

SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY  
(SSCAFCA)

MINUTES OF DECEMBER 15, 1992  
REGULAR BOARD OF DIRECTORS MEETING

CALL TO ORDER

The regular meeting of the SSCAFCA Board of Directors was called to order by Chairperson Judy Vanderstar Russell at 1:10 p.m.

Directors in attendance were Judy Vanderstar Russell, John Chaney, Guy McDowell and Annette Jones. A quorum was declared present. Fred Coppola was noted as absent. Bernard Metzgar, legal counsel, was present. Staff member present was Pam McGrath, Administrative secretary.

APPROVAL OF AGENDA

Annette Jones requested that the agenda be amended to include under the Treasurer's Report, Expenditures 12/1/92-12/15/92 and Treasurer's Report 12/15/92.

A motion by John Chaney, seconded by Annette Jones, to approve the agenda as amended passed unanimously.

SECRETARY'S REPORT

1. New Mexico Interstate Stream Commission

John Chaney, Secretary, read a letter from William J. Miller, Interstate Stream Engineer, of the Interstate Stream Commission. Mr. Miller stated: "That the Commission's legal counsel advised that the Commission does not have statutory authority to make an outright purchase of general obligation bonds issued by the Authority. However, counsel further advised that there exists an alternative means by which the Commission could make funds available to the Authority involving the Authority's bonds. The Commission could accept the Authority's bonds as collateral for a loan to the Authority and agree that, as part of the terms of that loan, all principal and interest payments made by the Authority on its bonds be collected by an escrow agent for deposit to the Commission account in fulfillment of the Authority's loan repayment obligation." Mr. Chaney indicated that Mr. Metzgar would report further on this matter during his report.

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2. Letters From Applicants

Mr. Chaney read a letter from Jerry Coombs thanking the Board for the interview on his application for Executive Engineer.

Mr. Chaney read a letter from Bob Garman thanking the Board for the interview on his application for Executive Engineer.

FLOOD INSURANCE STUDIES FOR CORRALES AND RIO RANCHO

Fred Coppola arrived at 1:20 p.m. at the commencement of this item.

Elvidio Dinez of Resource Technology, Inc. informed the Board that they have been commissioned by the Federal Emergency Management Association (FEMA) to update flood insurance maps for Rio Rancho, Corrales and Jemez river valley, excluding the Indian Reservation. Mr. Dinez stated, however, that the area to be studied for FEMA in Rio Rancho is only a small portion of Rio Rancho. A request was made to the Board by Mr. Dinez to cost share with FEMA for \$10,000 to include a two (2) foot topo map and the Lisbon Channel area mapping.

A question was raised as to whether or not the proposed cost-sharing could be considered part of the master drainage project. According to Mr. Metzgar, legal counsel, this could be applied to this project.

It was the consensus of the Board to have Mr. Dinez of Resource Technology and a representative of the Corps of Engineers appear at SSCAFCA's regular meeting in January, 1993 to further discuss this issue.

LEGAL COUNSEL REPORT

Interstate Stream Commission

Bernard Metzgar, legal counsel, reported that, as a result of the November 20, 1992 meeting, he met with Duane Brown, Bond Counsel, Friday, December 11, 1992 and Mr. Brown stated that he could draft a promissory note and agreement that he feels would be in accordance with what the Interstate Stream Commission wants, i.e. a loan to SSCAFCA with the bonds as collateral.

A motion was made by Annette Jones to give Bernard Metzgar authority to move forward with negotiations for a loan rather than a bond issue to Interstate Stream Commission. It was seconded by John Chaney.

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After a brief discussion by the Board, John Chaney moved to amend the motion to have any agreement negotiated with Interstate Stream subject to final Board approval. The amended motion was seconded by Annette Jones.

The amended motion passed unanimously by roll call vote.

OTHER BUSINESS

Residents/Landowners Along 10th-11th and 15th Streets

Ken Medlin stated that a group of residents in this area went door to door promoting the bond issue that passed in July, 1992. Mr. Medlin felt that some of the credit for the passage went to his group of volunteers.

He then presented information about the soil erosion/run-off problem in his area, which makes passage difficult or impossible when it rains heavily. Jerry Fossenier, City of Rio Rancho Engineer, was in the audience and pointed out several problems that restricted what the City could do to alleviate the problems. Mr. Metzgar also informed the Board that the problems, as presented by Mr. Medlin, would be outside of the jurisdiction of SSCAFCA's bond projects.

Mr. Medlin thanked for the Board for allowing him to present his case.

CLOSED SESSION

A motion by Annette Jones to go into closed session for review of personnel matters relating to the executive engineer position was seconded by John Chaney. Roll call vote: John Chaney, yes; Guy McDowell, yes; Fred Coppola, yes; Annette Jones, yes; Judy Vanderstar Russell, yes. Passed 5 to 0.

The Board went into closed session at 2:17 p.m.

Guy McDowell left at 3:30 p.m., immediately after the closed session.

OPEN SESSION

The Board reconvened into open session at 3:47 p.m.

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Executive Engineer Position

Judy Vanderstar Russell announced that the executive engineer position will be offered to Bob Garman at \$45,000 per year, with state holidays, vacation and sick leave.

After the announcement was made, some Board members criticized the fact that the offer was made public before an acceptance is received from the person.

Judy Vanderstar Russell stated that she would prefer to go public at this time because a final decision had been made subject only to acceptance by Mr. Garman. Mr. Metzgar stated that if the final decision made by the Board in closed session is non-contingent then it should be announced by the Board. But if it is contingent, the decision does not have to be made public, unless the Board desires to.

Mr. Metzgar stated that if the final decision made by the Board in closed session was not subject to further negotiation then it should be announced by the Board. But if further negotiation could still take place, the decision was not final and it does not have to be made public, unless the Board desires to do so.

OTHER BUSINESS

1. AMAFCA - Tour with Moodys

Larry Blair, executive engineer of AMAFCA, informed the Board that he took three representatives of Moody's on a briefing and tour, which included AMAFCA and SSCAFCA. Mr. Blair went over the history of SSCAFCA with the representatives, took them on a tour of the projects, went over the Memorandum of Understanding between SSCAFCA and AMAFCA and answered questions they posed. Mr. Blair stated that he felt the this tour was very helpful to SSCAFCA.

2. Fax Machine

Mr. Blair informed the Board that at AMAFCA's last board meeting, the board agreed to make a long term loan to SSCAFCA of a used fax machine. The Board thanked Mr. Blair for machine.

CHAIRPERSON'S REPORT

1. Black's Arroyo - Section 14 Project

Judy Vanderstar Russell stated that the agreement with the Corps of Engineers for the Section 14 Black's Arroyo project has been signed.

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2. Easterling Design of Dams 1 and 4 Project

Judy Vanderstar Russell stated that a letter has been received from Larry Ferns, P.E., Chief Design & Construction Section of the State Engineer's Office informing the Board that their review of the preliminary design drawings indicates no serious problems with the overall concept of the proposed project and that it was found acceptable. Judy asked the Board members for their comments as 10% of Easterling and Associates final payment was withheld pending the review by the State Engineer's Office.

A motion was made by Annette Jones, seconded by John Chaney, to table taking any action on final payment to Easterling and Associates until the executive engineer is on board and is able to review the plans. The motion passed unanimously by roll call vote.

3. January 4, 1993 Meeting

John Chaney requested that Judy Vanderstar Russell chair the January 4, 1993 meeting until the new directors are sworn in and new officers are elected.

John Chaney left at 4:05 p.m.

4. Definition of Committee

Judy Vanderstar Russell asked Mr. Metzgar to clarify the definition of committee meetings for the Board. Mr. Metzgar said that the Board determines what is a valid committee meeting. The Chair appoints a committee for a specific purpose. When the committee (usually two members of the Board) meets, it is for the purpose of carrying out the purpose for which it was established for. Therefore, it is important for the Chair to establish the purpose of the committee, what they are going to be asked to do and what they will be reporting back to the Board on. Once that happens, the committee can meet where the committee members feel is the appropriate place. It is not necessary for the committee meetings to be held in the SSCAFCA office. If a committee has two members and it doesn't have any outside members, both members have to be present to have a committee meeting because a quorum is needed to have a validly constituted committee meeting. A distinction also has to be made between a committee meeting and committee work. For example, very often committee members will take information home with them and study the information for a committee assignment and that is committee work. When the committee meets to actually discuss what was asked of them, that would be a committee meeting. Mr. Metzgar stated that committee members themselves have to make reasonable determinations as to whether it is committee work or a committee meeting. A committee meeting is a formal meeting of a committee to do the work that has been designated and assigned to them by the Chairman of the Board.

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5. Selection of Appraiser for lots in Los Montoyas Arroyo

Jerry Fossenier, City Engineer, City of Rio Rancho, presented bids solicited from appraisers for the three lots in the Los Montoyas Arroyo which need to be used for the desilting ponds.

There was a brief discussion by the Board as to whether MAI appraisers were necessary for this type of job. Mr. Fossenier stated that typically for undeveloped land of little value, an MAI appraiser was not necessary.

A brief discussion followed regarding the use of an MAI or a SRA appraiser. Mr. Fossenier suggested that the Board utilize Roos Appraisal Service for this type of appraisal since he was the low estimate and was capable of doing the job.

Mr. Metzgar informed the Board that the use of a SRA appraiser was adequate for this situation.

A motion was made by Annette Jones that Roos Appraisal Service be used for this project and for Bernard Metzgar to draw up the contract. The motion was seconded by Fred Coppola and passed unanimously by roll call vote.

6. Letters To Candidates For Executive Engineer Position

Judy Vanderstar Russell stated that she had asked the Administrative Secretary to send letters to the candidates that were not interviewed, but not to send them yet. It was the consensus of the Board to hold off sending letters to applicants until the process is over with and then send them all at one time.

APPROVAL OF PRIOR MINUTES

A motion by Annette Jones, seconded by Fred Coppola, to approve the minutes of November 10, 1992 as written carried unanimously.

TREASURER'S REPORT

1. Audit

Annette Jones informed the Board that a letter was received from the Office of the State Auditor giving SCAFCA authority to make final payment to Hinkle & Martinez, P.C. for the FY/92 audit.

2. Approve Expenditures 10/21/92-10/31/92

Motion by Annette Jones, seconded by Fred Coppola, to approve the expenditures of 10/21/92-10/31/92, carried unanimously.

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3. Approve Treasurer's Report 11/10/92

Motion by Annette Jones, seconded by Fred Coppola, to approve the treasurer's report of 11/10/92, carried unanimously.

4. Approve Expenditures 11/1/92-11/30/92

Motion by Annette Jones, seconded by Fred Coppola, to approve the expenditures of 11/1/92-11/30/92, carried unanimously.

5. Approve Treasurer's Report 12/15/92

Motion by Annette Jones, seconded by Fred Coppola, to approve the treasurer's report of 12/15/92, carried unanimously.

6. Approve Expenditures 12/1/92-12/15/92

Motion by Annette Jones, seconded by Fred Coppola, to approve the expenditures of 12/1/92-12/15/92, carried unanimously.

7. Approve Treasurer's Report 12/15/92 covering 12/1/92-12/15/92

There was a brief discussion as to the checks issued to Annette Jones for per diem. Mrs. Jones stated that she reimbursed SSCAFCA \$5,285.97, which were the total per diem payments she received in 1991 and 1992. The repayment included the check issued in November, 1992. Mrs. Jones further stated that corrected vouchers were completed by her and that check numbers 1198 and 1199 were issued to her for these corrected vouchers.

Motion by Annette Jones, seconded by Fred Coppola, to approve the treasurer's report of 12/15/92 covering 12/1/92-12/15/92, carried unanimously.

Annette Jones requested that the Board institute a system for payment of per diem for regular meetings and committee meetings. It was the consensus of the Board to postpone this discussion until the first regular meeting with the new Board members.

PUBLIC FORUM

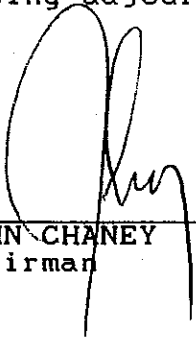
Michael Hartranft of the Albuquerque Journal requested official clarification on the Board's statement regarding the executive engineer position.

Fred Coppola stated that the Board is one step closer to hiring an executive engineer.

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ADJOURNMENT

A motion by Fred Coppola, seconded by Annette Jones, to adjourn the meeting was carried unanimously. Meeting adjourned at 4:59 a.m.



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JOHN CHANEY  
Chairman



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BILL R. JOINER  
Secretary

Date Approved Jan. 19, 1993