

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
(SSCAFCA)
MINUTES OF FEBRUARY 1, 2000
SPECIAL BOARD OF DIRECTORS MEETING**

I. CALL TO ORDER.

The regular meeting of the SSCAFCA Board of Directors was called to order by Dub Yarbrough, Chairman, at 1:06 p.m.

Directors in attendance were John Chaney, James Dorn, Guy McDowell and Dub Yarbrough. Bill Joiner was noted as absent. Staff members present were David Stoliker, Executive Director. Bernard Metzgar, SSCAFCA's attorney and members of the public were also present.

APPROVE AGENDA.

A motion was made by James Dorn to approve the Agenda as presented. It was seconded by John Chaney and passed unanimously.

II. SECRETARY'S REPORT.

1. Approve Minutes of January 18, 2000.

A motion was made by James Dorn to approve the minutes of January 18, 2000 as presented. It was seconded by John Chaney and passed unanimously.

III. DISCUSSION/ACTION ON SANDOVAL COUNTY LANDFILL AGREEMENT.

Mr. Yarbrough stated that Sandoval County needs clean sand for fill dirt for its landfill. Mr. Stoliker stated that the agreement has been discussed between Mr. Metzgar, Mr. Marquez (of Sandoval County), Mr. Yarbrough and himself and that Mr. Metzgar has reviewed the agreement and it is being presented for approval. Debbie Hays, of Sandoval County, stated that the County's need will be ongoing, and that the immediate need is for about 35,000 yards of fill dirt. Mr. Stoliker stated that the County needs the dirt immediately and, therefore, the County approached SSCAFCA about utilizing SSCAFCA's ongoing maintenance person, John Campbell, to do the job. Mr. Stoliker has asked Mr. Campbell to get a quote from Mr. Longley to take fill from the Venada because of Mr. Longley's familiarity with the Venada Arroyo. Mr. Yarbrough stated that the County is doing this project at no cost to SSCAFCA.

A motion was made by John Chaney to approve the agreement with Sandoval County. It was seconded by James Dorn and carried unanimously.

IV. SARA'S MEADOW AGREEMENT RATIFICATION.

Mr. Stoliker stated that a Committee had been appointed by Mr. Yarbrough to discuss the Sara's Meadow Agreement. The Committee

SSCAFCA Board of Directors Special Meeting, February 1, 2000

consisted of Mr. Chaney, Mr. Yarbrough, Mr. Stoliker and Mr. Metzgar.

Mr. Chaney stated that the Committee came up with a general principal that SSCAFCA should apply on a case by case basis when a developer wants to put drainage water into SSCAFCA's facilities. SSCAFCA would calculate the amount of water going into the facility from the development and what that facility could take at its peak. The developer would then contribute its percentage amount to the cost.

He stated that JMS intends to put 44 cfs into Tree Farm Pond "A," which has a total flow of 383 cfs, which calculates to \$69,000 that the developer should pay. It was also agreed that JMS would put in a cattleguard drain on Meadowlark Lane and that JMS would be credited \$14,000 for that cattleguard. The agreement does not reflect the fact that the facility will have to be maintained and/or possibly reconstructed in the future.

Mr. Metzgar stated that the Committee discussed the terms of an agreement and he was asked to draw up a draft agreement setting forth the discussion terms. The actual contribution amount is based on 44 cfs against 383 cfs. The agreement also states that if there is a differential, the price will vary pro rata according to that differential.

Mr. Chaney stated that he would like Mr. Stoliker to come up with a formula whereby SSCAFCA can factor in a cost of replacement of SSCAFCA facilities in these contracts in the future. Mr. McDowell asked how SSCAFCA could reasonably project costs of projects in the future. Mr. Stoliker stated that the best place to implement Mr. Chaney's direction would be during the watershed planning currently underway by BHI. The existing conditions model will be brought to the Board during the March meeting and that this should be brought up at that time. Mr. Stone has been contacted regarding this issue.

A motion was made by James Dorn to approve the Sara's Meadow Agreement as presented. It was seconded by John Chaney. Roll call vote: John Chaney, yes; James Dorn, yes; Guy McDowell, abstain; Dub Yarbrough, yes. The motion passed 3-0, with one abstention.

V. DISCUSSION/ACTION ON SECTION 457 DEFERRED COMPENSATION PLAN/RESOLUTION.

Mr. Metzgar stated that he had not been able to complete his review of the 457 Deferred Compensation Plan/Resolution because of time constraints.

SSCAFCA Board of Directors Special Meeting, February 1, 2000

CLOSED SESSION.

Mr. Metzgar requested that the Board go into closed session to discuss potential litigation and settlement discussion on Lot 116 in the Dams 1 & 4 project.

A motion was made by John Chaney to go into a closed session for purposes of discussing potential litigation and settlement discussion on Lot 116, Salida del Sol Subdivision. It was seconded by James Dorn. Roll call vote: John Chaney, yes; James Dorn, yes; Guy McDowell, yes; Dub Yarbrough, yes. Motion passed 4 to 0.

The Board went into closed session at 1:40 p.m.

RESUMPTION OF OPEN MEETING


The Board reconvened in open session at 2:00 p.m.

Mr. Yarbrough stated that the matters discussed in the closed meeting were limited only to those specified in the motion for closure.

Mr. Chaney moved approval for Mr. Metzgar to counter-offer \$78,000 for settlement of lot 116. The motion was seconded by Mr. Dorn and passed unanimously.

ADJOURNMENT.

A motion was made by John Chaney and seconded by James Dorn to adjourn the meeting. It was carried unanimously. Meeting adjourned at 2:30 p.m.


BILL R. JOINER
Secretary


WM. C. YARBROUGH
Chairman

DATE APPROVED: 2-15-2000