

SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
(SSCAFCA)
MINUTES OF 1-15-91 BOARD OF DIRECTORS REGULAR MEETING

CALL TO
ORDER

The meeting of the SSCAFCA Board of Directors was called to order by Chairperson Judy Vanderstar Russell at 1:00 pm.

Those directors in attendance were Judy Vanderstar Russell, John F. Chaney, Guy McDowell, Annette Jones, and Fred Coppola. Others present were Attorney Bernard Metzgar and Richard Farmer, Consultant. Also present were some members of the public.

APPROVAL OF
PRIOR
MINUTES

The minutes of the 12/13/90 meeting were presented and a motion by John Chaney was made to approve them with the only correction to be on page 3, paragraph 1, to read "even though it is a long session". A second was made by Annette Jones. Carried unanimously.

The minutes of the 1/2/91 meeting were presented and a motion was made by Annette Jones to approve those minutes with an addition to the last sentence on page 4, paragraph 2, so as to read, "After further discussion by the Board, it was decided that Annette Jones, and Judy Russell would try to meet with Senator Dennis Chavez to determine if he would sponsor a Bill to change the statute if the Board approves this change". A second was made to approve the minutes by John Chaney. Carried unanimously.

AGENDA

Judy Russell asked to have another item added to the agenda before item #10. The addition would be Per Diem and Mileage. A motion to approve the agenda with the addition of Per Diem and Mileage was made by Annette Jones and a second was made by John Chaney. Carried unanimously.

TREASURER'S
REPORT

The treasurer's report was given by Annette Jones. A motion was made by Judy Russell to authorize the payment of the bills as listed: Lamb & Metzgar, Kelly Service, Crystal Springs Bottled Water, and the Albuquerque Journal paper for legal ads. A second was made by Guy McDowell. Carried unanimously.

SECRETARY'S
REPORT

Mr. Chaney asked the Board about the authorized amount of keys to the building. Ms. Russell said it could be discussed at this time or under agenda item #9, Security Procedures. Mr Chaney decided to defer this subject until item #9, Security Procedures.

OFFICE
COMMITTEE
REPORT

There was no report at this time from the office committee. Mr. Coppola asked the board for permission to do a complete inventory of the office on Friday, January 18th. Mr. Coppola will present that inventory to the Board so that the Board will have a clear picture of the current assets. The Board felt this inventory would be important for audits and all agreed to have Mr. Coppola do the inventory on Friday, January 18th.

PERSONNEL
COMMITTEE
REPORT

Mr. Chaney reported that he, Annette Jones and Richard Farmer met and decided on the qualifications of the staff positions. Mr. Farmer passed out the copies of those qualifications to the Board members. Mr. Chaney asked the Board to review those qualifications. Annette Jones asked Attorney Bernard Metzgar if SSCAFCA would fall under the State's requirements for benefits. Mr. Metzgar stated that SSCAFCA was not a State agency so SSCAFCA did not fall under PERA. Mr. Metzgar went on to say that any kind of retirement and/or insurance package that SSCAFCA would adopt would be a separate package adopted by, and funded by, SSCAFCA in SSCAFCA's administrative capacity. Mr. Metzgar asked the Board to recall that in the six month budget which was submitted to the County, some kind of benefit package had been included. Mr. Farmer stated that Ms. Judy Olsen, the office manager for AMAFCA would be happy to come to the SSCAFCA Board to tell them how AMAFCA set up their benefit and insurance package. Ms. Russell suggested that Ms. Olsen meet with the personnel committee. Annette Jones made a motion to immediately start a personnel search. Mr. Chaney asked for more discussion. Mr. Coppola was unsure if the Board should create and advertise all of the positions. He felt that with the exceptions of one or two of the positions the expenditures were not necessary at this time. Mr. Coppola felt that the thirty to forty thousand dollar positions may not be warranted at this time because

the Board had no projects on the drawing board. Mr. Coppola stated that he had questions about what this individual would be doing for that kind of money. He felt that with the depressed state of the economy at this time the Board should not rush out to spend that kind of money. Ms. Jones said the Board is only an advisory committee and does not have the knowledge, expertise or the know how to market bonds and make feasibility studies for projects. If the Board is going to keep going then she feels the Board needs an executive director. Ms. Russell then made the second for Ms. Jones' motion to immediately start a personnel search. Ms. Russell stated that she felt the hiring process was a long one and the Board should not wait. Mr. Chaney said that he, Annette Jones, and Richard Farmer discussed the matter of an executive director position in detail. Mr. Chaney asked Mr. Farmer to tell the Board what an executive director would do after he was hired. Mr. Farmer told the Board that initially an executive director would have several important duties. First would be public relations. Mr. Farmer stated that an executive director is going to have to sell this program by meeting with the City of Rio Rancho, with the Sandoval County Commission, the Village of Corrales and all kinds of civic groups everytime he gets a chance to appear before them. Mr. Farmer also stated that as per the assessment plan, and from the results of the public meetings, there are a number of very viable projects on which almost no work has been done. An executive director would be giving information to this Board as an advisor regarding what type of structures, what the projected costs would be, and any other information that would be relevant to a project. He would bring all of this information to the Board so the Board could look at the projects that it might want to pursue. He stated that this is going to take a lot of time, a lot of work, and a lot of tools. The director will be needing aerial photographs. He will need to work with the Army Corps of Engineers to find out what kind of assistance they can provide. An executive director would meet with the State Engineer's office, the County, and the City Engineer of Rio Rancho to try to coordinate all of these things. Mr. Metzgar added that after the executive

director does all of that and after this Board has decided what projects the Board might want to undertake, then the executive director will have to implement them. Mr. Metzgar stated that this person is going to have a tremendous job. He stated that the Board is made up of elected volunteers and he felt that none of the Board members could spend the amount of time needed to implement any project. Mr. Coppola felt that a director could be necessary in the future but that an amount such as \$30-40,000 is asking quite a lot from the taxpayers right now. Mr. McDowell said he shared Mr. Coppola's view of the economy, but he felt it took a certain amount of time to get up to speed. In other words, he felt a person could not come from the outside and get involved in a complicated field with all the detail the Board is asking on this job requirement without some time to get better acquainted with those requirements. Mr. McDowell felt it was a matter of balancing the economy with some "insurance". Mr. McDowell felt that the prudent management thing to do would be to find a suitable candidate and to put him on the payroll and if it cost one half of a year's wages to do it, the Board would have bought some "insurance". Mr. Chaney said there had been a lot of criticism about the executive director position and the criticism has been that the Board does not have any concrete projects. Mr. Chaney said it seemed to him that one of the initial projects the Board could have an executive director undertake would be to try to create a Joint Powers Agreement among the various governments involved that would implement some kind of county-wide system of regulations for future development. He felt that this was something that a new director could take off with right away. In the meantime, the Board was going to be bombarded with other proposals from various governmental entities. Corrales has already suggested a project and an executive director could be of value on advising the Board on that project. Mr. Chaney also stated that he had severe reservations about the position of executive director because of the money involved. However, he felt an executive director could be an invaluable person to the Board.

Mr. Chaney then made a motion to have the motion amended to read that each position would be voted

on individually both for creating the position and advertising for that position. Mr. Coppola made a second to the motion to amend the motion.

Ms. Russell asked the members of the public if they had anything they wished to say on the personnel matter. Roberta King of Corrales spoke saying that the motion was to create guidelines for these positions but the public does not know what positions the Board is talking about: Ms. King asked for someone to read what those positions are so that the public could discuss and comment on them. Mr. Chaney read the job titles: two full-time positions, an Executive Director and a General Administrative Secretary; and two advisory positions, General Counsel and Resource Conservationist. Ms. Russell said she would like to clarify that the two advisory positions were already established, but their contracts were running out. These positions were included for completeness. They are already in existence. Mr. Farmer noted that those positions would also have to be advertised. Mr. Louis Stefanni then said that he would like to comment from the taxpayer's stand point. He stated that the Board was only going to have a certain amount of dollars to spend. He felt that too often organizations like this go off the deep end and do things that they find later they shouldn't have done. He said, "This budget is just like any family budget, you have to manage it with priorities." Mr. Stefanni continued by saying that what the Authority needs to do first is to put all of its resources into the objectives of finding out what, and where the problems are in Sandoval County in order to be able to control the flooding. He said, "You don't sell the public by telling them that you have hired so many people, so many administrators, and so many of this and that and now the Board doesn't have any money left." Mr. Stefanni said that what he would suggest would be that the Board use whatever resources available to the Board members and get a first class engineering firm with a national reputation to start on a finite plan in which the Board had confidence and start working on it. Mr. Stefanni felt the Board may get to a point where it was only developing another bureaucracy.

Ms. Russell asked if there were any more comments from the Board or members of the public. No further

comments being made, a vote was called on the motion to immediately start a personnel search and to create each position separately and to advertise each position separately. The motion carried unanimously.

A motion was made by John Chaney to create the position of General Administrative Secretary. Annette Jones made a second to the motion. It carried unanimously. A motion was made by Mr. Chaney to advertise the position. A second was made by Annette Jones. It carried unanimously.

John Chaney made a motion to continue the position of General Legal Counsel as an hourly position. A second was made by Annette Jones. It carried unanimously. Mr. Chaney made a motion to advertise for the position, adding that the personnel committee would develop an RFP for that position. It was seconded by Ms. Jones. It carried unanimously.

A motion was made by John Chaney to continue the hourly position of Resource Conservationist. It was seconded by Guy McDowell. Mr. Coppola asked for an explanation of what the position of Resource Conservationist would entail. Mr. Coppola asked for someone to clarify that position. Mr. Chaney said the Resource Conservationist would be the right hand man to the Executive Director; someone he could call on for additional advice. Ms. Russell stated that she felt that this would be a cost-saving device since it is on an "as needed basis". She said, "If he doesn't work, he doesn't get paid. If the Executive Director is swamped, the Resource Conservationist would have hours and would be paid." Mr. Chaney asked Mr. Farmer to further elaborate to the Board on what the position entails. Mr. Farmer said the position would be an hourly position until the Executive Director came on board. He would perform all duties in the interim period that the Executive Director would be expected to do. When the Director came on there would be a period of orientation. The position would be there until such time as the Executive Director felt he was no longer needed.

After discussion and comments from both the Board and the public, a vote was taken by the Board for Resource Conservationist to be advertised. The vote was as follows: Mr. Chaney, Yes; Annette Jones, Yes; Mr. Coppola, No; Mr. McDowell, Yes; and Judy Russell, Yes. The motion carried.

Ms. Jones then made a motion to create the position of Executive Director. A second was made by Ms. Russell. There was much discussion by both the Board and the public on creating this position. After the discussion, the vote on the motion to create the position was taken. It was as follows: Annette Jones, Yes; Fred Coppola, No; John Chaney, Yes; Guy McDowell, Yes; and Judy Russell, Yes. The motion carried. No motion was made to advertise this position. The Board asked the Personnel Committee to put together a package that would redefine and clarify the position and its qualifications. The Board asked the Committee to then bring back the information to the Board at a future date. Then the Board would decide if the position would be advertised.

LEGAL
COUNSEL
REPORT

Mr. Bernard Metzgar then made his report. He said he had sent each Board member a memo regarding the possible amendment to the SSCAFCA statute. Mr. Metzgar stated that he had reviewed the entire statute to see what portions of the statute would have to be amended to eliminate the requirement that the bond election could only be held at general elections. He had also looked to the statute to see if there was any clean up language that might be required. Mr. Metzgar reported that he had found very little clean up language that was necessary and set it forth in the memo. Mr. Chaney asked Mr. Metzgar to clarify what authority the Board is considered to have. Mr. Metzgar answered that SSCAFCA is called a governmental entity. SSCAFCA is not a State agency. Mr. Coppola said he could not support changing the bond issue time. He felt that there was a probability of war, an economic depression, and additional taxes instituted in '91. He felt the mood of the taxpayers having to face additional taxes would be negative and, therefore, he felt an off-year bond election would not be a good idea. Mr. Chaney supported changing the time of the bond election because of the large number of bonds included in the general elections. He felt that having it on an off-year time would allow for more time to educate the public on the bond issue, so that the public would know in a clear and coherent way what they would be voting on. Annette Jones said she was completely for an off-year election because she felt the Board could do a better educational job. Ms. Russell asked if there were any more recommendations or comments on the statute. She then stated she had found some

clean up language:

72-19-8, "except for the first directors appointed as provided for in Section 9 (72-19-9 NMSA 1978) of the Southern Sandoval County Arroyo Flood Control Act and except for any director chosen to fill an unexpired term, the term of each director commences on the first day of January next following a general election in the state and runs for six years. Each director, subject to such exceptions, shall serve such a six year term ending on the first day of January next following a general election, and each director shall serve until his successor has been duly chosen and qualified".

Ms. Russell said that it was in conflict with 72-19-10, which says:

"the terms of the directors shall be determined by lot at their organizational meeting".

Mr. Metzgar confirmed that Ms. Russell was correct.

Ms. Russell said another one she had found was 72-19-22, referring to taxpaying electors. This is in Subsection I. Ms. Russell said she believed that the intent of Mr. Metzgar's memo was to eliminate "taxpaying electors". Mr. Metzgar agreed that Ms. Russell was correct. He said it should read "qualifying electors".

Returning to the subject of an off-year election, Mr. McDowell said he could see both the advantages and disadvantages but he felt he did not want to change the regular election interval.

Annette Jones made the motion to adopt the entire memo with the changes noted by Ms. Russell on 72-19-8 & 17-19-22-I. Mr. Chaney made the second. Mr. Chaney wanted to note that this was not an attempt to rig the electoral process or to pull the wool over the public eye. Ms. Russell felt it was an opportunity to educate people because at general elections there are so many issues the public is bombarded to the point of a sensory overload.

Roberta King asked the Board to clarify exactly

what the memo contained. Mr. Metzgar carefully went over the memo and what it essentially contained. Mr. Metzgar explained that if amended, it would only allow the bond issue to go to an off-year election. It would not require the change.

The other language referred to the property owners being able to vote on the issue. The U.S. Supreme Court says you cannot restrict elections to property owners only, so it needs to read "any qualified elector can vote".

One member of the public asked who would pay for this off-year election costs. Mr. Metzgar answered that the County Clerk would run the election. However, if there was an additional cost she could charge it to SSCAFCA. For that matter she could probably charge the total cost to SSCAFCA. Mr. Metzgar stated that he did not know how much the cost would run. Ms. Russell pointed out that the change would only allow the Board to have the special off-year election. If the Board should find out the cost is too high, that would be a factor as to whether or not the Board would decide to do that. Ms. Russell said the Board would have to find out from the County what the cost would be. Annette Jones said she would just like to have the option. Whether it is ever done or not she felt it was very important to have that option.

The vote was then taken on the motion. Ms. Jones, Yes; Mr. Coppola, No; Mr. Chaney, Yes; Mr. McDowell, Yes; and Judy Russell, Yes. Motion carried.

Mr. Metzgar reported that after the last meeting when he arrived at his office, Mr. Matt Spangler from AMREP had called to say he was working on the urban ponds and Mr. Metzgar thought Mr. Spangler would be able to give him some information on it prior to today's meeting. Mr. Metzgar had tried to call him today before the meeting but had been unable to reach him. He stated that he was only trying to clarify who owns those ponds. Then the Board might be interested in doing this kind of project. He again stated that the Board had not voted to do any project on the urban ponds; he was only gathering information to see if SSCAFCA wants to do this project.

STAFF
REPORT

Mr. Farmer told the Board he received notice that the Department of Finance and Administration did approve the budget request.

Mr. Chaney asked Mr. Farmer to prepare a check list of projects and their status so that the Board could discuss them. Mr. Coppola asked if those projects were the ones listed in the Preliminary Needs book. Ms. Russell said yes they were.

OFFICE
POLICY
AND
PROCEDURES

Ms. Russell said that now that the Board was getting organized she felt the Board needed to set down some office policies. Some of her suggestions included having the minutes ready one week before meetings so the Board could look them over before the meeting. The minutes should be ready on Tuesday at 1:00 pm one week before the next meeting for the Board members to pick up, or they could be mailed if a Board member would call and request them to be mailed. It was agreed to by all Board members. Mr. McDowell felt that the members of the public should also have copies of the minutes available. It was agreed there would be five copies made to hand out to the public and if more people wanted them, more would be made.

It was agreed by the Board members that Board members should not be charged for copies of Board business contained in the files. The public would still be charged the 25¢ per page as before. The secretary was to keep a record of copies that were made.

Ms. Russell also brought up the use of SSCAFCA letterhead. It was decided after much discussion that a Board member who sends a letter on SSCAFCA letterhead must be very clear in the letter that it is by a Board member, not the Board itself. Mr. Chaney made a motion that any Board member could use the SSCAFCA letterhead as long as a disclaimer is placed in the letter that the member is acting in their own behalf and not for the Board, and a copy be made to put into the Chairman's file. A second was made by Guy McDowell. A vote was taken and it was passed unanimously.

Mr. Coppola noted that all business bookkeeping and accounting practices required limits to expenses to

be paid. It seemed reasonable to use purchase orders or vouchers. After discussion a motion was made to use vouchers. Carried unanimously.

Mr. Farmer asked for clarification on who was to set up the agenda for future meetings. The Board decided that if an individual member wanted an item on the agenda they should call the secretary and have it put on the agenda by Thursday 5:00 pm one week before the meeting.

SECURITY PROCEDURES

A discussion on the procedures for security came before the Board. A motion to change keys to both doors and to install a security system up to \$300 was made by Fred Coppola. A second was made by John Chaney. Carried unanimously.

Ms. Russell brought up the subject of per diem/mileage. She stated that it says in the State statute on page 33, "director's shall receive no compensation for their services...directors may be reimbursed for their expenses incurred by them on Authority business with the approval of the Board". Following discussion by the Board a motion was made by Mr. Chaney that per diem and mileage will be paid according to the State statute authorizing the same for governmental employees. Second was made by Guy McDowell. The motion carried unanimously.

BUDGET REVIEW

Mr. Coppola had some questions on the budget. He believed there were some discrepancies in the budget. Some extra money was left over. Mr. Metzgar explained that the problem was probably that there were two accounts. The \$40,000 from the State was a one-time only amount. Mr. Coppola asked why there was a 36% increase in the budget amount. Mr. Chaney said he believed that the previous Board had anticipated more expenses for personnel and the computer. Mr. Farmer added that the previous Board assumed that an Executive Director and other personnel would be hired and that they would need some materials to work with. Mr. Metzgar stated that the Board did have to account for any money that was left over in the funds. The State said it would be fairly simple to transfer funds from one account within this budget to the other account. He assured the Board that those funds would be spent as set forth in the budget. He added that if the Board did not use all of the money for the personnel and the Board found a computer system

that they felt they wanted to put in, and it was more expensive than it was budgeted for, the Board could get a simple form of approval to transfer needed money from one category to another. But the money could not be transferred to a project, it can only be spent on administrative line items. Mr. Metzgar felt the next six month budget would be a more accurate budget, although he felt this one was not an unrealistic budget, and not an extravagant one.

COMMENTS
FROM
DIRECTORS

Chairperson Judy Russell said that it was with regret that she had accepted the resignation of Mr. Coppola as Historian. She added that unless someone wanted to take the office of Historian on, that the Board would all share that responsibility.

Mr. Chaney suggested that the board have its advisors begin to create rules and regulations for future development in Sandoval County. This would allow the Board to begin the process of attempting to come to grips with what regulations they would like to place on future development, and eventually submit to the various government entities in the district in the form of a Joint Powers Agreement. Mr. Chaney said that this is one area the Board could have some immediate impact and begin to fulfill its mandate. He asked the advisors to get back with the Board as quickly as possible. Mr. Metzgar suggested that one such source would be AMAFCA.

PUBLIC
FORUM

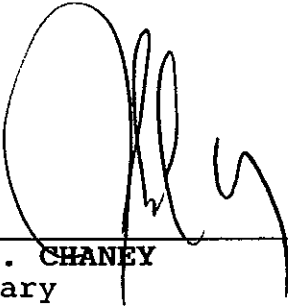
A member of the public from Vista Hills said that the Planning and Zoning Commission approved 165 homes based on the fact that AMREP was taking care of flood control in that area. He stated that seeing what AMREP has done in the past it was his hope that this commission would get into the act and not have this type of thing take place.

Another member of the public said she felt the commission was on the right track.

ADJOURNMENT

No further business at hand the Chairperson Judy Vanderstar Russell adjourned the meeting at 4:55 pm.


JUDY VANDERSTAR RUSSELL
Chairperson


JOHN F. CHANEY
Secretary

Approved March 19, 1991