

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
(SSCAFCA)
MINUTES OF FEBRUARY 15, 2000
REGULAR 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 1:10 p.m.

Directors in attendance were John Chaney, James Dorn, Bill Joiner, Guy McDowell and Dub Yarbrough. 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 Bill Joiner and passed unanimously.

II. SECRETARY'S REPORT.

1. Approve Minutes of February 1, 2000.

A motion was made by James Dorn to approve the minutes of February 1, 2000 as presented. It was seconded by Bill Joiner and passed unanimously.

III. TREASURER'S REPORT.

1. Approve Expenditures -- 08/01/99 - 08/31/99.

A motion was made by James Dorn to approve the expenditures for August 1, 1999 through August 31, 1999 as presented. It was seconded by Bill Joiner and passed unanimously.

2. Approve Treasurer's Report -- 08/31/99.

A motion was made by James Dorn to approve the Treasurer's Report dated August 31, 1999 as presented. It was seconded by Bill Joiner and passed unanimously.

3. Approve Expenditures -- 09/01/99 - 09/30/99.

A motion was made by James Dorn to approve the expenditures for September 1, 1999 through September 30, 1999 as presented. It was seconded by Bill Joiner and passed unanimously.

4. Approve Treasurer's Report - 09/30/99.

A motion was made by James Dorn to approve the Treasurer's Report dated September 30, 1999 as presented. It was seconded by Bill Joiner and passed unanimously.

IV. LEGAL COUNSEL REPORT.

1. Discussion/Action on Section 457 Deferred Compensation Plan/Resolution 2000-5.

Mr. Metzgar stated this plan could help employees save pre-tax dollars for retirement over and above PERA. The trustee of the plan would be required to do the reporting to the employees. The plan, in order to pass, requires a resolution by the Board. Mr. Metzgar stated that he did not prepare a separate resolution today, but that it can be prepared for the next meeting if the Board wishes to approve it.

Mr. Metzgar stated that the Investor of the plan is ICMA Retirement Corporation, which works with political entities and does the investments with the trustee of the plan. The only possible cost to SSCAFCA would be administrative fees.

Mr. Chaney proposed to defer this matter. This matter was deferred.

V. EXECUTIVE DIRECTOR'S REPORT.

1. Approval/Action on the Tree Farm Pond Study.

Mr. Dodge stated that the scope of the study was to look at Tree Farm Pond to bring the spillway up to State Engineer's criteria. When the hydrology was done, Tree Farm Pond didn't have enough storage for the 100-year event. For existing conditions it is a small amount short, for developed conditions it is about 5 acre feet short. Since there are two ponds, emergency spillways would have had to be put on both ponds, which would have doubled the cost. The alternative was to enlarge the bottom pond, delete the upper pond and connect the storm drain down to bring all the water into the lower pond. The construction project is set to advertise on Thursday.

Mr. Dodge stated that the seepage and bank stability of the embankment was also analyzed and the problem will be resolved with the construction project. The existing bottom pond has 9.7 acre feet of storage volume and the upper pond has 5.5 acre feet of storage volume. The bottom pond will be constructed to hold 20.4 acre feet. Mr. Dodge stated that SSCAFCA is not going to entirely fill in the upper pond.

A motion was made by Bill Joiner to approve the study. It was seconded by James Dorn and passed unanimously.

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2. Leedshill/Herkenhoff Task Order 2000-1-L/H.

Mr. Stoliker stated that when SSCAFCA approved the contract for the study and design of the Tree Farm Pond, it did not include construction observation. This task order contains that construction observation.

Mr. Dodge stated that the \$20,000.00 is for 45 working days of full-time inspection based on an estimated 30 days for the embankment and spillway construction with another 15 days of part-time for the storm drain, etc. Mr. Stoliker stated that the verification survey is \$5,952.00 and the final report at \$3,000.00. Testing (soil samples) was done by Vineyard & Associates for \$20,000.00.

Mr. Stoliker stated that the task order was set up so the engineer of record, Clint Dodge, had everything under his control to insure approval from the State Engineer. This is the reason that Vineyard is under contract to Leedshill.

Mr. Yarbrough stated that SSCAFCA has paid large fees for construction inspections in the past. He stated that SSCAFCA could possibly hire its own inspector for less money. Mr. Stoliker stated that it is a great idea as a potential cost saver, but he is unsure if right now is the time to implement it due to the lack of major projects. There is a possibility of cost sharing its inspector with the City of Rio Rancho.

A motion was made by James Dorn to approve the Leedshill/Herkenhoff Task Order 2000-1-L/H as presented and revisit the policy issue with construction inspections in the future. It was seconded by Bill Joiner and passed unanimously.

3. Tree Farm Pond Land Acquisition Update.

Mr. Stoliker stated that SSCAFCA needs .96 acres from the cemetery to complete the design prepared by L/H. A letter was written to the cemetery and the initial indication was that it could be worked out. Mr. Dodge stated that the property needed is immediately west of the pond. Mr. Stoliker stated that SSCAFCA needs to have the property appraised and will pursue selecting and contracting this task to an appraiser with assistance from Mr. Metzgar. The Board gave general consensus. Mr. Metzgar stated that SSCAFCA would need to follow the proper procedure as in any condemnation. He stated that it should not hold up the project if SSCAFCA is given an authorization to enter.

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Mr. Metzgar stated that a trade of public property, depending on the value, needs approval from the Department of Finance. Mr. Metzgar stated that trades need to be done on an equal basis. Mr. Stoliker stated that the upper pond area is approximately double the size of the parcel needed from the cemetery for the project. Also, the lot SSCAFCA would be getting from the cemetery has a slope of approximately 30%, which decreases its value. The cemetery has expressed a desire to buy the upper pond from SSCAFCA. Mr. Chaney stated that SSCAFCA should purchase what it needs right now and pursue the remainder at a later date.

Mr. Stoliker stated that additional property acquisition is needed from Intel according to the designs prepared by L/H. Intel has written a letter in anticipation of SSCAFCA requiring some of its excess land for the project. Intel has proposed that SSCAFCA pay for the cost of all the surveys, appraisals, and security fencing. Intel is concerned about SSCAFCA putting in the eight-foot security fence because of Intel's security dilemma. The project design calls for SSCAFCA staying with its policy of five strand barbless. Mr. Chaney stated that he doesn't mind working with Intel on another type of fence as long as it pays the difference.

Also, Intel is asking that there not be a trail allowed across SSCAFCA's property because of that problem. Mr. Yarbrough stated that it has been SSCAFCA's policy to not allow trails across its property. Mr. Metzgar stated that the City of Rio Rancho could, in the future, ask SSCAFCA's permission to put in a bike trail across its property and SSCAFCA would then take an easement on the property. Intel is asking that SSCAFCA not allow this to happen.

Mr. Stoliker stated that if Intel wants to have SSCAFCA put up a chain link fence and cost share it, he will bring it back to the Board at that time. Further investigation will be done to insure the property is needed to complete the design.

4. Approval/Action on July/August 1999 Storm Summary Report.

Mr. Stoliker stated that Mr. Pat Stovall is the author of the report and is present today. Mr. Stovall stated that the assumptions he made were based on his experience and the best data he had. He stated that he gave a range for each watercourse that he looked at. His decision on the Venada Arroyo was between a 50 and 100 year storm. The Baranca Arroyo was between a 75 and 150 year storm. The storm had a greater intensity in the Enchanted Hills Basin and his opinion is that it was between a 200 to 500 year storm event. Minor changes in the assumptions can make huge changes in the return estimate.

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There was no study done on the Sheriff's Posse Road because SSCAFCA did not find out about the problems with the road until after the study had been initiated. SSCAFCA was focusing mainly on the arroyos.

A motion was made by Bill Joiner to approve the July/August 1999 Storm Summary Report. It was seconded by James Dorn and passed unanimously.

5. Approval Action on Telecommuting Policy.

Mr. Stoliker stated that OSHA has recently talked about going into homes and making sure that the home workplace was adequate and met its requirements. He stated that Ms. Cobau telecommutes and that he has researched telecommuting. There is a nationwide telecommuting group association and they recommend that employers have a written policy to cover themselves. The employee has to understand that the home is their workplace.

Mr. Metzgar stated that SSCAFCA is very small at the moment and there is no deep concern with a telecommuting policy. As SSCAFCA grows, he does not believe that the telecommuting policy can apply to all workers. He stated that the policy should be only for exempt employees.

Mr. Chaney stated that there is nothing in the policy that requires the telecommuter to keep their workplace up to OSHA standards. Mr. Stoliker stated that OSHA was trying to get that through, but they were unable to do so. Mr. Yarbrough and Mr. McDowell stated that they have a problem with the telecommuting policy in that it could possibly open up SSCAFCA to liability.

Mr. Metzgar stated that the policy should go to the workers' compensation insurance carrier to make sure that they are in agreement with it and that they would cover it if something were to happen.

Mr. Yarbrough requested a discussion on item 15 of the Telecommuting Policy. Mr. Stoliker stated that he purchased mobile phones, which have free unlimited long distance charges. He stated that the service charge is less than is being paid at the moment. Mr. Stoliker stated that he would not approve hard wiring another line into Shelly's home. If it gets to the point where that is needed, then he will have her move back into the office.

Mr. Metzgar stated that this is a policy that will be discussed and possibly adopted at the next meeting. He stated that

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the policy could always be changed to protect SSCAFCA. Mr. Yarbrough stated that he wanted item 15 deleted. Item 15 was deleted.

Mr. Stoliker stated that he had a problem with item 5, the intrusion into the workplace. Mr. Metzgar stated that the insurer would look at that paragraph closely.

No action was taken and the item deferred until the insurance carrier looked at the telecommuting policy.

6. Approval/Action on Appraisers RFP Selection.

Mr. Stoliker stated that SSCAFCA advertised for appraisers in December and received six proposals. He met with Mr. Metzgar and Ms. Cobau to go over the rankings and they arrived at a decision to recommend Travis Engelage, Roos & Owens Appraisal, Cavallo & Associates and Godfrey & Associates as "on-call" appraisers.

A motion was made by Bill Joiner to approve the selection of the appraisers. It was seconded by James Dorn and passed unanimously.

7. Approval/Action on Bookkeeper/Accountant Contract.

Mr. Stoliker stated that SSCAFCA advertised for a bookkeeper/accountant and received 49 applicants. He met with Mr. Dorn and Mr. Yarbrough as the selection committee and arrived at Mr. Baird as the top candidate. Upon contact, Mr. Baird stated that he wants to work for SSCAFCA and currently has retirement under PERA so he does not want to work as an employee, but would rather work as a contract employee. Mr. Stoliker contacted PERA to make sure it was acceptable and PERA has no problem with it. If Mr. Baird makes more than \$15,000.00 per year, it has to be under contract. The contract is at the same hourly rate as before, including the benefits in the wage.

A motion was made by John Chaney to approve the Bookkeeper/Accountant Contract as presented. It was seconded by Bill Joiner and passed unanimously.

8. Approval/Action on Part-time Employee Pro-Rated Sick Leave.

Mr. Stoliker stated that in researching the Personnel Policy he has come upon a question. Karen works part time and SSCAFCA's

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leave with pay policy stated that part time employees shall accrue vacation on the same basis as full time employees, but pro-rated to the average time worked. That same language is not included in the sick leave part. There are three options for the Board in this case: One is to not give sick leave to part time employees; The second would be to give pro-rated sick leave; The third option would be to give them four hours per week, which is the same as full time. Mr. Stoliker recommends that the Board provide the pro-rated sick leave accrual. Mr. Stoliker stated that holidays are paid pro-rated for part time employees.

A motion was made by John Chaney to approve a part-time employee pro-rated sick leave accrual. It was seconded by Bill Joiner and carried unanimously.

VI. CHAIRMAN'S REPORT.

Mr. Yarbrough informed the Board that in the March 1999 meeting the Board discussed Urban Pond 4 and approved a cost share arrangement with the developer for installation of the clay liner, as follows: SSCAFCA would pay up to \$21,000 and the developer would pay the rest for installation of the clay liner as agreed to between the City of Rio Rancho and the Developer. Mr. Yarbrough indicated that staff is ready to pay for the liner costs but could not find the approval in the minutes. He told the Board that he is bringing the matter to the Board for approval prior to payment being made. My Yarbrough moved approval of the \$21,000 payment for the liner. It was seconded by Mr. Joiner and passed unanimously.

Mr. Yarbrough informed the Board that quotes were received by Mr. Campbell for removing the sediment from Venada Arroyo from the major storm event from 1999. Mr. Longley was the lowest bid at \$1.80/cu. Yd. and he would keep the sediment. The total cost is estimated at less that \$25,000. Mr. Yarbrough moved approval of the bid. It was seconded by Mr. Joiner and passed unanimously.

VII. DIRECTOR'S COMMENTS.

None.

VIII. OTHER BUSINESS.

None.

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IX. PUBLIC FORUM.

None.

X. CLOSED SESSION.

A motion was made by John Chaney to go into a closed session for purposes of discussing pending litigation on the Dam 4 to 1 Pipeline Project - Tapia/Solomon case; potential litigation on Dams 4 to 1 Pipeline Project and potential litigation on Urban Pond 4. It was seconded by Bill Joiner. Roll call vote: John Chaney, yes; James Dorn, yes; Bill Joiner, yes; Guy McDowell, yes; Dub Yarbrough, yes. Motion passed 5 to 0.

The Board went into closed session at 3:12 p.m.

XI. RESUMPTION OF OPEN MEETING


The Board reconvened in open session at 3:45 p.m.

The matters discussed in the closed meeting were limited only to those specified in the motion for closure.

Mr. Yarbrough stated that no action was necessary on the matters discussed in the closed session.

XII. ADJOURNMENT.

A motion was made by Bill Joiner and seconded by John Chaney to adjourn the meeting. It was carried unanimously. Meeting adjourned at 3:55 p.m.



BILL R. JOINER
Secretary



WM. C. YARBROUGH
Chairman

DATE APPROVED: 4-18-2000

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