

SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY  
(SSCAFCA)

MINUTES OF APRIL 21, 2017  
BOARD OF DIRECTORS REGULAR MEETING

CALL TO ORDER.

The regular meeting of the SSCAFCA Board of Directors was called to order by James Fahey, Chairman, at 9:00 a.m.

ROLL CALL OF DIRECTORS.

Directors in attendance were James Fahey, Steven House and Mark Conkling. John Chaney and Michael Obrey were noted as absent. Charles Thomas, Executive Engineer, Charles Garcia, SSCAFCA's attorney, and members of the public were also present.

PLEDGE OF ALLEGIANCE.

The Board was led in the Pledge of Allegiance by James Fahey.

ANNOUNCEMENTS.

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

APPROVAL OF AGENDA.

A motion was made by Steven House to approve the Agenda as presented. It was seconded by Mark Conkling and passed unanimously.

ACTION/APPROVAL OF THE MINUTES OF MARCH 17, 2017.

A motion was made by Mark Conkling to approve the minutes of March 17, 2017 as presented. It was seconded by Steven House and passed unanimously.

PUBLIC FORUM.

No comments were made in the public forum.

## STAFF REPORTS.

### *Executive Engineer:*

#### 1. 2017 Legislative Update.

Mr. Thomas introduced Mr. Larry Horan, SSCAFCA Lobbyist, to present a summary of the recent legislative session. Mr. Horan stated that the session, a 60 day session, was still ongoing. The main focus was the budget and revenue problems facing the state. Following the November elections, there was also a change of leadership, the control of the house switched back to democratic control and senate remained democratic, gaining two seats, but also new leadership.

At the start of the session the State was still 69 million short for the FY 17 budget. The first week the Legislature worked on solvency package for remainder of year. He indicated that they passed a solvency package that also brought in 95 million in reserves. This included a new round of cuts.

After that, they turned to the FY 18 budget. Mr. Horan stated that the Legislature passed a budget with a slight increase, matched with a bill to increase revenues, including an increase in the gas tax, to generate \$350 million additional revenue. The Legislature made it an appropriations bill to allow the Governor to line item veto provisions. Instead the Governor vetoed the entire bill. To balance the budget the Governor line item vetoed funding for the entire legislative branch and higher education institutions. There was significant discussion about tax reform during this session. There were only about 1100 pieces of legislation for the whole session, which is light for a 60 day session. 279 bills passed with over half vetoed.

Capital Outlay, at the start of the session, was only 60 million, a much reduced amount from previous years. The legislature did not pass any capital outlay for local projects, only for statewide projects, but that bill was also vetoed. Because of the vetoes, there will need to be a Special Session or an Extraordinary Session to establish a balanced budget, which is constitutionally required. The Legislature may file a lawsuit to challenge the Governor's veto. A special session will likely include a capital outlay bill, tax reform and a budget correction.

Mr. Horan stated that he had been asked to follow some specific bills on behalf of SSCAFCA. The Local Election Reform Bill, to change the date of all non-partisan elections, would have changed our elections to odd years, so the current Directors would have one round of extended terms. The bill would not impact the timing of issuing bond elections. The bill passed both houses, but was pocket vetoed by the Governor. This bill will likely return in two years at next 60 day session.

A procurement amendment bill increased the maximum amount of cumulative funding that could be issued in four years to a single architecture/engineer firm from 2 million to 6 million. Construction contracts can go up to 10 million in three years. This bill was signed and should increase SSCAFCA's flexibility in use of on-call services. There was also a bill impacting property disposal. This bill passed, but was vetoed, so no changes to the requirements for disposal of public property.



Looking forward, Mr. Horan stated that there has been a lot of activity with acquisition of oil leases in the southeast portion of the state. This may generate drilling in the basin and may result in additional revenue of the oil prices go up for upcoming legislative sessions.

2. Presentation on SSCAFCA Research.

Mr. Thomas introduced the SSCAFCA hydrologist, Mr. Gerhard Schoener and noted that Gerhard was recently published in the ASCE Journal of Hydrologic Engineering. Mr. Schoener provided an overview of the research projects he is working on. The first one is an overview of the research into quantifying the infiltration in the arroyo, which was the article published by ASCE. The second research topic is determining if the storm water which infiltrates actually makes it back to the groundwater table. Mr. Schoener stated that he submitted a grant to the National Science Foundation to receive a grant for this project.

Mr. Schoener discussed the next project, which is to use time lapse cameras to augment the network of rain gauge stations that can measure rainfall and flow. He stated that SSCAFCA has about 30 gauges, 11 are real-time reporting. The fourth project is identifying the impact of urban impervious surfaces on run off. The study is to identify the different characteristics of a connected impervious surface network as opposed to disconnected areas of impervious surface. The final planned project is quantifying the nature of run off from pervious surfaces. Mr. Schoener noted that because we are in an arid environment with little run off, he believes it is important to augment our limited data with tests in the field to simulate rainfall on a small scale to investigate how the slope, vegetative cover, antecedent moisture in the soil impacts the infiltration rate. The Board congratulated Mr. Schoener for his achievement.

3. Presentation on Washington D.C. Trip.

Mr. Thomas provided a summary of his planned trip to Washington D.C. with Chairman Fahey. Mr. Thomas stated that the trip will be April 25-28, 2017. He indicated that we were unable to schedule a meeting with EPA during this trip. He indicated that there are 11 meetings currently scheduled; the four congressional delegates, the American Society of Civil Engineers (ASCE), the National Association of Clean Water Agencies (NACWA), the National Association of Flood and Stormwater Management Agencies (NAFSMA), the Bureau of Reclamation (BOR), the National Science Foundation (NSF), the Federal Emergency Management Agency (FEMA) and the National Resource Conservation Service (NRCS). Following up on Mr. Schoener's discussion, Mr. Thomas indicated that they will be investigating why the grant was rejected by the NSF.

Mr. Thomas stated that the primary focus of the trip will be to emphasize the need for the funding sources that are targeted for reduction under the proposed budget. To help send this message,

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he has put together a project summary of all projects that we have completed using federal funds. The booklet also contains a paper on arroyo preservation, highlighting the benefits of natural arroyo preservation, including the infiltration work that Mr. Schoener has completed.

4. Action/Acceptance of Selection/Agreement with Universal Constructors, Inc. for Acapulco Road Improvements Phase I Project.

Mr. Thomas stated that this project will assist in protecting the recently installed storm drain in Acapulco Rd. as part of the larger Alberta Road Improvements. Universal Constructors, Inc. was the low bidder, at a cost of \$90,027.00 excluding NMGRT. The time to substantial completion is 45 days.

A motion was made by Mark Conkling to approve awarding the project. It was seconded by Steve House and passed unanimously.

5. Development Action/Approval to become a local sponsor of the US Army Corps of Engineers Rio Grande Environmental Management Program.

Mr. Thomas stated that the primary local sponsor for this project is the Middle Rio Grande Conservancy District (MRGCD), however, they are seeking additional sub-grant partners to help spread the cost of the required local match, which is a 50/50 match for the federal funds. This is a new start project which received congressional approval. The match costs could be as high as \$1.5 million of the full funding is used.

Mr. Thomas indicated that the focus of the study is to evaluate environmental restoration of the Bosque and river in the middle Rio Grande area. As part of the study, the USACE and MRGCD will be looking at various options to improve this corridor. He further stated that this could include the project SSCAFCA have discussed with MRGCD to sever the drain at the outlet of the Harvey Jones Channel and remove the siphon to allow the HJC to drain completely to river.

A motion was made by Mark Conkling to provide \$50,000 of support to the MRGCD. It was Seconded by Steve House and passed unanimously.

***Fiscal Services Director:***

1. Recognition/Acknowledgement of the Fiscal Services Report for March 31, 2017.

Mr. Thomas stated that the Fiscal Services Report for March 31, 2017 is in the Board's packets. He stated that the operating property tax revenue after 9 months is 2.4% greater than at the same time last



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year. General fund expenditures amount to 41.5% of the total budget and SSCAFCA is about 75% through the fiscal year. There were 44 single family residential permits issued by the City of Rio Rancho in March. Interest earned on funds invested in the State Treasurer's Office is 0.59%. The current yield on a 90-day Treasury bill is 0.803%.

The Fiscal Services Report for March 31, 2017 was recognized and acknowledged by the Board.

### **2. Action/Acceptance of Fiscal Year 2018 Preliminary Budget.**

Mr. Thomas stated the Fiscal Year 2018 Preliminary Budget is due to the Department of Finance by June 1st. If the expenditure projections are off, or if revenue collections vary, or there are other variations, staff gets one more chance to fix it in the final budget. That is due by the end of July, which is when it will come back to the Board for final approval.

Mr. Thomas stated that the total General Fund property tax revenue is estimated to be \$2,112,361, and the total assessed value of taxable property is estimates at \$2.63 billion, which is 2.5% higher than last year.

Director Conkling stated that the Budget Committee had reviewed the budget and made a motion to approve the proposed preliminary budget.

In response to a question from Chairman Fahey, Mr. Thomas stated that there were no major changes from last year's budget, the large storm clean-out and General Fund Reserve are the same as last year.

The motion made by Mark Conkling was seconded by Steve House and passed unanimously.

### ***Environmental Services Director:***

#### **1. E. coli Presentation.**

Mr. Gatterman presented information on E. coli in the Middle Rio Grande as associated with our MS4 Permit. Mr. Gatterman explained the basic nature of E. coli and the common sources of E. coli. E. coli is primarily used as an indicator of the presence of pathogenic contamination. The sources are numerous and through the permit we can only address or impact about 43% of the total sources, discounting wildlife, birds, etc. Our MS4 permit is divided into two sections throughout the permit area.

The New Mexico Environment Department (NMED) issues a Total Maximum Daily Load for E. coli for the river and the 2016 issuance splits our permit area into three segments, which no longer aligns with our MS4 permit reaches. The two northern segments are not determined to be impaired,

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but the TMDL remains. A TMDL is a written plan to ensure that a waterbody will maintain a specified level of the contaminant determined by evaluating the background existing levels combined with a factor of safety.

However, our TMDL is based on state or local limits, whichever is stricter. The Isleta Pueblo has the strictest standards, based on primary contact for ceremonial uses. The state standard is 400 colony forming units per 100 mL. The Isleta standard is 88 colony forming units per 100 mL. The MS4 Permittees use a combined Waste Load Allocation (WLA) for our limit on discharging.

Unfortunately, the WLA methodology does not work well for E. coli because of the different units of measurement, and the E. coli contribution can be highly variable. There can also be natural regrowth of E. coli. As a result, the difference in E. coli contribution measured exceeds our WLA, even in dry weather conditions, when we are not discharging. The MS4 group is currently working with NMED to try and figure out a better way to complete this sampling accurately. This will involve adding another sampling point and completing E. coli profiles of the river during dry conditions.

Director Conkling noted that the high river levels he has been seeing in the Bosque could be a significant contributor of E. coli to the river at this time by disturbing new areas.

### **OTHER COMMITTEE REPORTS.**

1. Fifteen Years of Service Award – Jim Service.

Director Conkling presented the 15-year Service Award to Mr. Jim Service. He recognized that Mr. Service has been staunchly dedicated to SSCAFCA with integrity and has been a great emissary for dealing with public.

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

None.

### **CHAIRMAN'S REPORT.**

None.

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

None.

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**PROPERTY MATTERS.**

1. Action/Acceptance - Unit 7, Block 50, Lots 29, 30, 31, 32, & 33 - 5.0 acres - Cholla Pond (Cactus Ponds Project).

Mr. Charles Thomas stated that these properties will be used for the upcoming Cactus Ponds project as a sediment staging area for sediment removed from the project.

A motion was made by Mark Conkling to approve the property acquisition as presented. It was seconded by Steve House and passed unanimously.

**FOR YOUR INFORMATION.**

None.

**OTHER BUSINESS.**

- Next Regular Board Meeting is on Friday, May 19, 2017 at 9:00 a.m.

**CLOSED SESSION.**

A motion was made by Mark Conkling to go into Closed Session to discuss personnel issues. It was seconded by Steve House. The Board went into Closed Session at 10:40 a.m.

**OPEN SESSION.**

The Board reconvened open session at 10:58 a.m. Mr. Fahey stated that the only business conducted during the Closed Session was that relating to personnel issues. A discussion was held and no decisions and no votes were made.

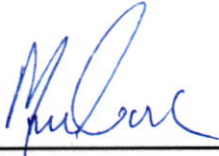


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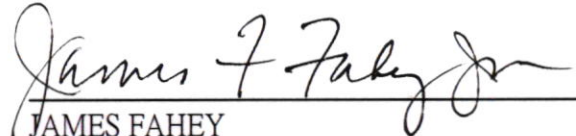
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**ADJOURNMENT.**

With no further business, Mr. Fahey declared the meeting adjourned. Meeting adjourned at 11:02 a.m.



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MARK CONKLING  
Secretary

  
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JAMES FAHEY  
CHAIRMAN

DATE APPROVED: 5/19/17