property. Mr. Kemper stated that the flow from the City of Rio Rancho into this project is approximately 22 cfs.

A motion was made by Richard Deubel to approve the Tierra de Corrales Drainage Study as presented, without accepting easements over the Homeowner Association owned or Village of Corrales owned parcels (excluding the area east of the horse arena) to SSCAFCA at this time. It was seconded by Mark Conkling. The motion passed 4-1.

Mr. Conkling stated that in a similar situation over lands owned by a homeowners' association, depending on the covenants of how the homeowners' documents are written, there is a possibility of proceedings in law or in equity against each other for violation of the covenants. For people who fail to pay their homeowners' dues, there is a lienable interest in the property. One of the things that the collection of funds can be directed toward is the maintenance of common property. Mr. Kemper stated that the documents are not complete yet, but the way that it is set up right now, it is intended that there is a budgeted line item for each of these things in the homeowners' budget. Mr. Chaney stated that, historically, SSCAFCA has dealt with much larger flows of water and he does have a problem with the small amount of flow. Mr. Metzgar stated that, under the present motion, if they come in and ask SSCAFCA to accept an easement after the homeowners' association documents are drafted, that would be a separate and distinct vote by this Board.

Ms. Claudia Smith, of the Planning and Zoning Commission for the Village of Corrales, stated that she wanted to point out that the Village is not only concerned about the flow through Tract F, but they are also concerned that these easements end up in the SSCAFCA owned pond. The Village wants some shared oversight should the homeowners' association fail in their obligation in any way. She stated that regarding the covenants, they are being finalized through negotiation with the Village attorney as well as the Planning and Zoning Commission, and they are not only drafting language to have specific fees placed in it so that homeowners are aware of what type of maintenance will be required, but also a maintenance schedule for these types of things. Mr. Kemper stated that the compelling reason for the dual purpose was because it went from Rio Rancho to the Dulcelina Curtis through that conveyance system. The 22 cfs is all that is coming out of Rio Rancho. Altogether, the highest flow is just shy of 100 cfs.

Mr. Conkling stated that he would like this to be approved and go ahead with the engineering as specified because the work has been done. He does not want SSCAFCA's issue regarding the easements to change P & Z in Corrales or change the

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plans of the developer. Mr. Stoliker stated that staff's recommendation is to follow the request from the Village, accept the report, and accept the easement over all of the facilities as identified above. Ms. Smith stated that one of the fears and concerns that the Village has is that this vote might cause a failure of the project. Mr. Chaney stated that the Board needs to consider whether it is going to change its historic guidelines regarding SSCAFCA's involvement in local issues. The guideline is that SSCAFCA deals with flows of at least 500 cfs. Mr. Stoliker stated that Mr. Kemper and Mr. Westman are very concerned about getting rejected if SSCAFCA does not accept the easements.

2. Action/Acceptance of Contract:  
Godfrey Appraisal Services.

Mr. Stoliker stated that staff is asking for approval of the Godfrey Appraisal Services contract.

A motion was made by Mark Conkling to approve the Godfrey Appraisal Services Contract as presented. It was seconded by Donald Rudy and passed unanimously.

3. Action/Acceptance of the Enchanted Hills Drainage Infrastructure - Operations & Maintenance.

Mr. Stoliker stated that on November 16, 1999 the Board accepted the drainage management plan for Enchanted Hills and agreed to provide perpetual maintenance and operation for the constructed improvements upon completion of the construction. On May 27, 2003, the Chairman accepted the granting of the easement pending the LOMR. By letter dated July 9, 2004 from Huitt-Zollars the requirements for SSCAFCA's acceptance of the major drainage infrastructure for perpetual operations and maintenance have been completed. The construction work is still being done in Chayote Road, detention pond #4, in Unit 11. This will affect the Chayote Dam. A final inspection still has not been scheduled with staff and AMREP. There will be a final punch list that will need to be done after that. Staff is requesting that the Board authorize the Executive Director to accept the constructed improvements for operation and maintenance pending that final inspection. The inspection would include the Encantado Channel pipeline phases 1, 2 and 3; the Enchanted Hills Detention Pond number 1; Sprint Boulevard Detention Pond number 2; the Santa Fe Hills Detention Pond number 3; and the Chayote Road Detention Pond number 4. Mr. Chaney wondered why the Board would approve all these items before Mr. Stoliker has done its final inspection. If there is a problem, it will have to be brought back to the Board, but the Board will have already approved it. Mr. Metzgar stated that he did not see a problem since it requests approval after any corrections have been made.

A motion was made by Donald Rudy to table this matter. It was seconded by John Chaney and passed unanimously.

4. Discussion/Presentation on OSE Proposed Changes to Dam Safety Rules & Regulations with Public Agency Comments.

Mr. Stoliker stated that OSE is short for Office of the State Engineer. The State Engineer is coming out with some new rules that will affect SSCAFCA. He stated that because of September 11th, they may require that SSCAFCA not have multiple uses of high hazard dams, which would include Dam 1. The bike path may have to be changed by being fenced off and SSCAFCA may not be able to have multiple uses with some of its facilities. This is not a certainty right now. Secondly, they do want operations and maintenance manuals. The State is looking at bringing in rules from across the United States and applying them to SSCAFCA's dams. Most of the dams in the United States are wet dams, but SSCAFCA's dams are dry dams. This would make SSCAFCA have operations and maintenance facilities that would be based upon a dam being full of water all the time. The State also wants emergency action plans to be developed, which would include an inundation study. The inundation study would assume that the dam is completely full and then fails. SSCAFCA would then look downstream using a probable maximum flood to see where all the water would go and identify which properties would be affected. This could create a possible public relations issue. He stated that he is concerned that they are not providing for NPDES with water rights. SSCAFCA is not allowed to hold water in order to take care of water quality issues. He stated that it could cost \$10,000.00 to \$50,000.00 per facility to comply with the emergency management plans. These comments have been provided to the State Engineer's Office and they are reviewing them. Staff will keep the Board informed as information is made available.

5. Action/Acceptance of Easement & Maintenance Agreement for Transmittal to the City of Rio Rancho Over the Venada Outlet Bosque Area Identified as Corrales North, Unit 3, Venada Outlet.

Mr. Stoliker stated that staff would like the approval of the Board to send this agreement for easement and maintenance to the City for review and approval, pending Mr. Metzgar's comments. This is the easement that allows SSCAFCA to clear the Venada of non-native species. Staff believes that the property is owned by the City; however, the County still has it recorded under AMREP ownership. Staff has already talked to AMREP about this issue, and if it is owned by AMREP, they will sign over ownership to the City. Mr. Stoliker stated that SSCAFCA is not taking out any non-native species in the area now because it is willow fly catcher season. This season ends at the end of October.

A motion was made by Mark Conkling to approve the easement and maintenance agreement for transmittal to the City of Rio Rancho, pending technical changes or comments by Mr. Metzgar. It was seconded by Richard Deubel and passed unanimously.

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6. Action/Acceptance of the Lower La Barranta Drainage Facility Plan - NM 528 to the Rio Grande.

Mr. Robert Schultz, of the City of Rio Rancho Public Works Department, stated that this area has been a concern of the City for quite some time. This is the City's number two drainage priority. It is a reach of the Barranta arroyo that has been extensively modified by human activities. The wastewater treatment plant is there, and there is a diversion channel that takes water from Corrales Road and 528 along the backside of River's Edge to the channel. The embankment of that channel coming into the Barranta encroached into the main channel of the Barranta. This was the site of two of five areas in the City that were part of a federal disaster declaration in 1999. There is really no one affordable project that can be done to make the scope of improvements that are necessary within this reach. The City set out to develop a template for restoration and improvement of the arroyo. There is no watershed management plan for the Barranta that was prepared by SSCAFCA, so the City has been operating on its own on this project. The City did not do the hydrology since it is so expensive; instead, the City relied heavily on hydrology from existing drainage reports. They have gone through the entire reach with the help of ASCG and the problems have been identified.

Mr. Clint Dodge stated that downstream from the sediment basin, there is a short piece of channel that would be stabilized. He stated that there are pipelines and power lines that cross the arroyo from the wastewater treatment plant to a lift station. There is also a trail that crosses the arroyo. All of that would be accomplished in a hardened crossing structure (low water crossing), with an energy dissipater on the downstream side to dissipate the energy before the water is released back into the river. The last component is some protection for the gas line. It will cost approximately \$4.7 million. The problem with this reach is that it is about 50 foot of drop from coming out of the culvert until you get to the river and it is less than a mile. It is a 3% grade, with very high velocities and high erosion.

Mr. Stoliker stated that SSCAFCA has said in the past that if the City would bring this facility up to standards, SSCAFCA would take over the operation and maintenance of it. This is the first step to that. Mr. Metzgar stated that this is a planning document only and it does not obligate the City or SSCAFCA in any way. It merely approves the planning document. If there is going to be any funding for this that would be a separate issue that would come to the Board.

A motion was made by Richard Deubel to accept the plan as presented. It was seconded by Donald Rudy and passed unanimously.

7. Action/Presentation of Resolution 2004-15, Deferred Compensation Plan.

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Mr. Baird stated that Resolution 2004-15 is a resolution that would have SSCAFCA act as a trustee for a deferred compensation plan for employees who might want to participate. This is totally voluntary for employees and there is no cost except for some staff time in doing payroll deductions and oversight of the program. This plan is from Section 457 of the Internal Revenue Code that allows employees to deduct up to \$13,000.00, increasing to \$15,000.00 in two years, of their salary into an investment that is offered by the plan. The plan defers income tax until an employee takes out the money at retirement age. Staff is unanimous in wanting to participate in the plan.

A motion was made by John Chaney to approve Resolution 2004-15 as presented. It was seconded by Richard Deubel. Roll call vote: John Chaney, yes; Mark Conkling, yes; Richard Deubel, yes; Donald Rudy, yes; and Dub Yarbrough, yes. The motion passed 5-0.

8. Review of the Bond Election Brochure.

Mr. Stoliker stated that this brochure is simply a draft and will be redone before they are sent out. Mr. Conkling stated that he has made some comments with regard to changes that might be made on the brochure and he went over those with Laura. Other comments were provided by Board members.

9. Presentation/Action of ' 'Dirt Sales' '.

Mr. Stoliker stated that last Friday, Joiner Construction called and stated that they would like to buy dirt from SSCAFCA. Discussions have been held in the past about taking dirt out of Lomitas Negras. Mr. Stoliker stated that there is maybe 50,000 cubic yards of dirt that could be removed from that area and could start SSCAFCA ' s dam site. He stated that AMAFCA sells dirt and that the construction company would do all the work according to SSCAFCA ' s specifications and they pay a certain amount per cubic yard to SSCAFCA. AMAFCA ' s current rate is \$0.50 per cubic yard. Mr. Conkling stated that this is within Mr. Stoliker ' s jurisdiction to negotiate and take care of this issue.

**CONSENT AGENDA.**

Action/Acceptance of Minutes of:

- a. June 15, 2004 Regular Meeting.

A motion was made by Richard Deubel to approve the minutes of the June 15, 2004 Regular Meeting as presented. It was seconded by Mark Conkling and passed unanimously.

**RECOGNITION/ACKNOWLEDGMENT OF THE TREASURER ' S REPORT FOR JUNE 30, 2004.**



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Mr. Conkling indicated that the Treasurer's Report for June 30, 2004 was in the Board members' packets for review, acknowledgment and recognition and that he would be happy to answer any questions on it. There were no questions.

**CHAIRMAN'S REPORT.**

1. Discussion/Action on Resolution 2004-15, Amended Notice of Meetings.

Mr. Chaney stated that he has a conflict for the next few months in that he is out of town every week from Tuesday through Thursday and is available only on Mondays and Fridays. It would help him a lot if SSCAFCA could change its meeting date to Friday mornings and this resolution takes care of that. Mr. Rudy stated that he has a conflict with changing the meeting date because he has other things that he does regularly on Friday mornings and this will cause him to miss the October meeting because he won't be here. Mr. Metzgar stated that the resolution changes the meeting dates to the third Friday of each month, with the meetings to be held at 9:00 a.m. A resolution will be needed to go back to SSCAFCA's regular schedule if the Board wished to go back to the third Tuesday of each month.

A motion was made by John Chaney to approve Resolution 2004-15 as presented. It was seconded by Mark Conkling. Roll call vote: John Chaney, yes; Mark Conkling, yes; Richard Deubel, yes; Donald Rudy, no; and Dub Yarbrough, yes. The motion passed 4-1.

2. Action/Approval of the Executive Director's Contract.

Mr. Yarbrough stated that the Personnel Committee has reviewed David Stoliker's contract and decided to recommend the renewal of the Executive Director's contract for another year, with two changes. One change is to award him a 6% increase on his existing salary and another is to add a week of vacation.

A motion was made by Dub Yarbrough to approve the Executive Director's Contract as presented. It was seconded by Richard Deubel and passed unanimously.

**BOARD OF DIRECTORS COMMENTS.**

None.

**ATTORNEY'S REPORT.**

Mr. Metzgar stated that SSCAFCA is going to disclaim any interest in the Angel Road lawsuit brought by Curb, Inc. Mr. Stoliker has assured him that there was no O & M function of the Harvey Jones Channel or other current SSCAFCA facilities that would be

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interfered with if Angel Road was closed off. The disclaimer will allow SSCAFCA to get out of the case. There was no objection to this procedure.

**PUBLIC FORUM.**

None.

**FOR BOARD INFORMATION:**

- a. June 9, 2004 Letter from Elaine Pacheco Regarding Cabezon Development, Phase I, Proposed Detention Pond.

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

- b. June 14, 2004 Executive Committee Meeting Minutes.

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

- c. June 24, 2004 Correspondence from Claudia Smith Regarding the Harvey Jones Bridge Crossing Review.

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

- d. Resolution 1993-18, Board Members ' Attendance and Conduct at Meetings.

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

- e. June 17, 2004 Letter from Corrales to Tim Eichenberg Regarding the Use of an AMAFCA Facility and Funding for Corrales Drainage Improvements.

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

- f. June 17, 2004 Transmission from General Counsel of Letter Regarding Tapia/Solomon Corrales Property.

Mr. Stoliker stated that this is contained in the Board ' s packets. Mr. Metzgar stated that this was brought to the Board before where Solomon and Tapia are saying that SSCAFCA breached a contractual agreement. There has been a meeting on this issue with their representatives recently. Dan Aguirre is preparing material to show them that SSCAFCA did comply with its obligations.

- g. List of Action Items From the June 15, 2004 Board Meeting.

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

- h. June 24, 2004 Letter to Elaine Pacheco Regarding the Proposed Dam Design, Construction and Safety Rules and Regulations.

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

- i. The Following Developments/Construction Plans Have Been Received for Review and Acceptance:

- 1) *Enchanted Vista Apartments:* 174 apartments, 17.68 acres, approximately 64.5 cfs discharge. This development is located in Enchanted Hills, on Sprint Boulevard, South of the Encantado Channel. Since this development is less than 50 acres and discharges less than 500 cfs, the Executive Engineer will accept the drainage report and construction plans after incorporation of staff comments;

- 2) *Culvert Crossings of the Montoyas Arroyo at Serene Meadows and Camino de Los Montoyas Roads:* These crossings are part of the Northern Meadows Drainage Management Plan, Phase 2, which was accepted by the Board on March 16, 2004. After incorporation of any comments by staff, the Executive Engineer will sign off on the construction plans;

- 3) *Mariposa East - Phase 1, Drainage Ponds and Drop Structures:* These construction plans are for the detention ponds that are proposed for construction along the eastern boundary of the Mariposa development, as presented in the Mariposa Drainage Management Plan accepted by the Board on January 6, 2004. After incorporation of any comments by staff, the Executive Engineer will sign off on the construction plans;

- 4) *Yucatan Phases 1 & 2, Astante Phase 1, Rancho Oro and Rancho Plata Construction Plans:* These construction plans are for subdivisions within the Cabezon Communities Phase 1 development. The Board accepted the Cabezon Communities Phase 1 drainage concepts on January 27, 2004. After incorporation of any comments by staff, the Executive Engineer will sign off on the construction plans.

- j. June 22, 2004 Personnel Committee Meeting Minutes.

Mr. Stoliker stated that these are contained in the Board ' s packets.

- k. June 29, 2004 Letter from Francisco Vigil Letter of Approval for the SSCAFCA Interim Operating Budget for the 2004 - 2005 fiscal year (FY05).

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

- l. Jon June 29, 2004 a Drawing was Held to Decide Placement on the Ballot for the Upcoming Board of Directors Election The Order will be as Follows:

- 1) Richard Deubel
- 2) Steve House
- 3) Dub Yarbrough

- m. June 28, 2004 Correspondence from the City of Rio Rancho Regarding a Presentation by SSCAFCA on August 5, 2004.

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

- n. The Advertisement to Sell Lot 1-A, Block 13, in Corrales Heights will run on July 10, 11, 15, 21, 25 and 24. The Bids must be Received by 11:00 a.m. on July 29, 2004.

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

- o. The Board Draft Agenda was Posted on the Web on July 13, 2004.

Mr. Stoliker stated that he wanted to be sure the Board was aware of this.

- p. July 1, 2004 Correspondence from John Kelly Regarding MRCOG Appointment.

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

- q. June 23, 2004 Bond/Budget Committee Meeting Minutes.

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

- r. SSCAFCA Welcomes Summer Interns Anne Elyse Mitchell and Sarah Stoliker. They will work with SSCAFCA until the end of July.

**OTHER BUSINESS.**

None.

**ADJOURNMENT.**

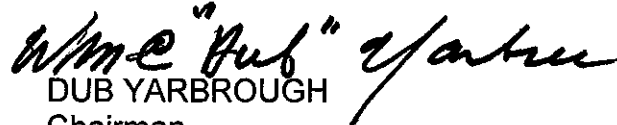
**BOARD OF DIRECTORS REGULAR MEETING**

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A motion was made by Donald Rudy and seconded by John Chaney to adjourn the meeting. It was carried unanimously. Meeting adjourned at 4:50 p.m.



RICHARD DEUBEL  
Secretary



DUB YARBROUGH  
Chairman

DATE APPROVED:

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