

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
(SSCAFCA)
MINUTES OF MAY 18, 1993
REGULAR BOARD OF DIRECTORS MEETING**

CALL TO ORDER

The regular meeting of the SSCAFCA Board of Directors was called to order by Chairman John Chaney at 1:02 p.m.

Directors in attendance were John Chaney, Dub Yarbrough and Annette Jones. A quorum was declared present. Guy McDowell and Bill Joiner were noted as absent. Bernard Metzgar, legal counsel was present. Staff members present were Bob Garman, Executive Engineer and Pam McGrath, Administrative Secretary.

APPROVAL OF AGENDA

John Chaney requested that the agenda be amended to have Representative Perls discussion with the Board about recently passed legislation affecting SSCAFCA follow the Treasurer's Report.

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

Bill Joiner arrived at 1:04 p.m.

APPROVAL OF PRIOR MINUTES

1. Approve Corrected Page 2 of March 16, 1993 Minutes

A motion by Annette Jones, seconded by Dub Yarbrough, to approve the corrected page 2 of March 16, 1993 minutes, as the original page had an incomplete date, passed unanimously.

2. Approve Minutes of April 20, 1993

A motion by Dub Yarbrough, seconded by Annette Jones, to approve the minutes of the regular meeting of April 20, 1993 as written and presented, carried unanimously.

UPDATE ON PRIVATE BOND SALE

Financial advisor, Kevin Powers, Assistant Vice President, of The Principal/Eppler, Guerin & Turner, Inc., and bond attorney, Duane Brown presented the private bond sale status.

Mr. Powers stated that he had discussions with interested banks and had purchasers for the one and one-half million dollar private bond sale. Mr. Powers presented the debt service schedule and debt service and tax rate analysis.

After a discussion by the Board members regarding the proposed bond sale, Mr. Powers asked Mr. Brown, bond attorney, to discuss the legal aspects of the sale.

Mr. Brown stated that the Board needed to pass a bond resolution in order to finalize the sale of the bonds. He presented and explained the proposed bond resolution to the Board members.

It was then moved by Director Annette Jones and seconded by Director Dub Yarbrough that Bond Resolution 1993-10 do pass and be now adopted. Roll call vote: Dub Yarbrough, yes; Bill Joiner, yes; Annette Jones, yes; and John Chaney, yes. Motion passed 4 to 0.

A motion by Annette Jones to have Representative Perls now discuss the legislation was seconded by Bill Joiner and passed unanimously.

PRESENTATION BY REPRESENTATIVE PERLS

Representative Perls went over the language in House Bill 450 with respect to the appropriation of \$120,000 to SCAFCA. He stated that he would like to have a joint meeting of SCAFCA and the Corrales Watershed District (CWD) to discuss the takeover of CWD's O&M by SCAFCA. He stated that the intent of the legislation was to enable CWD to lower its tax rate.

The Board questioned the wording in the legislation as it states that the appropriation is for operation and maintenance within the

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boundaries of the Corrales Watershed District. If the appropriation is restricted to the CWD boundaries, it would not be able to be used for bank stabilization nor for cleaning of the majority of the channels which extend beyond the CWD boundaries. Representative Perls stated that he would attempt to clarify this point with the Department of Finance and Administration and notify SSCAFCA of the outcome.

(A short recess was called by Chairman Chaney).

Representative Perls stated that during the short break he talked to the Deputy Director of the Local Government Division of DFA and that he saw no problem with the use of the funds outside of CWD's boundaries and that he would put this in writing in response to a written request by Representative Perls. Representative Perls stated that he would hope to have the written reply for the special meeting of SSCAFCA and CWD.

John Chaney, chairman, stated that he would request that SSCAFCA be placed on the CWD's agenda for its meeting of May 24th at 7:30 p.m.

Representative Perls apologized to the Board for not being able to amend the PERA legislation. He stated that his proposed amendment was ready, but the bill went straight to the House floor and not to the assigned committee. Representative Perls informed the Board that he would assist in any way to try to get SSCAFCA declared eligible for PERA even without an amendment to the statute.

HEALTH INSURANCE

Lynn Thurgood of Benefit Planners presented the insurance options that were available to staff and Board members. He stated that the medical insurance is the Lovelace Plan and that there are three different programs for dental insurance.

The Board thanked Mr. Thurgood for the presentation.

UPDATE ON NORTHERN BOULEVARD

Jerry Fossenier, City Engineer of the City of Rio Rancho, stated that the bid opening was held Monday, May 17, 1993, for the Northern Boulevard Project and the bid was let to Joiner Construction. Mr.

Fossenier requested that the Board pass a resolution authorizing the Chairman to sign the construction contract, subject to review by legal counsel.

Chairman John Chaney asked legal counsel if there was a conflict of interest because of the bid going to Joiner Construction. Bernard Metzgar, legal counsel, stated that he did not see a conflict of interest because the City of Rio Rancho conducted the entire bid letting process and that it was done through competitive sealed bids. For the future, Mr. Metzgar stated that any Board member should state publicly if they intend to bid on a project.

A motion was made by Dub Yarbrough to approve the expenditure of SSCAFCA's portion of the construction contract of approximately \$244,188 plus 10% overruns and to give the Chairman authorization to sign the contract documents subject to review by legal counsel. The motion was seconded by Annette Jones. Roll call vote: Dub Yarbrough, yes; Bill Joiner, abstain; Annette Jones, yes; John Chaney, yes. Motion passed 3 to 0 with one abstention.

LEGAL COUNSEL REPORT

1. Extension Of Contract for Resource Conservationist Richard Farmer

Bernard Metzgar, legal counsel, stated that Richard Farmer was contacted regarding an extension of his contract. Mr. Garman said it would be good to have somebody with his experience available to assist him when needed.

Mr. Metzgar stated that an extension of the contract can be done so long as total payments to Mr. Farmer do not exceed \$20,000.

A motion by Annette Jones, seconded by Dub Yarbrough, to extend Richard Farmer's contract for two years passed unanimously.

2. Urban Ponds Project

Mr. Metzgar reminded the Board that it had asked Mr. Metzgar and Mr. Garman to meet with Johnnie Losack, Sandoval County Commissioner regarding the maintenance on the urban ponds project.

Mr. Metzgar stated that Mr. Losack gave them a status report on the project as follows: The design phase should be completed in July or

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August 1993. Letting the RFP in September; start of construction in November 1993 with completion hopefully around April 1994.

Mr. Metzgar suggested that a joint letter from Bob Garman and Johnnie Losack be sent to the City of Rio Rancho updating the City on the project and asking for confirmation that the City will maintain the ponds within its boundaries after construction. Mr. Chaney suggested that a similar letter go to the Village of Corrales on the structures that will be located within its boundaries.

The Board authorized the above letters to the City of Rio Rancho and the Village of Corrales subject to the chairman's review of them.

3. Liability for Flood Damage

Mr. Metzgar informed the Board that a new case has been decided by the State Court of Appeals that increases the potential liability of flood control entities. He stated that the case changed what he believed to be prior law that flood control entities were not liable for flood damage from their structures.

As a result of this recent case, Mr. Metzgar reviewed SSCAFCA's current insurance policy and stated that it only covers the current premises. When needed, SSCAFCA must first try to get private liability insurance for its structures and other lands. If it is unable to get reasonable private coverage, SSCAFCA would then have to go to the State and advise them that they were unable to get reasonable coverage and request coverage under the State Risk Management Program.

SECRETARY'S REPORT

Bill Joiner stated that a letter was received from Senator Rhodes on the passage of Bill 705 and that a letter was sent to Senator Rhodes from SSCAFCA thanking him for his efforts on the bill.

TREASURER'S REPORT

1. Approve Expenditures 4/1/93-4/30/93

Motion by Bill Joiner, seconded by Dub Yarbrough, to approve the reported expenditures of 4/1/93-4/30/93, carried unanimously.

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2. Approve Treasurer's Report 5/18/93

Motion by Dub Yarbrough, seconded by Bill Joiner, to approve the treasurer's report of 5/18/93, carried unanimously.

3. Proposals for Audit for 92/93

Annette Jones stated that three firms were contacted requesting bids for the 1992/1993 audit. Rice & Associates and Hinkle & Martinez were the only firms to reply.

A motion by Dub Yarbrough, seconded by Bill Joiner, to accept the bid of Rice & Associates for the audit, carried unanimously.

4. Approve Preliminary Budget 7/1/93-6/30/94

Chairman John Chaney appointed Annette Jones, Dub Yarbrough, Bob Garman and Pam McGrath to the Budget Committee.

A motion by Annette Jones, seconded by Bill Joiner, to authorize the budget committee to submit a proposed budget to DFA by its designated time of June 1, 1993, carried unanimously.

EXECUTIVE ENGINEER'S REPORT

1. FEMA Project

Mr. Garman confirmed that Resource Technology, Inc. will do an independent Montoyas hydrology study as a part of its FEMA study.

2. Section 14 Project - Martin Luther King School

Mr. Garman stated that he has received three different proposed right-of-way maps from the Corp of Engineers. He stated that he convinced the COE to move a structure slightly to save acquisition of two lots.

Initial contact was made with appraisers, who advised that a survey to delineate property lines needs to be completed before the appraisals can be done. A request was made to contract the survey work.

A motion by Annette Jones, seconded by Bill Joiner, to authorize Mr. Garman to proceed to contract the survey work to delineate the property lines passed unanimously.

3. Drainage Policy

Initial contact was made with Hugh Rowland, of P&Z for the Village of Corrales on the drainage policy. Mr. Garman stated that he would have better progress to report by the next meeting.

4. Ms. McGrath's Evaluation

Mr. Garman stated that her evaluation has been completed and is awaiting the chairman's signature. The effective date of her raise in salary was questioned as it was not in the motion and John Chaney stated that it was effective April 20, 1993, the day of the meeting.

5. Hydrology of Flood Control Seminar

Mr. Garman stated that the seminar he attended in San Diego was excellent and very beneficial to him in his work with SSCAFCA.

6. Dams 1 & 4

Mr. Garman stated that he talked to Chuck Easterling to inform him that it was looking good for the project as the bond sale was proceeding.

He stated that Mr. Easterling was concerned about the development of lots in the path of the project. Mr. Garman stated that he went to talk to Hugh Rowland, P&Z, Village of Corrales, informing him of this potential problem. Easterling & Associates and SSCAFCA were invited to the next Village of Corrales council meeting to make a presentation of this project. A set of the plans was given to Mr. Rowland. Mr. Garman stated that the intent of this presentation was to inform the Village of Corrales and land owners of this project coming on line.

7. Take Over of O&M on the Harvey Jones Channel

Mr. Garman stated that the tentative shutdown date for the Corrales Watershed District was July 1995. Mr. Garman informed the Board that Dub Yarbrough and himself were meeting with Bob McCormick on May 19, 1993 to discuss the subject further.

8. Procurement Regulation/Policy

Mr. Garman stated that a proposed policy has been given to Mr. Metzgar for his review. Mr. Metzgar stated that he hopes to be able to present a tentative version to the Board at the next meeting.

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9. Health Insurance

Mr. Garman apologized to the Board for giving them the wrong monthly cost at the last meeting. The correct amount is \$303.62 per month with a 7% increase in August plus a yearly maintenance fee.

A motion by Annette Jones, seconded by Dub Yarbrough, to approve the correct health insurance payment of \$303.62 per month plus approve the scheduled increase in August plus the yearly maintenance fee, carried unanimously.

10. Computer and Accounting Software

Mr. Garman stated that a Dell 486/DX 2/50, a laser jet and a wide carriage printer has been purchased. The MIP accounting has been received.

CHAIRMAN'S REPORT

Mr. Chaney stated that each Board member received an invitation from the Middle Rio Grande Council of Governments to attend their annual meeting June 3, 1993 at 11:30 a.m. at the Officer's Club, Kirkland Air Force Base. Mr. Chaney requested that Bob Garman plan on attending this meeting.

OTHER BUSINESS

1. Dams 1 and 4

A motion was made by Annette Jones, seconded by Dub Yarbrough, authorizing the Executive Engineer to take whatever action is necessary to expedite the Dams 1 and 4 Project, passed unanimously.

DIRECTORS COMMENTS

None

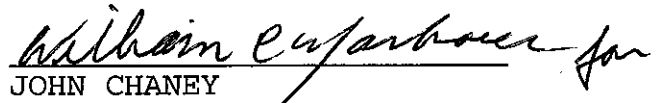
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PUBLIC FORUM


None

ADJOURNMENT

A motion by Annette Jones, seconded by Dub Yarbrough, to adjourn the meeting was carried unanimously. Meeting adjourned at 5:15 p.m.



JOHN CHANEY
Chairman



BILL R. JOINER
Secretary

Date Approved 6-15-93