

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
(SSCAFCA)
MINUTES OF MAY 16, 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 1:11 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, Pam McGrath, Karen Chama and Shelly Cobau. Bernard Metzgar, SSCAFCA's attorney and members of the public were also present.

APPROVAL OF AGENDA.

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

II. SECRETARY'S REPORT.

1. Approve Minutes of April 18, 2000.

A motion was made by Bill Joiner to approve the minutes from April 18, 2000 as presented. It was seconded by James Dorn and passed unanimously.

2. Approve Minutes of May 2, 2000.

A motion was made by Bill Joiner to approve the minutes from May 2, 2000 as presented. It was seconded by James Dorn and passed unanimously.

III. TREASURER'S REPORT.

1. Approve Expenditures for 04/01/00 - 04/30/00.

A motion was made by James Dorn to approve the expenditures for April 1, 2000 through April 30, 2000 as presented. It was seconded by Bill Joiner and passed unanimously.

2. Approve Treasurer's Report for 04/30/00.

A motion was made by James Dorn to approve the Treasurer's Report dated April 30, 2000 as presented. It was seconded by Bill Joiner and passed unanimously.

3. Approval of Fiscal Year 2000-2001 Interim Budget.

Mr. Yarbrough suggested that the Board appoint a standing committee on the budget. A discussion will be held later.

Mr. Stoliker provided a brief review of the budget including a statement that the budget is based upon last years budget, establishes and funds a reserve in the General Fund and a Building Fund in the amounts of \$600,000 and \$750,000 respectively, anticipates sale of the last \$2.5 million worth of bonds in January, 2001 and reduces the carryover from over \$1 million to less than \$100,000. Mr. Stoliker also reviewed the capital projects lists and indicated that it is currently estimated that to complete the listed ongoing projects will cost approximately \$3.8 million.

Mr. Baird stated that the reserve of \$600,000 in the budget is partly made up of some money coming from Corrales Watershed District (CWD). In the future, the Board can choose to appropriate that reserve into line items and spend the money only if jointly approved by the Department of Finance Administration. Mr. Yarbrough stated that the money has been informally earmarked for a building fund and he does not want the money spent for anything other than a building. Mr. Baird stated that the budget proposes to set up five funds: (1) the general fund, (2) a building fund, (3) the CWD fund, (4) a construction fund, and (5) a debt service fund.

Mr. Stoliker stated that revenues have been estimated at \$657,504, which is about 6% over what is expected this year. The operating mill rate is \$0.761 per thousand of assessed value, with a 96% collection rate assumed. The assessed value in the entire district is assumed at \$900 million. The mill rate to pay back the bonds is at \$0.87 per thousand. The mill rate is actually a little lower than what SSCAFCA started at because of yield control.

A motion was made by James Dorn to approve the fiscal year 2000-2001 Interim Budget, as presented. It was seconded by Bill Joiner and passed unanimously.

4. Line Item Adjustments for Current Fiscal Year.

Mr. Stoliker stated that the line item adjustments would not be made until July, which will be after the fiscal year-end closure.

IV. APPROVAL/ACTION ON SALE OF LOT 33 BLOCK 167 OF UNIT 17.

Mr. Stoliker stated that Mr. and Mrs. Jander live on Lot 32 and the lot they want to buy is Lot 33 of Block 167 of Unit 17. The Dulcelina Curtis Channel clips off about a third of that lot. SSCAFCA went through the process of getting an exemption from the

State Environment Department to allow it to be a buildable lot. The lot has been appraised at \$17,900. He stated that SSCAFCA has approval from the State DEA to sell it to the adjacent property owner. A motion was made by John Chaney to approve sale of Lot 33 to the Janders for \$17,900. It was seconded by Guy McDowell and carried unanimously.

V. ACTION/DISCUSSION ON CORRESPONDENCE FROM VICTOR WOWK.

This item was deleted.

VI. ACTION/DISCUSSION ON INTEL REQUEST DATED MAY 5, 2000.

No one was present from Intel so this matter was not discussed.

VII. PERSONNEL COMMITTEE REPORT.

Mr. Chaney stated that the Committee met on May 2, 2000 and recommended that a COLA of 3% be approved for all staff. The Committee recommended review of the COLA every year as opposed to automatic increases.

Mr. Stoliker stated that the staff had asked for two additional holidays, which were deleted by the Committee. He stated that in section 401.4, page 3, the staff has the ability to convert sick leave to annual leave. When a staff member accrues over 1,200 hours (at approximately 100 hours every year), if they have not used their sick leave, they can convert 2 hours of sick leave to 1 of annual leave.

Mr. Yarbrough stated that normally if you accrue some annual leave, you would not be allowed to take it until the end of the first year. The Committee recommends allowing the existing employees (i.e., Shelly and Karen) use of their accrued vacation time prior to completing one year. However, any new employees will not be able to use their annual leave prior to the completion of one year of service.

Mr. Metzgar stated that there is no legal requirement to give any leave prior to the end of one year. Ms. Cobau stated that she doesn't see people being excited about coming to work for SSCAFCA if they can't take a vacation until after one year. Mr. McDowell stated that he would like to see a kinder policy to the employees. Ms. Cobau stated that accrual of vacation time after the six-month probationary period would be fairer, however, other agencies allow time to be taken once it is accrued.

Mr. McDowell recommended remanding the Personnel Policy back to the Committee for further review. This matter was remanded back to the Personnel Committee for further review. All other items were approved by general consensus except the item of use of annual leave. Mr. Chaney indicated that Mr. Stoliker ask staff one more time for any outstanding issues that they wish to have addressed and they will be addressed with the use of annual leave issue.

VIII. RESPONSIBILITY/AUTHORITY DELEGATION COMMITTEE REPORT.

Mr. Dorn stated that the Committee met on May 9, 2000 and May 10, 2000 and went through the Executive Director Responsibilities and Authority. The Committee prepared a table showing the responsibilities of the Executive Director.

Mr. Metzgar stated that each of the responsibilities and authorities are already contained in Mr. Stoliker's contract, but there were some questions as to what authority Mr. Stoliker had and the Committee was appointed to clarify the responsibilities.

A motion was made by John Chaney to approve and adopt the Committee Report as prepared. It was seconded by Guy McDowell.

Mr. Stoliker stated that it is his understanding that once the Board has approved a contract for over \$10,000 the Board is giving him the authority to administer that contract from that point. He stated with regard to media relations, he supports having the Chairman be the voice of SSCAFCA rather than himself.

The motion passed unanimously.

IX. EXECUTIVE DIRECTOR REPORT.

1. Approval/Action of Bid to Bender Construction for Sheriff's Posse Road Project.

Mr. Stoliker stated that the low bidder was Bender Construction at \$103,736.99 for the Sheriff's Posse Road Project. The estimated project cost was \$167,212.74. Of that estimated cost, \$40,000 would be paid for by the developer; \$24,464.78 by the County; the Town of Bernalillo and SSCAFCA were going to pay approximately \$52,000 apiece. The bid from Bender brings SSCAFCA's cost to approximately \$41,400 plus NMGR.T. The agreement is

approved by all other parties. Mr. Stoliker stated that SSCAFCA would not have to pay for the utility relocation, as Bernalillo will take care of it.

A motion was made by James Dorn to approve the agreement as presented. It was seconded by John Chaney.

The motion carried 4-0 with Mr. Joiner abstaining.

2. Action/Discussion on Enchanted Hills Correspondence Dated April 27, May 4 and May 10, 2000.

Mr. Stoliker stated that he wanted direction from the Board regarding the Enchanted Hills matter. In November 1999, SSCAFCA had set a date at the end of March for certain things to be done on Enchanted Hills. He stated that SSCAFCA had wanted to bond at a certain point for the remaining infrastructure. The infrastructure has not been implemented. Some of the designs have not been completed. Mr. Grayson, in his letter dated April 27 and May 10, 2000 is asking for approval of certain things.

Mr. Grayson stated that he had a meeting on May 4, 2000 with David Stoliker and Shelly Cobau. He brought them up to date on the progress of the design of the channel and where the improvement plans stood. At the conclusion of that meeting, Mr. Stoliker asked for the submission of a letter that updated the construction schedule for the project, which included any future platting request that would be coming through. Mr. Grayson said that his client would like to get final plat for that project as soon as possible. The plans are being finalized for the subdivisions right now. They have set June 7, 2000 as a target date for submission.

Mr. Stoliker stated that he expected some of this material to be provided in January, but he received it within the last month. He was concerned with the time frame in which SSCAFCA was receiving the material and the lack of progress on the project. Because SSCAFCA received the material late, certain things did not happen. SSCAFCA wanted the diversion along with the design and construction of the first detention pond right next to the Venada Arroyo to occur concurrently. Those designs still have not been received. Mr. Stoliker stated that AMREP couldn't bond for something if it doesn't have the design for it. This information is presented in the May 4, 2000 letter from Mr. Stoliker.

Mr. Yarbrough stated that SSCAFCA was promised the design of the pond and if SSCAFCA does not have that, it directly affects anything that is done upstream. He stated that if SSCAFCA doesn't

have the items they were promised where SSCAFCA's staff can review them and make an informed decision, the Board should take no further action.

Mr. Grayson stated that he is not asking for approval or action at this point. Mr. Stoliker stated that the Encantado Channel has been completed almost to Sprint Boulevard. The structure has been totally redesigned, which is better than the first submission. The first basin is approximately 48-acre feet, which is larger than was originally anticipated. Mr. Stoliker stated that he thinks that Cinfran directed its energy toward redesigning the structure, rather than redesigning the first pond. Mr. Grayson stated that Cinfran's main goal was to keep the construction of the channel going. With regard to pond 1, he received the updated geotechnical recommendations from Vineyard last week. They are currently incorporating the new design criteria into the final design of the pond.

Mr. Yarbrough stated he could understand delays caused by redesign. He does not understand why items have not been submitted to Mr. Stoliker in a timely fashion for recommendation to the Board. Mr. Grayson stated that the plans should be submitted within the next couple of weeks.

Mr. Stoliker stated that as part of the redesign of the channel, SSCAFCA got a better quality product. He stated that the minutes of the November meeting are very clear that AMREP was supposed to bond at the end of March for anything remaining. He stated that he doesn't know how it can bond for the channel because there is no design. Mr. Castillo stated that the construction drawings will be completed soon and if SSCAFCA waits another couple of weeks, there won't be a problem.

Mr. Chaney stated that SSCAFCA couldn't bond something that is not designed. Mr. Stoliker stated that Cinfran would be coming in at the next meeting for approval of 13A and 13B for final plat approval. He stated that one solution could be that the Board would approve the plans in order for Cinfran to get final plat approval, but SSCAFCA would want a bond for final performance. Mr. Castillo stated that AMREP is open to that solution.

3. Action/Discussion on Urban Pond #4.

Mr. Stoliker stated that a meeting was held on Urban Pond #4 on April 21, 2000, and that all the items SSCAFCA needs for acceptance by the State Engineer on Urban Pond #4 will be completed by the end of the month. Therefore, no action is needed by the

Board at this time on Urban Pond 4.

4. Informational Item -- Sara's Meadow.

Mr. Stoliker stated that Shelly Cobau had sent a letter to Cinfran on April 27, 2000, which has the final numbers, on how much drainage there will be on Sara's Meadow. Mr. McClintic will deliver a check to SSCAFCA for the first half of the payment tomorrow.

5. Action/Approval of Acquisition Task Order for Venada Arroyo Right of Way Project.

Mr. Stoliker stated that this matter involves the Venada Channel. It is an action item for a task order for surveying and other sundry items to support the Venada right-of-way acquisition. He stated that in November 1999, as part of an agreement between AMREP and SSCAFCA, the SSCAFCA Board directed that SSCAFCA work with AMREP on the acquisition of the middle Venada. Specifically, that SSCAFCA agreed to do the surveying, negotiations, appraisals, and provide legal support to acquire all the properties and AMREP would purchase the property in the private sector and donate its property in the vicinity. SSCAFCA's on-call surveyor, URS Greiner, was asked to provide a task order to turn-key the project. The total cost was \$63,679.00 + GRT. The surveying cost is \$29,299; the right-of-way, etc. is \$34,380. This cost does not include legal services.

Mr. Stoliker stated that he would like to have Pam McGrath and Shelly Cobau follow the process with experts so that they will gain experience and be able to do this very thing in the future for SSCAFCA. He would also like Pam and Shelly to go to classes to learn how to do more right-of-way work for SSCAFCA in the future.

Mr. Stoliker stated that SSCAFCA has appraisers on contract. The task order does call for the cost of an appraiser. Mr. Metzgar stated that URS Greiner did the engineering for the Big-I project and used Smith-Roberts Land Services, Inc. out of Oklahoma City and used Oklahoma appraisers to do the appraisal work on the Big-I. He is presuming that the appraisal work in the task order will be done by Oklahoma appraisers. Mr. Stoliker stated that URS Greiner tried to contract with local appraisers, but they could not. The local appraisers told them that they would work with SSCAFCA, but would not work with an Oklahoma firm. With the diversion on the Encantado Channel, this project needed to be pushed through. If this project is delayed to find a different firm, time may be a problem.

Mr. Stoliker reviewed the cost of the task order including summary platting, setting monuments, and engineering drawings on the road. The cost for the engineering was thought to be very reasonable. Mr. Stoliker has a problem with the negotiations side of it. He has a hard time justifying \$34,000 to go out and talk to people. Mr. Metzgar stated that there are trained negotiators who go out and do the actual negotiations. The reason is because there are statutory guidelines to be followed in acquisition.

Mr. Metzgar stated when you are trying to obtain properties quickly, you ask for turn-key project. You may not wish to take the time to bid for negotiators or appraisers. Mr. Stoliker stated that the cost of the property would be borne by AMREP. The task order is also a "not to exceed" task order and will be done by the end of the year.

A motion was made by Dub Yarbrough that David Stoliker renegotiate the task order with URS Greiner. It was seconded by John Chaney and carried unanimously.

Mr. Castillo stated that he never told the Board that AMREP would pay for the private land when he has no idea what it would appraise for. He stated that AMREP would only participate with SSCAFCA in the land acquisition. He did agree to donate AMREP's property at no cost.

A brief discussion was held by the Board on what was agreed to at the time between SSCAFCA and AMREP. The minutes were reviewed and clearly state that Mr. Castillo agreed that AMREP would provide funding to purchase the property and SSCAFCA agreed to provide specific services in support of purchasing the property. Because of the withdrawal of AMREP's commitment, the SSCAFCA Board directed that Mr. Stoliker stop all action on the Middle Venada property acquisition and the Enchanted Hills/Encantado Channel development and write Mr. Castillo a letter informing him of this action.

X. CHAIRMAN'S REPORT.

1. Approval/Action of Change in Board Meeting Location, Amended Resolution 2000-1.

Mr. Yarbrough stated that the location of the board meetings has been changed and that Resolution 2000-1 has been amended to reflect said change.

A motion was made by Bill Joiner to approve Amended Resolution 2000-1, which changes the board meeting location. It was seconded by James Dorn and carried unanimously.

2. City of Rio Rancho Request to Remove 10,000 Cubic Yards of Sediment from Northern Boulevard Pond.

Mr. Stoliker stated that Mr. Curtis would like to utilize the sediment that needs to be removed from the Northern Boulevard Pond. Mr. Curtis had already started removing the sediment without approval and was told to stop. Mr. Curtis has asked for approval to remove 10,000 cubic yards of sediment.

A motion was made by Dub Yarbrough to allow the City of Rio Rancho to remove up to 10,000 cubic yards from the Northern Boulevard Pond at no cost to SSCAFCA and under Mr. Stoliker's direction. It was seconded by Bill Joiner and carried unanimously.

3. Standing Committees.

Mr. Yarbrough stated that Mr. Metzgar and Mr. Stoliker had suggested creating a standing Budget Committee and a standing Personnel Committee. Mr. Metzgar stated that a standing committee is always available to review matters given to them by the Board.

A motion was made by Dub Yarbrough to approve Resolution 2000-6, which creates a standing Budget Committee and a standing Personnel Committee. It was seconded by Guy McDowell and carried unanimously.

4. Recommendation of Purchase of Explorer on State Purchasing Agreement.

Mr. Yarbrough stated that he was going to recommend purchasing a Ford Explorer for David Stoliker and getting Shelly Cobau out of her personal car for SSCAFCA business. However, the time for state purchasing has passed and this matter will have to be addressed after the beginning of the new fiscal year.

5. Discussion of SSCAFCA Building.

Mr. Yarbrough stated that if SSCAFCA is going to build a building, the groundwork needs to be started. SSCAFCA is spending in excess of \$40,000 per year for rent. Mr. Stoliker stated that setting up a committee would be the best way to look at getting a building started.

A Building Committee was appointed by Mr. Yarbrough to start looking at the possibility of a building for SSCAFCA. The Committee members are Bill Joiner, Guy McDowell, and David Stoliker.

Mr. Stoliker stated that he would develop an RFP and bring it to the committee by mid-summer.

6. Discussion of SSCAFCA Inspector on SSCAFCA Jobs.

Mr. Yarbrough stated that the City of Rio Rancho was supposed to have an inspector on the Enchanted Hills project. The inspector is spending a minimal amount of time at the site. The Town of Bernalillo was going to have an inspector on the Sheriff's Posse Road project. He stated that SSCAFCA should have an inspector on the Sheriff's Posse Road project to protect its interest in the project. Mr. Stoliker stated that an inspector would cost \$69.00 per hour, two days a week, for the next three months. He has done a lot of the inspection himself, but he is not able to get out to the site for every concrete pour.

Mr. Chaney stated that SSCAFCA should consider hiring its own inspector on-staff. Mr. Stoliker stated that Cinfran has an inspector on the Enchanted Hills project, and Cinfran will certify the project when it is finished.

Mr. Chaney suggested having the Personnel Committee look at hiring an inspector for SSCAFCA and that Mr. Stoliker continue to keep an eye on the projects at this time.

7. Discussion of Venada Arroyo and Price's Dairy Development.

Mr. Yarbrough stated that a developer is looking at putting a 200-acre subdivision on the Price's Dairy land. The subdivision will take some extensive modification of the lower Venada arroyo before it can be put in.

XI. DIRECTOR'S COMMENTS.

None.

XII. OTHER BUSINESS.

None.

XIII. PUBLIC FORUM.

None.

XIV. CLOSED SESSION.

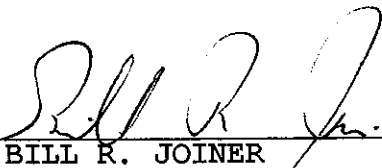
None.

XV. ADJOURNMENT.

A motion was made by John Chaney and seconded by Guy McDowell to adjourn the meeting. It was carried unanimously. Meeting adjourned at 4:20 p.m.



WM. C. YARBROUGH
Chairman



BILL R. JOINER
Secretary

DATE APPROVED: JUNE 29, 2000

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