

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
(SSCAFCA)
MINUTES OF MARCH 19, 1996
REGULAR BOARD OF DIRECTORS MEETING**

CALL TO ORDER.

The regular meeting of the SSCAFCA Board of Directors was called to order by Chairman Dub Yarbrough at 10:38 a.m.

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

APPROVAL OF AGENDA.

A motion by James Dorn, seconded by Bill Joiner, to approve the agenda as written passed unanimously.

CLOSED SESSION.

A motion by Bill Joiner to go into closed session for the purpose of interviewing legal counsel representatives was seconded by James Dorn. Roll call vote: James Dorn, yes; Bill Joiner, yes; Dub Yarbrough, yes.

The Board went into closed session at 10:40 a.m.

RESUMPTION OF OPEN SESSION.

The Board reconvened into open session at 1:34 p.m.

Bernard Metzgar, legal counsel, was present.

APPROVAL OF MINUTES OF FEBRUARY 20, 1996.

A motion by Bill Joiner, seconded by James Dorn, to approve the minutes of February 20, 1996 as written and presented, passed

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unanimously.

SECRETARY'S REPORT.

None.

TREASURER'S REPORT.

1. Resolution 1996-4, Budget Increase From Corrales Watershed District Funds.

James Dorn stated that Resolution 1996-4, Budget Increase is necessary as DFA requires that any time a budget is increased, approval must be received from them. This resolution covers the Certificates of Deposits and the initial turnover of money from the checking account from CWD.

A motion by James Dorn, seconded by Bill Joiner, to approve Resolution 1996-4, Budget Increase passed unanimously.

2. Approve Expenditures 2/1/96-2/29/96.

A motion by James Dorn, seconded by Bill Joiner, to approve the reported expenditures of 2/1/96-2/29/96 as presented, carried unanimously.

3. Approve Treasurer's Report 2/29/96.

A motion by James Dorn, seconded by Bill Joiner, to approve the treasurer's report of 2/29/96 as presented, carried unanimously.

BOND ALTERNATIVES.

Mr. John Archuleta of Southwest Securities presented five options that were available for new general obligation bonds which would keep the mil levy at 2 mils. He stated that there were several factors to take into consideration when deciding on a bond issue.

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Mr. Archuleta stated that the tax years involved and the bond amount should be at least two factors to consider when deciding on the date for a bond election. He reminded the Board that an election has to be called 180 days in advance.

There was a discussion by the Board.

LEGAL COUNSEL REPORT.

1. Corrales Watershed District Transfer Update.

Bernard Metzgar stated that Corrales Watershed District has given Bob McCormick authority to sign any final documents that may be needed for the transfer.

He read a resolution that was passed by Ciudad to finalize the dissolving of CWD that was recorded in Sandoval and Bernalillo County and which will be sent to the New Mexico Soil and Water Conservation Bureau.

He stated that the final items to do are transferring the balance of the checking account and completing the final audit. Upon completion of all items, a complete package will be sent to the Department of Finance and Administration, Local Government Division.

2. Supreme Court Rulings.

Mr. Metzgar reported another case recently decided wherein the Supreme Court ruled again that the State of New Mexico and its political subdivisions have not waived their immunity for liability when using structures for storage or diversion of storm water.

EXECUTIVE ENGINEER'S REPORT.

1. Dams 1 & 4 Project.

Mr. Garman reported that a settlement has been reached on Parcel

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3-3 and Parcels 3-7A&B and 3-8. The only hold up on Phase I is still Parcel 6-4 (Colborne) and the Village of Corrales lawsuit.

Mr. Garman stated that the only tasks performed by Easterling & Associates since the last Board meeting has been preparation of Parcel 2-3 court exhibits, Dams 1 & 4 cost estimate update and Budagher settlement support.

2. Section 14 Project.

Mr. Garman stated that the reimbursement check for SSCAFCA was to have been mailed last Friday, March 15, 1996.

3. Tree Farm Pond and Urban Pond Projects.

Mr. Garman reported that the land swap has not been completed. He requested Mr. Metzgar to contact Mr. Hill, the SCI attorney, to urge him to finalize the land swap. Also, the Village of Corrales has not granted the easements that are needed for the project.

Mr. Garman stated that he will have the finalized bid packet for the Tree Farm Pond Project Friday, March 22, 1996.

He also reported that a license has been applied for at Middle Rio Grande Conservancy District. The user fee was agreed to in principal by Johnnie Losack so long as it was adopted and charged to all users. The approximate annual cost is \$2,500 per project or you pay a one time fee, which amounts to \$12,500 (approximately) per project.

Mr. Metzgar suggested that when and if payment is made, it needs to be noted that it is conditional upon other entities paying the same user fee.

4. Lomitas Negras Project.

Mr. Garman stated that the funds have been received from the State Highway Department and Department of Finance and Administration. This project is now complete.

5. Dam #1.

Mr. Garman reported that repairs have begun by Longley.

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6. Harvey Jones and Dulcelina Curtis Channels.

Mr. Garman reported that the joint repair still needs to be completed.

7. Contract Renewals.

Mr. Garman reported that the appraiser contracts are due for renewal.

A motion by James Dorn, seconded by Bill Joiner, to renew the appraiser contracts be renewed for another year passed unanimously.

8. General Maintenance Contractor.

Mr. Garman reported that the Selection Advisory Committee recommended that Campbell Construction be awarded the contract.

A motion by James Dorn, seconded by Bill Joiner, to approve the Selection Advisory Committee's recommendation of Campbell Construction as the general maintenance contractor passed unanimously.

9. Venada Arroyo.

Mr. Garman stated that he met with Mr. Castillo and Mr. Easterling and refined the engineering tasks and established a rough construction schedule.

10. Personnel Policy.

Mr. Garman stated that no changes were received from the Board members. Mr. Yarbrough reminded him that the Vehicle Policy needs to be included in this policy.

Mr. Garman stated that work on the second half of the policy will begin and hopes to have part of it to the Board by the next Board meeting.

11. Out of State Travel.

Mr. Garman requested permission to attend a Soil Cement Short Course in Tempe, Arizona April 18, 19, 1996.

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A motion by Bill Joiner, seconded by James Dorn, to approve Mr. Garman to attend the Soil Cement Short Course class in Tempe, Arizona April 18, 19, 1996, passed.

12. Facilities.

Mr. Garman reported that the landlord has purchased a glass door but it has not yet been installed. The other main problem is the heating situation. A draft letter will be given to Mr. Metzgar to finalize and send to the landlord.

13. Excess Furniture.

Mr. Garman stated that he would like to rid the office of excess furniture. An exact list will be available at the next Board meeting.

CHAIRMAN'S REPORT.

Mr. Yarbrough reported that he approved a settlement on the Budagher parcel that states that SSCAFCA will retain no more than is necessary for its permanent easement and that SSCAFCA will construct a gravel road from Lot 34 to Lot 36 and a cul-de-sac at its termination.

A motion by Bill Joiner, seconded by James Dorn, to approve the settlement on the Budagher parcel passed unanimously.

Mr. Yarbrough reported that Mr. Mares, a real estate agent, approached him regarding a land swap on a parcel in Unit 17. Mr. Metzgar, legal counsel, reported that this can be done as long as it is of equal value and proper DFA procedures are followed.

Mr. Yarbrough reminded the Board of the property that was received from Corrales Watershed Board and thanked CWD for its generosity. He wanted the Board to be thinking about declaring some of the property excess, selling it and using the money for a building for SSCAFCA.

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Mr. Yarbrough also discussed upgrading Rio Oso Road. CWD had urged SSCAFCA to do this at their last meeting. Mr. Garman was directed to coordinate this with Mr. Fossenier.

OTHER BUSINESS.

None.

DIRECTORS' COMMENTS.

None.

PUBLIC FORUM.

None.

CLOSED SESSION.

A motion by Bill Joiner to go into closed session for the purpose of discussion of property negotiations, personnel and legal counsel contract was seconded by James Dorn. Roll call vote: James Dorn, yes; Bill Joiner, yes; Dub Yarbrough, yes. Motion passed 3 to 0.

The Board went into closed session at 3:30 p.m.

RESUMPTION OF OPEN SESSION.

The Board reconvened into open session at 4:38 p.m.

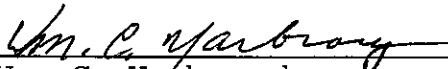
A motion by Bill Joiner, seconded by James Dorn, to hire Cliff Spirock for land planning on the Lucero case, passed unanimously.

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A motion by Bill Joiner, to approve a new legal counsel contract with Lamb, Metzgar, Lines & Dahl, P.A. and authorizing the chairman to sign the contract passed unanimously.

ADJOURNMENT.

A motion by Bill Joiner, seconded by James Dorn, to adjourn the meeting passed unanimously. Meeting adjourned at 4:42 p.m.



Wm. C. Yarbrough
Chairman



BILL R. JOINER
Secretary

Date Approved 4/16/96