

SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
(SSCAFCA)
MINUTES OF AUGUST 2, 1994
SPECIAL BOARD OF DIRECTORS MEETING

CALL TO ORDER.

The special meeting of the SSCAFCA Board of Directors was called to order by Chairman John Chaney at 1:03 p.m.

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

APPROVAL OF AGENDA.

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

MINUTES OF JULY 22, 1994.

A motion by Annette Jones, seconded by Guy McDowell, to table the minutes till the next meeting passed unanimously.

Bill Joiner arrived at 1:05 p.m.

SECRETARY'S REPORT.

None.

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LEGAL COUNSEL REPORT.

1. Approval for Southwest Securities To Bid On Bonds.

Mr. Metzgar explained that Southwest Securities, Inc. requested permission to be allowed to bid on the \$2,500,000 bond sale. Since the bid will be a sealed proposal and the award will be given to the company with the best interest rate, he did not see it as a problem; however, written approval must be received from the Board.

A motion by Annette Jones, seconded by Guy McDowell, to allow Southwest Securities to bid on the bond issue so long as there are more bidders than Southwest Securities, passed unanimously.

2. Lomitas Negras Bank Stabilization.

Mr. Metzgar stated that he has reviewed Supplement Three to the Leedshill-Herkenhoff contract dealing with construction management and field testing. He stated that the contract is acceptable and has signed his approval as to form.

LEEDSHILL-HERKENHOFF CONTRACT.

Mr. Garman presented the contract for the third phase with Leedshill-Herkenhoff which covers construction management and field testing. He stated that the only item specifically not covered was construction survey as that item will be the responsibility of the contractor. Mr. Garman stated that the contract has been reviewed several times and it is to his satisfaction. The amount of the Third Supplemental Agreement is \$36,776.

There was a discussion by the Board on the clause in the contract where the contractor is allowed 150 calendar days with the loophole of charging SCAFCA for days over the allotted time.

A motion was made by Annette Jones, seconded by Guy McDowell, to approve the contract subject to an additional provision limiting the amount payable to the engineer to the liquidated damages payable by the contractor. The motion was deferred until the Executive Engineer's Report.

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EXECUTIVE ENGINEER'S REPORT.

1. Dams 1 and 4 Project.

Mr. Garman stated that he talked to Chuck Merritt of the State Engineer's Office requesting the date that Dam 1 will be inspected.

Mr. Garman stated that he asked about the feasibility of doing the modifications proposed by Mr. Joiner. Mr. Merritt stated that it would take approximately \$750,000 to upgrade Dam 4 for the modifications.

Mrs. Jones stated that the modification issue is not dead as there are avenues which could be explored for cost sharing.

2. Section 14 Project.

Mr. Garman stated that a site visit was conducted July 27, 1994 with Jerry Fossenier, City of Rio Rancho Engineer, a COE construction representative and a potential contractor.

3. Lomitas Negras Bank Stabilization.

The previous motion by Annette Jones, seconded by Guy McDowell, was amended to read to approve the supplemental contract subject to adding a provision limiting any additional payment to the engineer to the \$400 per day liquidated damages amount in the contractor's agreement. The amendment and the motion passed unanimously.

4. Drainage Policy.

Mr. Garman stated that all of the entities, except the Village of Corrales, have stated that they approve and support the Drainage Policy.

Mr. Garman reported that a meeting was held August 1, 1994 with him and Mr. Metzgar and Councillor Vigil, Phil Rios and Jim Service of the Village of Corrales. Various suggested changes were received from Councillor Vigil which need to be reviewed further by Mr. Metzgar before reporting to the Board at its next meeting.

John Chaney asked Mr. Garman to contact the Village of Corrales to place the Drainage Policy on its agenda for its Council meeting of August 23, 1994.

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A motion by Annette Jones, seconded by Bill Joiner, that the Drainage Policy go into effect September 1, 1994, after the August 23, 1994 Village Council meeting passed unanimously.

5. Aerial Photography.

Mr. Garman stated that a mid August delivery is expected.

6. Office Committee Meeting.

Mr. Garman stated that the office committee, consisting of Annette Jones and Dub Yarbrough, met last Friday, July 29, 1994. It was the consensus of the committee that a move eventually will be necessary. The committee explored three lease possibilities: Bessoms, Geranimo Plaza and Rio Rancho Industrial Park.

Mr. Metzgar answered the committee's question regarding the legality of having land transferred to them by the CWD. He indicated that it is legal.

7. Vehicle.

Mr. Garman stated that he visited three dealerships last Friday, July 29, 1994. However, the stock is very low and he stated that SSCAFCA may have to wait until the new models are available.

A suggestion was made to buy through the State Procurement Program. This possibility is to be explored by Mr. Garman.

CHAIRMAN'S REPORT.

No report.

SALE OF BONDS.

Tommy Hughes, bond counsel, presented Resolution 1994-14 concerning the General Obligation Bonds, Series 1994 in the principal amount of \$2,500,000.

John Archuleta, financial advisor, stated that a bond opening was held at 11:00 a.m. this morning. He recommended to the Board that

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the bid from Kious and Company, Inc. and Sutro & Co. be accepted, as that bid had the lowest interest rate. Mr. Archuleta stated that the rates received from Kious & Company, Inc. and Sutro & Co. were very good for unrated bonds.

Mr. Archuleta stated that bids were received by Southwest Securities for registrar. The registrar for the General Obligation Bonds, Series 1994, will be Sunwest Bank.

A motion by Annette Jones, seconded by Dub Yarbrough, to pass Resolution 1994-14 concerning the General Obligation Bonds, Series 1994 in the principal amount of \$2,500,000 as written, carried unanimously.

OTHER BUSINESS.

1. Consulting Engineer for Dams 1 & 4.

Mr. Yarbrough asked Mr. Metzgar if there was a possibility of hiring a consulting engineer for under \$20,000 without bids. Mr. Metzgar stated that this would not be allowed without a written request for proposals.

Mr. Chaney stated that this item would be on the agenda for the next meeting.

2. Venada and Unnamed Arroyo.

There was a discussion by the Board on the status of the Venada and Unnamed Arroyo in connection with the development of Unit 20. Mr. Garman stated that there will be metered ponds to control the flow into the Venada Arroyo.

DIRECTORS COMMENTS.

Annette Jones stated that the Board needs more information and should be kept up to date on the Venada and Unnamed Arroyos.

Dub Yarbrough had three matters for comment to Mr. Garman:

- 1) Mr. Yarbrough asked if he had received his State of New Mexico P.E. License? Mr. Garman replied that it was

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still in process.

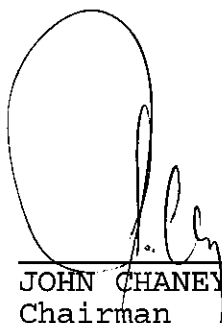
- 2) He asked if Mr. Garman had investigated the possibility of updating the current computer before spending money on a new one? Can the old one be sold? Mr. Garman replied that he did not believe the old computer could be updated and that the possibility of sale was poor.
- 3) Mr. Yarbrough stated he was very upset that \$600 was spent for a new chair. Mr. Garman stated that the chair he bought was a good chair and he needed it for his back.

PUBLIC FORUM.

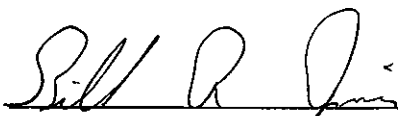
None.

ADJOURNMENT.

A motion by Annette Jones, seconded by Dub Yarbrough, to adjourn the meeting was passed unanimously. Meeting adjourned at 3:19 p.m.



JOHN CHANEY
Chairman



BILL R. JOINER
Secretary

Date Approved Sept 20, 1994