

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY  
(SSCAFCA)  
MINUTES OF NOVEMBER 21, 2019  
BOARD OF DIRECTORS REGULAR MEETING**

**CALL TO ORDER.**

The regular meeting of the SSCAFCA Board of Directors was called to order by Michael Obrey, Chairman, at 9:02 am.

**ROLL CALL OF DIRECTORS.**

Directors in attendance were James Fahey, Mark Conkling and Michael Obrey. Charles Thomas, Executive Engineer was present, as well as Charles Garcia, attending as SSCAFCA's attorney. Members of the public were also present.

**ANNOUNCEMENTS.**

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

**PLEDGE OF ALLEGIANCE.**

The Board was led in the Pledge of Allegiance by Chairman Obrey.

**APPROVAL OF AGENDA.**

Mr. Thomas stated that the agenda item for adoption of the new Personnel Policy should be removed as the new Policy is not yet complete. A motion was made by James Fahey to approve the Agenda as amended. It was seconded by Mark Conkling and passed unanimously.

**ACTION/ACCEPTANCE OF THE MINUTES OF OCTOBER 17, 2019.**

A motion was made by James Fahey to accept the minutes of October 17, 2019 as presented. It was seconded by Mark Conkling and passed unanimously.

**PUBLIC FORUM.**

Ron Abramshe, President of the Alegria Home Owners Association was present. Mr. Abramshe stated that work has been completed on the Santiago Channel, including work completed by SSCAFCA in the Venada. Mr. Abramshe stated that the berm SSCAFCA constructed did divert the recent storm flows from the Santiago channel and kept sediment from entering the channel. Mr. Abramshe also stated that the Annual Meeting of the association was December 4<sup>th</sup> and invited SSCAFCA to attend and present.

**STAFF REPORTS.*****Executive Engineer:*****1. Update on Waters of the United States.**

Mr. Thomas stated that looking back at the history of the Waters of the United States (WOTUS), the confusion dates back to the original Clean Harbors Act, and the subsequent Clean Water Act, neither of which defined "WOTUS specifically. Mr. Thomas then presented a brief history of the evolution of the definition of WOTUS.

Prior to the Obama Administration, the Environmental Protection Agency and the US Army Corps of Engineers both operated under different interpretations of WOTUS and the definition included the concept of a significant nexus to determine if ephemeral streams were part of WOTUS. The Obama Administration issued the 2015 WOTUS Rule in an attempt to adopt a unified definition. However, the new rule was quickly appealed and suspended in New Mexico and other states.

In response to questions from the Board, Mr. Thomas clarified the different types of permits that are issued by the US Army Corps of Engineers and how SSCAFCA is impacted by them. Mr. Gatterman also added that SSCAFCA is permitted to complete maintenance activities in areas where improvements to the arroyos or channels are already existing.

Currently, the Trump Administration has officially repealed the 2015 WOTUS Rule and is working on issuing a new version of WOTUS. Until a new rule is issued, SSCAFCA is bound by the existing older definitions last updated in 2008.

**2. Action/Approval to vacate public drainage easement within Tract 13A-1, Cabezon, of the Presbyterian Rust Medical Center property.**

Mr. Thomas stated that SSCAFCA has been asked to vacate the drainage easement on property occupied by Rust Medical Center south of Wellspring Blvd. Mr. Thomas stated that this easement tracks the original alignment of the Black Arroyo and the majority of the flows are now diverted into the Westside Blvd. channel. The vacation was requested by Presbyterian to allow them to complete additional construction on the property. Mr. Thomas stated that the Hospital property is elevated to be outside of the 500-year floodplain and would not be at risk of flooding from vacation of the easement. The vacation of the easement south of Wellspring Blvd. is recommended by staff.

A motion was made by Mark Conkling to approve vacation of the public drainage easement within Tract 13A-1. It was seconded by James Fahey and passed unanimously.

**3. Action/Approval of Resolution 2019-28 Capital Outlay Priorities for the 2020 Legislative Session.**

Mr. Thomas stated that Resolution 2018-28 establishes the legislative priorities that SSCAFCA may seek support for from the Legislature in the upcoming session. Mr. Thomas stated that this year will be a short session, the 30-day session, limited to fiscal matters. The projects included in the Resolution are the Lower Montoyas Bank Stabilization project, the Lower Venada Bank Stabilization project, the Sugar Road Culvert Improvements, the Tributary A Dam project, the Badger Dam project and a backhoe for the SSCAFCA maintenance crew.

A motion was made by James Fahey to approve Resolution 2019-28 as presented. It was seconded by Mark Conkling. Roll call vote: James Fahey, yes; Mark Conkling, yes; Chairman Obrey yes. The

motion carried 3-0.

4. Development Review.

Mr. Thomas stated that there are several areas with ongoing development. At Hawksite, the developer is proposing the construction of 160 lots. Stormwater runoff will be collected into storm drains and will ultimately discharge into the pond on the north side of Northwest Loop Rd. The Cielo Azul Townhomes entails development of 3.8 acres of undeveloped land into 16 quad-plex units northwest of Cielo Azul Elementary School in Northern Meadows. The development proposes to directly discharge into the adjacent SSCAFCA pond. This last phase of the subdivision for Cleveland Heights adds 80 lots to the subdivision. There is a detention pond at the southeast corner of the subdivision, which discharges into the Paseo Gateway Channel.

There is significant activity in the Unit 10 area related to Los Diamantes. The Los Diamantes Subdivision Phases 1 & 2 includes approximately 117 acres of the residential area. Stormwater runoff is proposed to be collected by internal roads, drop inlets, and discharged into the subdivision pond planned at the southeast corner of the residential area. The detention pond will discharge into the 10<sup>th</sup> Street storm drain system, the new section of Westside Blvd from Unser Blvd to future Los Diamantes Drive (one block west of 10<sup>th</sup> Street). Roadside drainage collected in a storm drain series of cascading small ponds in the medians are proposed, and the 36" storm drain will discharge into the Black Arroyo just upstream of the Unser Blvd Culvert.

Finally, regarding the storm drain improvements downstream of Los Diamantes under 10<sup>th</sup> St., the developer is proposing to connect the storm drain in 10th Street from the north project end of the Los Diamantes Phase 2A improvements to the outfall of the future SSCAFCA Harley's Pond. It also proposes to modify the SSCAFCA Saltillo Pipeline Structure so that the storm drain between the south project end of the Los Diamantes Phase 2A improvements and the Saltillo storm drain can be connected.

***Facility Operations Director:***

1. Update on Lomitas Negras Phase 2 Project.

Mr. Gatterman stated that this is the fourth update of this project. Mr. Gatterman stated that an additional \$1 million of improvements has been added to the project to add additional bank protection between NM 528 and Saratoga Dr.

Mr. Gatterman indicated that the completion date for the project is January 17, 2020. He presented images showing the construction completed to date. Mr. Gatterman indicated that the work west of Saratoga Dr. is substantially complete as of this meeting.

In response to a question from the Board, Mr. Gatterman stated that the project improvements raised the property, owned by Rio Rancho Public Schools, out of the floodplain and provided bank protection for the school property as well.

**OTHER COMMITTEE REPORTS.**

Mark Conkling stated that a Personnel Committee Meeting was held on November 20<sup>th</sup> to discuss matters pertaining to ongoing litigation.

**ATTORNEY'S REPORT.**

None.

**CHAIRMAN'S REPORT.**

None.

**BOARD OF DIRECTOR'S COMMENTS.**

Mark Conkling and John Chaney were successfully re-elected to another term as Directors of the Board of SSCAFCA in the recent November 5<sup>th</sup> election.

**PROPERTY MATTERS.**

1. Action/Acceptance U12, Blk 19, Lots 21 & 22 – 2.69 acres – Montoyas Arroyo ROW
2. Action/Acceptance U17, Blk 113, Lots "PARK" – 8.72 acres – Lower Honduras Pond

Mr. Thomas stated that there were two lots for approval. The first two lots are along the bank of the Montoyas Arroyo within the LEE line and are being acquired to protect the bank. The second lot is necessary to complete the Honduras Pond Project.

James Fahey moved acceptance of both properties. It was seconded by Mark Conkling and passed unanimously.

**FOR YOUR INFORMATION.**

1. In accordance with Resolution 2019-21 Acquisition of Property for the Calabacillas Playa Project, the following properties have been acquired:

U06, Blk 48, Lot 9 – 1.0 acres  
U07, Blk 19, Lot 17 – 1.10 acres  
U07, Blk 50, Lot 35 – 1.00 acres  
U08, Blk 51, Lot 5 – 1.00 acres  
U08, Blk 52, Lot 3 – 1.00 acres  
U07, Blk 47, Lot 1 – 1.00 acres

U08, Blk 48, Lot 38 – 1.00 acres  
U08, Blk 51, Lot 8 – 1.00 acres  
U06, Blk 49, Lot 20 – 1.00 acres  
U08, Blk 51, Lot 2 – 1.00 acres  
U08, Blk 42, Lots 12 & 13 – 2.00 acres  
U06, Blk 49, Lots 8 & 9 – 2.00 acres

2. ABQ Journal Article, "NM Leads U.S. in Percentage of High-hazard Dams," (11/10/2019) (m/o)
3. Corrales Comment Article, "Long-Awaited Salce Basin Project Begins for Arroyo Flood Control Project," (11/9/19) (m/o)
4. Rio Rancho Observer Article, "Agents Eye 2 in Club Rio Rancho Arson" (11/4/19)
5. Rio Rancho Observer Article, "Governing Body, Developer Discuss Golf Course," (10/25/19)
6. Rio Rancho Observer Article, "Harris Elementary Progresses," (10/20/19) (m/o)

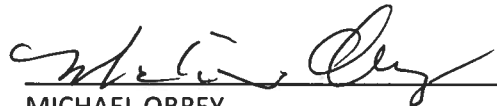
- 7. Corrales Comment Article, "Tough Rules Ahead to Control Sandhills Stormwater Runoff" (10/19/19) (m/o)
- 8. Corrales Comment Article, "Nov 5 Election for SSCAFCA Board, CNM Bonds," (10/19/19) (m/o)
- 9. Corrales Comment Article, "Solar Farm Now Generating," (10/19/19) (m/o)


**OTHER BUSINESS**

The next Regular Board Meeting is scheduled for December 19, 2019 at 9:00 am.

**ADJOURNMENT.**

The meeting was adjourned by Chairman Obrey at 10:05 a.m.

  
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MICHAEL OBREY  
Chairman

  
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STEVE HOUSE  
Secretary

DATE ACCEPTED: 12/19/2019