

SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY  
(SSCAFCA)

MINUTES OF MARCH 18, 2016  
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 Mark Conkling, James Fahey, Steve House. Michael Obrey and John Chaney were noted as absent. Charles Thomas, Executive Engineer, 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 Mark Conkling to approve the Agenda as presented. It was seconded by Steve House and passed unanimously.

ACTION/APPROVAL OF THE MINUTES OF FEBRUARY 19, 2016.

A motion was made by Mark Conkling to approve the minutes of February 19, 2016 as presented. It was seconded by Steve House and passed unanimously.

STAFF REPORTS.

*Executive Engineer:*

1. Legislative Update.

Mr. Thomas stated that Larry Horan was here to give the legislative update. Mr. Horan stated that this year was a 30 day session. It started January 19th and ended on February 18th. It was limited in the scope of legislation that legislators could consider and was primarily for a budget session, revenue matters, and appropriations. The highlight was the declining revenues of the state. They had projected \$300 million in new money for the upcoming budget year in August. That declined to between \$30 million to -\$7 million of new money. Every dollar the price of oil is reduced is about a \$10 million hit to the state. There were only three areas where the state actually expanded funding, which was Medicaid, corrections, and public safety. The bad news is, if the price of oil does not recover, it will be worse in the next budget year.

Mr. Horan stated that the legislators are all up for election this year. This had an impact on some big compromise items that were passed. The biggest issue was the immigration driver's license issue. He identified one project of SSCAFCA's to obtain capital outlay funding, which was Sheriff's Posse Road. They had a \$400,000 request for funding from the legislators going into the session. This year the entire capital outlay money was reduced to \$123 million. SSCAFCA was able to obtain \$345,000 in funding for Sheriff's Posse Road. The Governor has 20 days from the end of the session to sign or veto legislation. SSCAFCA made it through the cut and none of the money was vetoed. He was happy with that amount of funding based on what was available.

Mr. Horan stated that the legislation regarding changing the voting days did come up during this session. It was addressed with the sponsors. That bill did not pass, but they had adopted an amendment that would have excluded SSCAFCA from the provisions of that legislation. The flood control elections would have remained the same. The legislators are now focused on raising money for their races.

Mr. Thomas stated that Sheriff's Posse Road has been renamed to Bosque de Bernalillo.

2. Presentation on Beneficial Changes to FEMA Guidance.

Mr. Charles Thomas stated that the changes that FEMA has made to its guidance as it relates to the hazard mitigation funding criteria have been beneficial for SSCAFCA. This is expected to continue. Initially it had not allowed dams to be funded with FEMA grants because FEMA felt it was the responsibility of other federal agencies. It did relax that standard. FEMA has also come out with additional guidance with regard to the use of an off channel facility and infiltration as eligible activities that will be credited in the benefit/cost analysis for funding projects. He stated that he believes being able to present these issues to FEMA personnel in Washington D.C. is helping to bring them to light and instituting change.



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3. Action/Acceptance to Attend Invitation Only WEFTEC MS4 Summit.

Mr. Charles Thomas stated that SSCAFCA was recently contacted by the Water Environment Federation to attend its Great Cities Conference. It is an invitation only event extended to numerous entities throughout Canada, the U.S., and Europe. SSCAFCA has also been granted the additional honor of being a panel speaker at this event. Mr. Dave Gatterman has been specifically invited to attend this conference. Staff requests Board acceptance to attend this conference and be one of the presenters.

Mr. Dave Gatterman stated that the format is more high level than the detailed information that is presented to the EPA. This conference will look at the collaboration between political entities and how they work with storm water at a regional watershed level.

A motion was made by Steve House to accept the invitation and allow attendance at this conference as requested. It was seconded by Mark Conkling and passed unanimously.

4. Action/Acceptance of Selection/Agreement for the Montoyas Arroyo Stabilization Project.

Mr. Charles Thomas stated that this project was recently put out to bid. It is to stabilize a portion of the Montoyas Arroyo upstream of Sportsplex Dam. There are a number of residences being threatened by the continuing meander of the arroyo. The bid was held last week. There were five responses. The winning bid was with Salls Brothers Construction for \$285,259.05. This was significantly below the engineer's estimate of \$364,867.33 and allows flexibility for potential improvements to the project. Mr. Thomas stated that SSCAFCA also received from FEMA \$361,000 for this project. The bid award package is being reviewed by FEMA staff. Staff is not asking for approval of the contract, rather that SSCAFCA move forward with the agreement pending FEMA's approval of the bid documentation.

Mr. Ron Reeder, a member of the public, asked if the houses had been built too close to the LEE line or if the dam impacted the LEE line somehow. Mr. Thomas stated that, in the early development of Rio Rancho, there were a number of developments that encroached on arroyos in the area that have resulted in homes that are being built now in what is the lateral erosion envelope. In those areas, SSCAFCA is pursuing targeted bank stabilization projects to ensure protection of the homes and minimize the hard lined elements of the channel. Looking forward into areas where development has not occurred, Mr. Thomas stated that staff has worked with the City of Rio Rancho to pass an ordinance that requires the LEE line to be evaluated for every new home or development

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coming in so that it is acknowledged in the process of construction. Looking even farther forward, SSCAFCA is actively trying to acquire as much of the LEE property as it can in areas where it makes fiscal sense to do so in order to protect the entire area and remove it from the possibility of future development.

Mr. Conkling stated that when SSCAFCA's counsel returns, he would like him to evaluate the legal argument of a prescriptive easement within the area of the LEE line. This would save money on purchasing those lots.

A motion was made by Steve House to accept the agreement pending FEMA approval as presented. It was seconded by Mark Conkling and passed unanimously.

5. Action/Acceptance of Resolution 2016-5 Final Acquisition of Property for Badger Dam in the Barranca Arroyo.

Mr. Charles Thomas stated that Resolution 2016-5 is for final acquisition of property for Badger Dam in the Barranca Arroyo. SSCAFCA has acquired almost all of the property for that facility, which is just upstream of Idalia Road, with the exception of one lot that does have a home built on it. The home is currently in foreclosure. Staff has approached the Bank and the owner about purchasing the property. Although the homeowner was willing to work with SSCAFCA, the Bank has not indicated a willingness to work with SSCAFCA on that acquisition process. SSCAFCA is looking into using eminent domain to acquire the property. The appraisal SSCAFCA obtained did not incorporate its findings on the floodplain because it was not a legal document in the eyes of the appraiser with regard to FEMA. SSCAFCA would have to go through a LOMR process to get it adopted into a legally defended item that the appraiser could use. This means that the value that the appraiser determined for the house is without the impacts for the flood risk. The application fee for a LOMR is around \$6,000. The process takes at least six months. Mr. Conkling would like SSCAFCA's attorney to look into this as well. This house was built prior to the LEE line ordinance and is located just outside the FEMA 100 year floodplain.

A motion was made by Steve House to accept Resolution 2016-5 on the condition of having legal counsel and the appraiser review the possibility of completing a LOMR to update the floodplain. It was seconded by Mark Conkling. Roll call vote: Jim Fahey, yes; Mark Conkling, yes; Steve House, yes. The motion passed 3-0.

4. Update on Development Review.

Mr. Charles Thomas stated that the Living Word Church is located on the south bank of the Montoyas Arroyo, just upstream of the Unser Boulevard crossing. Although it has some bank



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stabilization in place immediately adjacent to the building, the arroyo has started to carve into its property and has threatened to undercut the existing bank stabilization. The Church has proposed some construction plans to protect its property. Staff is still waiting for it to address SSCAFCA's and the City's comments prior to approval.

Mr. Thomas stated that La Pazuela, Tracts 6 and 9, was a dedication of right-of-way to the City with a drainage easement. It is a summary plat. There is potentially some internal shifting within the City. SSCAFCA has no comments on this.

Mr. Thomas stated that AMREP has been moving forward with the Lomas Encantadas Subdivision, putting in the infrastructure for eventual development. AMREP still has several questions to answer to both the City and to SSCAFCA so it has not yet been approved. SSCAFCA's Enchanted Hills Dam is just downstream from this site.

***Fiscal Services Director:***

1. Recognition/Acknowledgment of the Fiscal Services report for February 29, 2016.

Ms. Deborah Casaas stated that the Fiscal Services Report for February 29, 2016 is in the Board's packets. She stated that revenue is coming in as expected and there are no surprises. General fund expenditures through February 29 are a little low compared to last year. Part of this is timing because SSCAFCA is now entering the cleanup season and will see more O & M expenditures. There were 67 single family residential permits issued by the City of Rio Rancho in February, for a total of 114 permits. This is up from last year. Interest earned on the State Treasurer's funds was at a rate of .344% for the month of February. The Treasury Bill is yielding about .249%.

The Fiscal Services Report for February 29, 2016 was recognized and acknowledged by the Board.

2. Discussion on Financial Reporting of Capital of Assets.

Ms. Deborah Casaas stated that some very important questions had come up at the Budget Committee meeting and she wanted to address them here. SSCAFCA's infrastructure is capitalized over a 70 year life. It is an accounting estimate. Considering that they are depreciated over 70 years, the amount is small. SSCAFCA keeps up its facilities very well, so they will probably extend beyond 70 years. When this was implemented, they were given the option to not depreciate the assets, but in that case you were required to have an outside engineering firm certify that the assets

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were being maintained at original condition. This is quite costly. SSCAFCA has a very conservative approach with regard to reserve and replacement funds, and is in excess of what is required by the state. The state requires 1/12 in reserve and SSCAFCA has more than double that. SSCAFCA has about 34% retained as reserve funds. It is an accounting procedure that doesn't affect the day-to-day process.

Mr. Thomas stated that it might be a good time to move item M up and deal with it at this point in the meeting because of the time constraint of Mr. House.

### **PROPERTY MATTERS.**

#### ***1. Action/Acceptance - Unit 11, Block 29, Lots 29-32 - 2.00 acres - Rainbow Pond.***

Mr. Charles Thomas stated that it is necessary to obtain this property for the Rainbow Pond project. It is a total of four lots and is property that is adjacent to a piece that SSCAFCA has already purchased. This will enable SSCAFCA to have space for storage of the excavated material during construction. This is a significant cost savings to SSCAFCA if it is able to bid the project with a local disposal site.

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

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

#### ***1. Update on the Status of the Watershed Based MS4 Permit and Public Outreach.***

Mr. Dave Gatterman stated that the MS4 Permit process started in 2009. In 2016, SSCAFCA has actually received approval under the MS4 water based permit. It is no longer theoretical. The way EPA has dealt with this issue is that each entity must apply on its own and go through a phased approval process. The Village of Corrales and the Town of Bernalillo are still awaiting their approval from EPA under the permit.

Mr. Gatterman stated that all municipalities are covered under the permit, along with some non-traditional entities like SSCAFCA. The Pueblos are also covered under the permit but are currently seeking exception. The MRGCD has been exempted as an agricultural exemption, and are also considered Waters of the U.S.

Mr. Gatterman stated that there are several pieces to this permit that are moving along. There is incentive by the EPA on timelines by using a cooperative approach. A lot of the entities



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cooperated. The implementation plan by each entity will be done in a Stormwater Management Plan. Staff will write that for SSCAFCA. The first strategy was to form the Technical Advisory Group. This was a no-cost obligation group to exchange details and information. There is no sampling or public outreach. The first meeting was in January 2015. The second strategy is wet weather monitoring. There is a significant incentive in the permit to tackle this cooperatively, but it does require a financial contribution from each entity who decides to participate. A full agreement is needed that spells out what each entity will be doing. A draft was sent to the EPA in December, and comments were received in March. The deadline for a readiness sample is June 2016, so this will have to move quickly.

Mr. Gatterman stated that it is very expensive to pull samples. SSCAFCA has proposed doing samples at two locations. One is the Angastora Dam and the other is at the Isleta Bridge. Almost all the MRGCD facilities come out of the river and go into the Albuquerque Metro area system, and then come back into the river upstream at the Isleta Bridge. Any storm water influence will be picked up in this sampling effort.

Mr. Gatterman stated that sampling events would be triggered by members of the cooperative that are signed. If it rains, and it is a significant event, a member can trigger the upstream sampling that will happen before the drain. The weather can be monitored throughout the day and if the event is qualifying event, the consultant would then go down and sample at the south end. It would then need to be determined if it was a qualifying event. The samples will be held until it is known if it is a qualifying event, except for e-coli. The process is repeated seven times throughout the permit.

Mr. Gatterman stated that there are 12 entities that have expressed interest. It is everybody in the Technical Advisory Group, except for the federal entities, and Expo NM. The cost is about \$110,000 over a four year life span. AMAFCA developed a cost allocation tool that takes into account geographic area, impact space, and population. SSCAFCA's contribution could be as little as \$5,000 total over this period of the permit. Going in as a group has diluted the cost of the permit. This counts on EPA accepting the plan as written and getting storm events. The last part depends on there being no exceedances of the permit. If there is an exceedance, more work will need to be done and could raise the cost.

The comments by EPA included wanting to know what SSCAFCA would do if there was an exceedance. They also wanted SSCAFCA to prepare the presentation that was held in February. They wanted SSCAFCA to discuss how it would locate the potential source of contamination. It was not something that would affect the impact. They simply wanted more detail with regard to the sampling agreement they built off the first effort many years ago.

Ms. Catherine Conran stated that the Storm Water Quality Team is made up of SSCAFCA, AMAFCA, ESCAFCA, the DOT, Sandoval County, the City of Rio Rancho, Los Ranchos, Town of Bernalillo, and the City of Albuquerque. Since 2004, they have been working on educating people about the impacts of pollution to the river. This is not just the e-coli contribution, but it is all of the floatables that go into the river. The program is not just dedicated to educating children, but covers everybody. For the last couple of years, the team reached around 60,000 people. The team can utilize any programming or outreach that any other agencies are doing within the region so SSCAFCA went after ABCWUA FOG (fats, oils and greases) program and the City of Rio Rancho, and took credit for their outreach and education. Now, instead of just reaching 60,000 people, SSCAFCA is reaching 1,396,290 and increasing its scope.

Ms. Conran stated that the Scoop the Poop campaign was started in 2005. These stickers are given out in schools and the students really like them. The politicians are also interested in talking about this campaign. This year, a kiosk was kicked off at the City of Albuquerque Downtown Library. One of the features is a game where you can pick your dog and scoop its poop. Each side has a different interactive thing that shows how it impacts the environment.

Ms. Conran stated that the Poop Fairy has evolved from the Scoop the Poop campaign. This originally came out when Bernalillo County pushed it with print and news, radio marketing, booths at the zoo, etc. The Greenville, South Carolina, Soil and Water Conservation District allows SSCAFCA to use the Poop Fairy for free as long as it is for outreach and education. SSCAFCA kicked off its program in 2015. SSCAFCA printed up signs and spent \$950 on its program. None of the other entities have ever told anybody why they need to scoop the poop. SSCAFCA goes out weekly and restocks the pet stations and pick up the pet waste that is left at its facilities. When the waste is picked up, it keeps over several hundred pounds of dog waste from going into the water system. This is in a 400 yard space at the Dam 4 to 1 site. SSCAFCA started receiving nice emails from the public regarding the Poop Fairy. Ms. Conran was excited to be told that SSCAFCA's signs are being stolen because it means that it's getting the word out.

Ms. Conran stated that the public sees SSCAFCA personnel out in the area picking up the trash with the poop in it. It spreads the environmental impact awareness. By being out in the community, the public can see just how much SSCAFCA cares about the community. SSCAFCA is always promoting these programs. SSCAFCA continues to reach out in the schools in order to continue getting the message out multiple times. The hope is that enough pressure from kids to their parents will enforce the change.



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Mr. David Gatterman stated that every two years, the NMED develops a list of contaminants for the water system. The total maximum daily load has several reaches. This reach of the river had a serious e-coli TMDL in 2014. After the campaigns, the draft public 303D list for public comment only contains one e-coli impairment, and that is south of Tijeras Arroyo, south of the Albuquerque wastewater treatment facility. The two areas SSCAFCA is concerned about have been de-listed from e-coli impairment. These programs are having a good impact on the area.

Mr. Gatterman stated that the Wet Weather Water Agreement still needs to be executed with a lot of the entities. There are other permit elements that need to be implemented as well. A lot are administrative and internal policies. SSCAFCA has to make sure it impacts low impact development on its projects. SSCAFCA also needs to complete its Storm Water Management Plan and submit it this coming December. The draft should be to staff by early summer. Once money starts being spent, there will need to be some sort of Joint Powers Agreement.

Mr. Charles Thomas stated that he believes that having worked intimately with the EPA helped move it through the system. Mr. Fahey stated that he is proud of how staff has worked on this issue.

**OTHER COMMITTEE REPORTS.**

None.

**ATTORNEY'S REPORT.**

None.

**CHAIRMAN'S REPORT.**

None.

**BOARD OF DIRECTOR'S COMMENTS.**

None.

**PUBLIC FORUM.**

None.

**FOR YOUR INFORMATION.**

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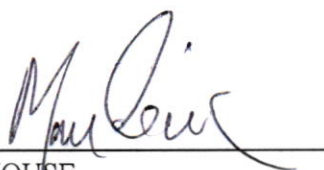
1. Albuquerque Journal article, "Fourth-graders Get a Lesson on Stormwater," (2/19/2016).

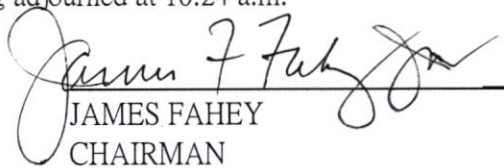
**OTHER BUSINESS.**

- Next Regular Board Meeting is on Friday, April 15, 2016 at 9:00 a.m.

**ADJOURNMENT.**

A motion was made by Mark Conkling and seconded by Michael Obrey to adjourn the meeting. It was carried unanimously. Meeting adjourned at 10:24 a.m.

  
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STEVE HOUSE  
Secretary

  
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JAMES FAHEY  
CHAIRMAN

DATE APPROVED: April 15, 2016