

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
(SSCAFCA)
MINUTES OF OCTOBER 21, 2005
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 9:10 a.m.

ROLL CALL OF DIRECTORS.

Directors in attendance were John Chaney, Steve House, Donald Rudy and Dub Yarbrough. Mark Conkling was noted as absent. David Stoliker, Executive Director, 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.

A motion was made by Donald Rudy to approve the Agenda as presented. It was seconded by Steve House and passed unanimously.

ANNOUNCEMENTS.

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

CLOSED SESSION.

A motion was made by John Chaney to go into closed session for discussion on the negotiation of the Sportsplex Dam/Pulte involvement and negotiation on the acquisition of properties. It was seconded by Donald Rudy. Roll call vote: John Chaney, yes; Steve House, yes; Donald Rudy, yes; Dub Yarbrough, yes. The motion passed 4-0.

The Board went into closed session at 9:20 a.m.

RESUME OPEN SESSION.

A motion was made by John Chaney to resume open session. It was seconded by Donald Rudy. The motion passed unanimously and the Board resumed open session at 10:15 a.m.

EXECUTIVE DIRECTOR'S REPORT.

1. Action/Acceptance of SSCAFCA and Pulte Development Agreement for Sportsplex Dam.

Mr. Stoliker stated that the Executive Committee has been meeting with Pulte to discuss a cooperative effort on the construction of the dam and Pulte's development in that area. SSCAFCA had \$4 million in its bond election for this project. This is all the money that SSCAFCA has budgeted for this particular project. Bohannon-Huston is doing the design work, which is approximately 60% completed. SSCAFCA anticipates starting construction by February 2006.

Mr. Stoliker stated that Pulte has offered to pay SSCAFCA \$810,000.00 as its share of the project. This figure was calculated based on a \$4 million dam project. Pulte also agrees to design structures on the eastern boundary and do the drop structure in the arroyo. SSCAFCA agreed to purchase all necessary right-of-way for the Sportsplex Dam facilities. SSCAFCA agreed to grant right-of-way for the roadway as necessary for High Resort Boulevard across the Sportsplex Dam into the Loma Colorado project. The right-of-way corridor and any additional easements must be defined in a map provided by Pulte and approved by SSCAFCA. SSCAFCA agreed to work with Pulte to grant public utility drainage easements, etc. at no cost to Pulte. These easements must also be defined and mapped by Pulte and approved by SSCAFCA.

Mr. Stoliker stated that SSCAFCA agreed to include in the design of the Sportsplex Dam an increase in the dam crest width to approximately 80 feet and to work with Pulte to incorporate the proposed horizontal and vertical alignments associated with the roadway crossing so long as it does not interfere with the structural integrity of the dam. Pulte will be allowed direct discharge of storm water into the Sportsplex Dam without on-site detention, and this area must be defined and mapped by Pulte and approved by SSCAFCA. Downstream of the Sportsplex Dam, Pulte will construct needed improvements and water quality elements to address the direct discharge into the Montoyas Arroyo. This area must be defined and mapped by Pulte and approved by SSCAFCA.

Mr. Howard Stone stated that verbiage should be added to reflect that any flows that are downstream of the dam that are being released into the arroyo do not increase the peak flow downstream in the arroyo. Right now, the dam, by virtue of the construction will hold back the peak flow such that the flows downstream are going in well before the peak flow comes through the dam.

Mr. Stoliker stated that in consideration of Pulte's participation in the project, SSCAFCA agreed to allow the Loma Colorado project certain development limits. Between the Sportsplex Dam and Broadmoor Drive, SSCAFCA agrees to allow the Loma Colorado development to extend to the existing LEE line with no additional improvements to the Montoyas Arroyo. This area will be mapped by Pulte and included in the final agreement. If Pulte proposes to later encroach into the defined LEE line area, additional improvements will be required within the Montoyas Arroyo to allow such encroachment, at the expense of Pulte. Below the Sportsplex Dam in the eastern boundary of the Loma

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Colorado project, SSCAFCA agrees to allow the Loma Colorado development to extend to the revised LEE line that will be created after the construction of the Sportsplex Dam as indicated on the exhibit to be attached to the final agreement. SSCAFCA is working with the City for the expansion of the City Sportsplex park facilities. Pulte is interested in providing funding for these improvements if the City, as part of the Loma Colorado impact fee agreement, will grant park impact fee credits. The City is requesting that SSCAFCA agree to work with the Pulte to incorporate theming and architectural elements from the Loma Colorado project into the Sportsplex improvements, where feasible, to allow continuity between the public and private facilities.

Mr. Stoliker stated that SSCAFCA agreed to pay for the construction of the Sportsplex Dam and will attempt to complete the construction of the dam so that construction of the roadway over the crest can commence in November 2006. Pulte proposes that any additional cost increase for the dam improvements will be borne by SSCAFCA; likewise, any cost savings to the construction will be realized by SSCAFCA with the understanding that SSCAFCA spend the entire project budget, both public and private funds, on the Sportsplex Dam and Montoyas Arroyo improvements. Staff has a concern with Pulte on this issue. The \$810,000.00 is a minimum amount to avoid anti-donation. If the cost increases, there should be an additional cost borne by Pulte.

Mr. Russ Grayson, the land development manager for Pulte homes, stated that during the initial RFP process it was brought to them by the City that they would like to see a transportation access corridor to the south from this proposed development to High Resort. It improves traffic circulation and will have an overall benefit to the project. Once it was determined that SSCAFCA was building a facility in this area, they felt it was a good time to try to do a joint partnership to create a "win-win" to provide access into the community, solve a transportation issue for the City, and also help with the Loma Colorado drainage situation. They have a conceptual plan of what they are trying to do with the road over the dam. They are trying to create a unique marketing entrance into the community by building a non-typical road by separating the lanes of traffic and also playing around with the vertical elements of the dam as well. They are trying to work with Howard Stone's team to let them set where they need the emergency spillway and then let Pulte see if it can alter and redesign the downstream phase to allow some of these principals to happen without having a huge impact on the design effort.

Mr. Grayson stated that they have discussed the right-of-way issue with Mr. Metzgar and Pulte's attorney, John Myers. They believe they can find a way to make this work. They are currently under a development agreement with the City for the Loma Colorado project. The City owns some property within the project. In the agreement, it states that Pulte will purchase the property from the City at fair market value and there won't be any outside negotiations. Pulte would like to see if there is a way to do this with SSCAFCA, either through its statute, through Pulte's agreement with the City, through the condemnation process or through acquisition of the property, so that if there is any excess

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right-of-way that is not needed by SSCAFCA, then Pulte can buy that back at fair market value without going to an open market bid.

Mr. Grayson stated that Pulte has given its information to Howard Stone from its drainage model for the development as planned. It has been programmed into Mr. Stone's model and is not showing any net increase in the flow downstream by allowing direct discharge. They have not altered Pulte's model and it is conservative in nature. Pulte's goal is to get as much of the development as possible into the water quality feature of the dam and have the rest direct discharge. Pulte doesn't have a problem with not allowing an increase in the peak flow. They are looking at several alternatives into encroaching into the LEE line area, but at this point they felt it best to remove it from the agreement. Mr. Grayson stated that Pulte is basically asking that their development go to the existing LEE lines with the only exception on the downstream end that it be the post-dam LEE line.

Mr. Grayson stated that the amount of \$810,000.00 was an amount given to them by SSCAFCA through the Executive Committee process as to what Pulte's contribution will be to this project. Pulte has reviewed it and discussed it at length. It agrees that the number is fair and have taken some of the issues out of the agreement and will deal with them in the future. Pulte is still interested in putting in landscaping for the expansion of the Sportsplex facility. It was taken out of the proposal through conversations with the City because it would have turned into a three party agreement and there was some hesitancy on the City's part to enter into that type of agreement without seeing Pulte's master plan and having their impact fee in front of them.

Mr. House stated that right now the proposed agreement states that SSCAFCA pay for any over-runs of the budgeted cost of the dam. Mr. Grayson stated that Pulte recognizes its impact on the dam and it is not a big proportion of the overall project. If there is an over-run, it was Pulte's understanding that there would be value engineering that would take place because even if they weren't there and the road didn't go over the dam, these issues would still exist. Mr. Stoliker stated that SSCAFCA has only so much money budgeted for this project. SSCAFCA will do as much value engineering as they can and try to keep it within the limited amount. If it goes over and the Board decided that it needed to spend extra money for public safety, SSCAFCA could then have a problem with anti-donation and the agreement must be worked to where Pulte pays a certain percentage of an overrun to avoid the anti-donation. There are some things that cannot be value engineered out of the project. Mr. Stoliker stated that right now Pulte is paying about 20% of the cost of the dam and should continue to pay 20% of all costs, even if the dam goes over budget.

Mr. Grayson stated that the way it was presented to Pulte is that the \$810,000.00 was Pulte's contribution to this facility based on several different factors. One of the factors was straight material on what Pulte's increase to the dam strictly from an

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infrastructure standpoint. They are asking for the road to be widened, which results in a few minor items which include a box culvert extension and dirt moving, but a majority of the dirt would already be moved in the first place. The other items are not directly associated with the construction of the dam. They are associated with recapturing land with some assumptions on future facilities that wouldn't have to be constructed, so they are not directly contributable to the infrastructure requirements on the dam. Pulte feels that it would be unfair to have Pulte have a 20% across the board increase if the costs increased on this project. They could understand a 20% increase on the direct items for which they are paying for that are contributable to the dam construction itself, but not 20% on the land, or 20% on the intangibles that do not directly add to the cost of the dam.

Howard Stone stated that when they prepared the \$810,000.00 it had several elements in it. They tried to assign to Pulte what elements they would be paying for directly from what would be required to increase the dam to accommodate their request for a road. The road was made 80 feet wider and it is more of a curved crest where the road went up high and then came back down again. The other costs they associated with Pulte are benefits Pulte derives from the construction of the dam as opposed to having to construct on-site detention dams. They did talk about percentages. This figure was done a couple of months ago and they have since seen influences of material costs that aren't in that number right now. Mr. Chaney stated that the \$810,000.00 figure was for discussion sake and not a firm figure that would hold for the entire period. To more adequately reflect Pulte's contribution amount, the Board needs to come up with some sort of percentage.

A motion was made by Steve House to ask Pulte to pay for 20% of the ultimate cost of the project. There was no second.

Mr. Rudy stated that as costs go up, SSCAFCA can't leave one of the contribution amounts fixed and have another party absorb all of the escalation of costs. Mr. Grayson stated that he does not have authority to approve 20% of the ultimate cost of the project. He is willing to give SSCAFCA a minimum of \$810,000.00 with a maximum of an additional 20% of that. They would work with David Stoliker once the bids come in to value engineer the facility. Mr. Chaney stated that Pulte is protected because of SSCAFCA's finite amount of resources.

John Myers, attorney for Pulte Homes, stated that in prior discussions, Pulte's contribution wasn't 20% of the cost of the dam, but it was some smaller percentage to its contribution to the water that goes into the dam and the remaining expenses were related to changes to the dam itself. It would make sense to say that Pulte's contribution of \$810,000.00 was predicated on assumptions received from Howard Stone as to unit price expenses. It would be fair to say that once bids are received and the contract is given, that the parties look at the unit prices for the elements to which Pulte has agreed to contribute,

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and if there is an incremental unit increase in the actual costs based on those unit prices based on the estimated prices, then Pulte should bear that incremental increase.

Mr. Stoliker stated that the dam is being widened from 20 feet to 80 feet for Pulte's roadway. With increased gas prices, the cost of moving that dirt will increase and that is a concern to SSCAFCA with regard to the price increase. It is also a concern because of anti-donation.

Howard Stone stated that they have done their best to design the facilities' needs based on the \$4.8 million, which reflects Pulte's requirements to the dam. At the present time, the figure is at \$5.3 million at the 60% design stage. Mr. Chaney stated that the Board can attempt to make a decision today, or it can be sent back to the Executive Committee to work out on how to deal with the inevitable cost increases of the project. Mr. Stoliker stated that SSCAFCA is in the process of going through final design and is spending money on something that will satisfy Pulte. If this agreement is not consummated, SSCAFCA will have to go back and re-design to an 18 foot wide dam, and this will waste money. He stated that Pulte has agreed to pay the \$810,000.00; Pulte has agreed to do all the arroyo improvements, Pulte has agreed to put its water where SSCAFCA wants it and put in water quality features. The parties are very close to an agreement. He asked the Board to allow the attorneys to start working on the basic agreement and a formula with the Executive Committee as to how to share that cost increase, if there is one.

A motion was made by Steve House that Pulte contribute 20% of the total project cost and that the \$810,000.00 would be a minimum amount. It was seconded by Donald Rudy.

Mr. Metzgar stated that the major problem with more negotiation is the time frame. This is one of the reasons that the Executive Committee and staff were hoping to get a formula acceptable to both parties today if possible.

Mr. Myers stated that the total cost of the project is \$4.8 million, so \$810,000.00 is not 20% of that figure. The correct number, at \$810,000.00, is 16 and 2/3%. Pulte's concern is knowing that there is some limit to the amount that they must contribute. He believes it is fair for Pulte to bear the proportionate increase in the dam costs that relate to its contribution to the need for the size of the dam, which is a very small percentage, less than 20%. Pulte could leave this meeting satisfied if it had a dollar cap on their additional contributions. If Pulte is given a percentage of the \$810,000.00 that the additional contribution will not exceed, Pulte would be comfortable with SSCAFCA's decision. Using 20%, it would be another \$160,000.00. With that cap, Pulte would be comfortable that they could proceed. Mr. Rudy suggested that the number be rounded off at an even \$1 million for a total of Pulte's total contribution. Mr. Grayson stated that, in the spirit of agreement,

he would like to see both parties do everything they can to get the project at the original contribution amount.

Mr. Chaney called the question. Mr. Rudy asked Mr. Metzgar to repeat the motion. Mr. Metzgar stated that the motion right now is that Pulte contribute a minimum of \$810,000.00 and if the cost of the project goes up, Pulte will contribute 20% of the total price of the project.

Mr. House withdrew his original motion and it was seconded by Donald Rudy.

A new motion was made by Steve House that Pulte provide a minimum of \$810,000.00, with a maximum of \$1 million, based on 20% of the total project cost.

Mr. Myers stated that this is incorrect because if the project costs went up by \$1.00, 20% of \$4.8 would be \$960,000.00, so Pulte would have increased its contribution by \$150,000.00. He believes that if the price goes beyond the \$4.8 million, that Pulte pays 20% of the increased cost above \$4,810,000.00 with a cap of Pulte 's total contribution being \$1 million. Mr. Yarbrough stated that he does not like having a cap because SSCAFCA cannot project the cost increases. If a cap is put on the amount paid by Pulte and it kills the project the way it is being designed, then SSCAFCA is back to square one.

A motion was made by Steve House that Pulte provide a minimum of \$810,000.00 toward the project. If the project increases past \$4,810,000.00, Pulte will pay 20% of such increase, up to a total of \$1 million. It was seconded by Donald Rudy.

Mr. Howard Stone stated that there are limits as to what they can do in terms of cutting costs in the dam. There are a few elements that they do have control of to a certain degree and that they can look at in the value engineering portion of the project. There is some ability to affect some of the numbers, with the idea that right now the project cost is at \$5.3 million.

Mr. Yarbrough called for a roll call vote: John Chaney, yes; Steve House, yes; Donald Rudy, yes; Dub Yarbrough, no. The motion carried 3-1.

2. Action/Acceptance of AMREP Land Donation.

Mr. Castillo, of AMREP, stated that he is here to continue AMREP 's donation program with SSCAFCA of arroyo land. They are following the same program that they have for several years and he has brought a map which shows the Board the progress made over the years. He stated that in April 2003 AMREP donated 137 acres; in April 2004 AMREP donated 99 acres; in October 2004 AMREP donated 256 acres; in April 2005 AMREP donated 173 acres and 43 acres; today AMREP is here to donate 436 acres to SSCAFCA. Graphically, AMREP has basically donated most of the arroyo bottoms in the

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four major watersheds. AMREP is also submitting actual legal descriptions and the appropriate plats that detail the lands being offered. Mr. Stoliker stated that staff has not yet been able to look at all the plats yet, so he asked that the motion be made to accept this donation subject to technical and legal reviews of the documents.

A motion was made by John Chaney to accept AMREP's donation as presented, subject to technical and legal reviews of the documents. It was seconded by Donald Rudy and passed unanimously (Mr. Yarbrough was absent for the vote).

3. Action/Acceptance of Paseo del Volcan Drainage Report.

Mr. Stoliker stated that Paseo del Volcan is being constructed by the City's Department of Transportation. SSCAFCA has looked at this in the past and placed certain restrictions on it which the City accepted. This drainage report is in full compliance with that. Staff is asking for approval.

David Brauer, of Parsons Brinckerhoff, stated that the Paseo del Volcan project is from just west of Unser eastward to Iris, about 4.2 miles. There are five crossing structures. It will be a two lane facility with 12 foot lanes and four foot shoulders. It will be vital to helping the development of the City Centre area of Rio Rancho and future subdivision development transportation corridor.

A motion was made by John Chaney to approve the Paseo del Volcan Drainage Report as presented. It was seconded by Donald Rudy and passed unanimously (Mr. Yarbrough was absent for the vote).

4. Action/Discussion of Rio Rancho Drainage Impact Fees.

Mr. Stoliker stated that action was taken on this matter at the Special Board meeting of October 17, 2005. It is on the Agenda today for public input. No public input was received.

5. Project Update on Quality of Life.

Mr. Rick Counts, of CSC, stated that they have conducted public input meetings which included a brain storming session, by invitation, which was pretty well attended in late August; and an open house on September 27, 2005. There has also been a newsletter on SSCAFCA's website. A second one will be produced next month. The concepts they have been working on have been widespread, but there is a clear emphasis and interest on linear open space. They have had a good deal of public input on preferences for hiking, view points, and some interest in wildlife corridors, with appropriate limitations on motorized vehicles from the standpoint of privacy, security and liability. There has also been some interest in opening up the linear corridors with larger

recreational areas. They are concerned with the LEE line implications, which will be directed by Board policy. In particular, they are hoping that there will be some delineation that the Board will direct and that they might suggest for further consideration for trade-offs, benefits to adjacent property owners and developers, and the enhancement of SSCAFCA ' s properties which it administers.

Mr. Counts stated that they have completed an outline for the master planned document. This includes an introduction that emphasizes planning coordination, it delineates a number of planning concepts, including the linear open space, joint use possibilities and preservation initiatives. They will also prepare a facilities plan which will enumerate what exists and what recommendations might be presented for the future; and finally a section on implementation strategies that ranges from legislation and taxation policy. If there are easements which might be granted for public use, there may be some incentive to property owners and developers in the standpoint of having reduced tax assessments. There are also some possibilities for local ordinances, including impact fees. There could also be a more formal transfer of development rights to restrictions on the multi-use possibilities in arroyo locations.

Mr. Counts stated that they are continuing consultations with the jurisdictions. They had hoped, but not yet succeeded, in having conversations with the adjacent pueblos. They will draft the initial sections of the master plan document. In the next 60 days or so they will solidify buy-in that they have been able to obtain from all organizations and the public.

6. Action/Acceptance of Amendment to Mariposa East Phase 3 Drainage Management Plan.

Mr. Craig Hoover, of Bohannon-Huston, stated that they have discovered an error in the DMP in terms of how existing conditions flow rates were determined. They had assumed that all of the area was undeveloped, which was correct, but they treated it as land use treatment type A in the methodology, which is for undeveloped areas for slopes less than 10%. Much of this basin is very steep in lands exceeding 10%, with a large percentage exceeding 20%. The methodology calls that when the slope exceeds 10%, you treat it as land use B and then if it is undeveloped land that is greater than 20%, you treat it as land use C. As a result, when they re-analyzed it and corrected that error, the existing conditions flow rate increased from 282 cfs leaving Mariposa at this point up to 502 cfs under existing conditions. In keeping with the methodologies that are in the improved Mariposa East DMP, they propose to limit developed conditions flow rates to less than historic and at the same point where they now have 502 cfs under existing conditions, they are proposing to limit that to 346 cfs under developed conditions. They will also limit the 10 year and 1/4 inch run-off to match historic for the 10 year and the 1/4 inch will be at 65% of the ten year, which was the approved approach in the Master Plan.

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A motion was made by Steve House to approve the amendment to Mariposa East Phase 3 Drainage Management Plan. It was seconded by Donald Rudy and passed unanimously.

7. Action/Discussion of Draft Drainage Policy Amendment 2005-01 Encroachment into Lateral Erosion Envelope (LEE).

Mr. Stoliker stated that he has been unable to do any work on this issue this past month due to work on the City of Rio Rancho's impact fees and with some other issues. He still needs to form the committee to look at this policy.

Mr. Clint Dodge stated that when they started the Barrancas Watershed Management Plan, the discussions about on-lot ponding and the policy issues surrounding that and how they implement the LEE line were just being put together. They incorporated into the watershed plan to look at some of those issues in more detail. They have worked a little on effective on-lot ponds. They have not really looked much at other quality of life issues, like small ponds along the arroyo or other ways to limit the flow, and maybe treat the water for water quality as well. They are now getting ready to take a basin out of the watershed and look in detail at many different ways to handle that runoff to address the watershed philosophy and see the impact of that on downstream facilities.

Mr. Yarbrough stated that there is quite a lot of development in the Barrancas watershed and SSCAFCA can't go back and have the owners retrofit the property that has already been built on. Mr. Dodge stated that the initial effort will take a basin and look at the various alternatives as an undeveloped basin today. The first idea is how to come up with a philosophy and how to implement it. The same philosophy will not necessarily work in the entire watershed.

Mr. Stoliker stated that Mr. Spangler and Mr. Easterling are both very concerned about the LEE line policy.

8. Action/Acceptance of ASCG to Prepare a Grading Plan and Corps of Engineers 404 Permit for the 19th Avenue Dam in an amount not to exceed \$45,000.00.

Mr. Stoliker stated that the Hart Porsche development is coming on line and they want to start in November moving dirt. There is a tentative oral offer from them that they would take all the dirt out of the 19th Avenue Dam, which is estimated to be approximately \$1.7 million of costs to SSCAFCA. Staff thought it would be appropriate at this time to move forward with the grading plan and the 404 permit since this is what SSCAFCA needs in order to let them take the dirt out.

A motion was made by Steve House to go forward with obtaining the grading plan and 404 permit as requested. It was seconded by Donald Rudy and passed unanimously.

9. Action/Acceptance of Disposition of Excess Real Property.

Mr. Perry Baird stated that this is a matter that the auditor brought to staff's attention upon noticing in the audit that SSCAFCA had proceeds from land sales last year, specifically Lot 1A. The auditor was looking for a policy, statute or regulation that would give direction about how the proceeds would be used in the budget. It was his recommendation that there be a policy if SSCAFCA didn't have one that the proceeds be used on capital projects in the future and not on operating expenses. Mr. Baird is in agreement with his suggestion and it has to do with SSCAFCA's restrictions already on bond funds. Bond funds are required to be used on capital projects and not operating expenses. A policy such as this would give staff direction in the future when proceeds are received from the sale of land. If this is passed, the auditor will show those proceeds as a designated part of fund balance to be used in the future for capital projects.

A motion was made by Dub Yarbrough to approve the policy as set forth in the handout of October 17, 2005. It was seconded by Steve House and passed unanimously.

CHAIRMAN'S REPORT.

Mr. Yarbrough stated that he would like to know how Mr. Stoliker proposes to cut costs on the dam. Mr. Stoliker stated that staff has already identified \$500,000.00 of additional costs that they may be able to eliminate. They are going to meet with the state engineer to see if it will be possible. For example, there is extra concrete in the emergency spillway that may not be needed. SSCAFCA may also not need to have as much freeboard as is currently in the design. They still need to sit down and have a value engineering session to look at all the options and meet with the state engineer to see if it's possible to do what they find. This is all part of the normal process.

CONSENT AGENDA.

1. Action/Approval of the Minutes of September 16, 2005.

A motion was made by John Chaney to approve the minutes of the September 16, 2005 regular Board Meeting as presented. It was seconded by Steve House and passed unanimously.

RECOGNITION/ACKNOWLEDGMENT OF THE TREASURER'S REPORT FOR SEPTEMBER 16, 2005.

Donald Rudy presented the Treasurer's Report for September 30, 2005. There were no questions on the report.

BOARD OF DIRECTORS' COMMENTS.

None.

ATTORNEY'S REPORT.

None.

PUBLIC FORUM.

None.

FOR BOARD INFORMATION,

Mr. Stoliker stated that the following was for Board information only and/or contained in the Board's packets:

1. September 12, 2005 Correspondence from Bernard Metzgar regarding audit inquiry.
2. Correspondence from John Sigler on September 21, 2005 regarding preliminary findings on SSCAFCA Clean Water Act Section 404 Permit status.
3. September 23, 2005 approval for Salls Brothers Construction to remove earth in the Lomitas Negras.
4. September 23, 2005 letter from Bohannon-Huston about the review of the Drainage Report for Tract 1A-10 of the Mariposa Development.
5. City of Rio Rancho Disclosure Requirement.
6. September 28, 2005 correspondence to Hugh Floyd in regards to Mercado Master Plan/Bendicido.
7. Budget approval from the Department of Finance and Administration.
8. September 30, 2005 correspondence to Mackie, Reid & Company, P.A. in connection with the audit.
9. RFPs are due and ready for publication on the following contracts:
 - Engineering due December 8, 2005 at 4:00 p.m.;
 - Surveying due December 8, 2005 at 4:00 p.m.;
 - Fencing – no date set yet;

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A new RFP to add additional appraisers to our current pool is due November 14, 2005 at 3:00 p.m.

To review the RFPs or if you have any questions, please contact Laura Davis.

10. Resolution 1993-18 Board Members' Attendance and Conduct at Board Meetings.
11. Letter from the Office of the Treasurer stating all investments are secure.
12. Right-of-Way Update.
13. The following plat was signed by the Chairman:
 - a. Entrada de Coronado, the Chairman signed for acceptance of the grant of easement for operations and maintenance of drainage infrastructure on October 6, 2005.

The following developments/drainage plans were received for review and comments provided to the consultant:

- a. Alegria @ Santiago (Orchard 's) comprising approximately 88 acres, 376 dwelling units, approximate discharge of 350 cfs. Comments were provided to the consultant on August 10, 2005.

The following infrastructure plans were signed by the Executive Director:

- a. Unser & Southern Plaza Construction Plans; the Executive Director signed the construction plans on September 1, 2005;
- b. Yucatan Phase 3 @ Cabezon; the Executive Director signed the construction plans on September 15, 2005;
- c. Vista Manzano @ Mariposa; the Executive Director signed the construction plans on September 6, 2005;
- d. Northern Meadows Unit 17; the Executive Director signed the construction plans on September 14, 2005;
- e. Vista Sandia @ Mariposa; the Executive Director signed the construction plans on September 26, 2005;
- f. Santiago Channel Improvements (Orchard 's); the Executive Director signed the construction plans on September 28, 2005.

OTHER BUSINESS.

None.

ADJOURNMENT.

A motion was made by John Chaney to adjourn the meeting. It was seconded by Steve House and passed unanimously. The meeting was adjourned at 12:10 p.m.

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John Chaney
JOHN CHANEY

ACTING Secretary

WM. C. YARBROUGH
Chairman

Wm. C. Yarbrough

DATE APPROVED:

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