

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY  
(SSCAFCA)  
MINUTES OF FEBRUARY 19, 2002  
BOARD OF DIRECTORS REGULAR MEETING**

**CALL TO ORDER.**

The regular meeting of the SSCAFCA Board of Directors was called to order by Dub Yarbrough, Chairman, at 1:12 p.m.

**PLEDGE OF ALLEGIANCE.**

The Board was led in the Pledge of Allegiance by Dub Yarbrough.

**ROLL CALL OF DIRECTORS.**

Directors in attendance were John Chaney, Richard Deubel, Guy McDowell, and Dub Yarbrough. Mark Conkling was not present. Staff members present were David Stoliker, Executive Director, Bob Foglesong, Perry Baird, Pam McGrath and Laura Davis. Bernard Metzgar, SSCAFCA's attorney and members of the public were also present.

**APPROVAL OF AGENDA.**

A motion was made by Richard Deubel to approve the Agenda with the exception of the minutes being on the consent agenda. It was seconded by Guy McDowell and passed unanimously.

a. Action/Approval of Minutes of January 15, 2002.

A motion was made by Richard Deubel to approve the minutes of January 15, 2002 with minor changes he provided in writing. Mr. Stoliker was directed to insure that the changes were made. It was seconded by Guy McDowell and passed unanimously.

**CONSENT AGENDA.**

b. Action/Approval for Treasurer's Report for January 31, 2002.

A motion was made by Richard Deubel to approve the Treasurer's Report dated 01/31/02 as presented. It was seconded by Guy McDowell and passed unanimously.

## **PUBLIC FORUM.**

Mr. Eduardo Pineda stated that he would like the best minds and hearts to be dedicated to the many phases of the water problems that exist in the area and that he is fully confident that SSCAFCA will do what is right.

Mr. Conkling arrived at 1:20 p.m.

## **CHAIRMAN'S REPORT.**

Mr. Yarbrough stated that he would like to follow Roberts Rules of Order at SSCAFCA meetings when there are procedural questions. It was the consensus of the Board to follow said rules.

Mr. Yarbrough stated that SSCAFCA designs its projects for flood control to the 100 year standard and he questioned if there was any liability to SSCAFCA in a storm in excess of a 100-year event. Mr. Metzgar stated that SSCAFCA designs for the 100-year event, which is a standard that was developed all over the U.S. by governmental agencies. As a result of that being the standard, there should be no liability for an event higher than the 100-year storm.

Mr. McDowell questioned what would happen to the dams if the area had two 100-year events back to back. Mr. Stoliker stated that if the area had two back to back 100-year events in 24 hours, the volume of the second storm not contained by a dam would go over the emergency spillways. The emergency spillways are built for a probable maximum flood, which is far in excess of those two events.

Mr. Yarbrough stated that he has directed David Stoliker to arrange his schedule so that the memorials for Annette Jones and Johnny Losack are his number one priority due to the physical condition of Annette Jones.

a. **Resolution 2002-06 - Board of Directors Election.**

Mr. Yarbrough stated that the election Resolution has been prepared for the election to be held in November 2002. Mr. Stoliker stated that this resolution is for Mr. McDowell's seat on the Board.

A motion was made by Richard Deubel to approve Resolution 2002-06 as presented. It was seconded by John Chaney. Roll call vote: John Chaney, yes; Mark Conkling, yes; Richard Deubel, yes; Guy McDowell, yes; Dub Yarbrough, yes. The motion passed 5-0.

**BOARD OF DIRECTORS' COMMENTS.**

None.

**ATTORNEY'S REPORT.**

a. Action/Approval of a Resolution for a Standing Executive Committee.

Mr. Metzgar stated that the issue was brought up at the last meeting about having a standing Executive Committee. It was approved at the last meeting, however, since it is a standing committee, he felt that it should be done by resolution. He has prepared the Resolution for the Board's approval and read it to the Board. It is numbered Resolution 2002-07.

There was some discussion regarding the language of the Resolution. It was suggested that the following language be added, "any decisions made by the Executive Committee shall be brought to the attention of the Board of Directors at the next scheduled board meeting."

A motion was made by Guy McDowell to approve Resolution 2002-07 with the additional language. It was seconded by John Chaney.

Roll call vote: John Chaney, yes; Mark Conkling, yes; Richard Deubel, yes; Guy McDowell, yes; Dub Yarbrough, yes. The motion passed 5-0.

b. Discussion on NPDES Phase II Requirements for Permitting.

Mr. Metzgar stated that Mr. Stoliker had spoken to an EPA representative in Dallas to see if SCAFCA was covered under the requirements of the NPDES Phase II Requirements. The person stated that SCAFCA was subject to the requirements, even though it wasn't listed among the cities or towns in the regulation. Mr. Metzgar stated that he has gone through the major portions of the regulations that deal with the permitting and it appears that the regulation covers SCAFCA and, therefore, SCAFCA would be required to get a permit. The only question remaining is whether SCAFCA does it in conjunction with some of the other entities in its jurisdiction.

Mr. Pineda stated that he believes that right now the EPA will regulate it by best management practices, but in the future, if the trend is that the best management practices does not mitigate the

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pollution of the waters, the EPA will regulate it by numerical standards. He would like SSCAFCA to send a delegation to the next meeting of the Middle Rio Grande Water Quality Group to discuss these issues.

Mr. Stoliker stated that he needs to do research to find out what SSCAFCA needs to do to apply for the permit. If SSCAFCA does not get its permit in on time, it could be subject to criminal and civil penalties.

Mr. Deubel stated that he was under the impression that SSCAFCA was going to take this matter to the Legislature.

Mr. Conkling stated that his understanding is that the best management practice is not a point source of discharge. Rather, it is a general way of handling storm water. He stated that there is one of two ways of paying for this, raise taxes, or go to the state Legislature. Either way, the public will pay for it.

Mr. Deubel stated that SSCAFCA has a limit on what it can tax, and SSCAFCA would then be diverting resources from flood control, to water clean up.

Mr. Deubel stated that SSCAFCA should get its permit and then the Board should decide what would be the most efficient, economical means of complying with the permit.

There was general consensus from the Board directing Mr. Stoliker to develop an NPDES Phase II Storm Water Permit for submission to EPA. A budget had previously been approved and would be used for this purpose.

**EXECUTIVE DIRECTOR'S REPORT.**

- a. Action/Approval of the Development of the Venada Arroyo Agreement of the DMP.
  - 1. January 30, 2002 Letter to Michael Castillo.
  - 2. January 30, 2002 Letter to Douglas Collister.
  - 3. February 6, 2002 Letter from Mike Castillo.

Mr. Stoliker stated that the agreement is proposed with a myriad of groups to develop a watershed management plan for the Venada Arroyo. The agreement will be at staff level under the supervision and control of the SSCAFCA Board. He stated that this agreement pertains only to the Venada Arroyo DMP. The purpose of the agreement is to provide for a sharing of information and should save money for everyone involved.

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There are more benefits outlined in the Board packet along with the specifics for implementing this agreement.

Mr. Doug Collister, president of High Desert Investment Corporation, stated that he has had several meetings with Mr. Stoliker to scope out this project and they are pleased to participate and share information with SSCAFCA. They are in the process of asking for annexation into the City of Rio Rancho at this time, which may happen before the end of the month. It will take one year to 18 months to design the infrastructure before any construction could begin. SSCAFCA would work with them in the planning process for drainage during that time.

Mr. Collister stated that they have submitted a conceptual master drainage plan to the City of Rio Rancho. It is his understanding that as they reach the subdivision approval process, they will submit that to SSCAFCA.

Mr. Dodge stated that there is an Enchanted Hills South that is master planned; and there is Enchanted Hills. The rest of it is platted land owned by individual owners, along with some state land.

Mr. Conkling stated that this is probably unique in that all of the half acre lots between Enchanted Hills South and Mariposa are owned by hundreds of people all over the country and the ability to assemble them into any kind of rational drainage plan is beyond human capacity.

Everett Ingram, a private landowner in the area, stated that about 70% of the area between Unser and the Mariposa is owned by AMREP. He stated that the SSCAFCA staff clarified a lot of individual owners' questions and has eased a lot of their worries about the drainage.

Mr. Popper stated that he did not want SSCAFCA to get caught in the same situation that has happened with Unit 16. Mr. Chaney suggested opening up DMP participation to other landowners in the watershed who might want to participate. Mr. Stoliker stated that any time SSCAFCA does a DMP, it wants input from everyone. Mr. Chaney suggested adding "and other interested members of the public" to the wording of the agreement so that it would not be so standoffish to others.

Mr. Deubel stated that SSCAFCA's best approach at this time is to do a good management plan and see what's out there and what needs to be done, what it's going to cost, and who will contribute what.

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A motion was made by Mark Conkling to approve the Venada Arroyo Agreement DMP as presented. It was seconded by Richard Deubel and passed unanimously.

- b. Action/Approval on Renewal of Annual Contracts of RBC Dain Rauscher, Inc.; Hughes & Strumor, Ltd. Co.; Lamb, Metzgar, Lines & Dahl, P.A.; J & J Technical Services, Inc.; Roos & Owens Appraisal Service, Inc.; Godfrey Appraisal Services; Travis D. Engelage, MAI; Heads Up Landscape Contractors; and Perry M. Baird.

Mr. Stoliker stated that the contracts that are outstanding come up every year for renewal. Mr. Baird is the only contractor who has asked for a \$5 per hour increase.

A motion was made by John Chaney to approve the renewal of all listed annual contracts. It was seconded by Mark Conkling and passed unanimously.

- c. Action/Approval of Engineering Contracts.

Mr. Stoliker stated that the engineering contracts have expired and are up for renewal. He advertised for engineers and those that submitted and were selected were: ASCG, Bohannan-Huston, Wilson & Company, Stantec, Huitt-Zollars and Parsons for engineering. Contracts have been prepared for the selected firms and are available for review.

Mr. Stoliker stated that contracts are on-call contracts: When engineers are needed, a task order is prepared.

A motion was made by Richard Deubel to approve the engineering contracts as presented. It was seconded by Guy McDowell and passed unanimously.

- d. Action/Approval of Surveying Contracts.

Mr. Stoliker stated that the surveying contracts have expired and are up for renewal. He advertised for surveyors and those that submitted and were selected were: Bohannan-Huston, ASTS, Inc., Wilson & Company, Surveying Control, Inc., Huitt-Zollars, Albuquerque Surveying Co., Inc., and Community Sciences Corp. Contracts have been prepared for the selected firms and are available for review.

Mr. Stoliker stated that contracts are on-call contracts: When surveyors are needed, a task order is prepared.

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A motion was made by Richard Deubel to approve the surveying contracts as presented. It was seconded by Guy McDowell and passed unanimously.

e. Action/Approval of Fencing Contracts.

Mr. Stoliker stated that the staff advertised for fencing services. The low bid was Sunny Fence and the cost was \$1.50 per lineal foot for five strand barbless. He is requesting approval of a one-year contract, which may be extended yearly for three additional years.

Mr. Yarbrough stated that Mr. Stoliker is going to develop a list of SSCAFCA's properties that need to be fenced and the first priority for fencing is the property adjacent to Jerome Rael's property.

A motion was made by Richard Deubel to approve the fencing contract as presented. It was seconded by John Chaney and passed unanimously.

f. Action/Approval to Receive Public Input of the Black Arroyo Watershed Management Plan Presentation.

Mr. Clint Dodge, of ASCG, stated that the draft of Volume I of this matter was approved by the Board about two months ago. Volume I established existing flow rates, existing structure capacities. Volume II of the plan is to look at the problems and what to do about them and options dealing with the solutions. The property north of Tulip Road is basically undeveloped properties at this point. There is more water flowing into Black Dam than the dam was designed for. SSCAFCA needs to either store some of the water in Black Arroyo Watershed, or increase the size of the Black Dam. The first component of the plan is to stabilize all of the channels to stop the erosion. In ultimate conditions, it is presumed that all the channels would be stabilized in some way. The second component of the plan is the use of storm water quality enhancement facilities. As the plan develops, it would allow ASCG to set aside areas now where SSCAFCA will treat storm water to improve its quality. They do that by diverting the first flood runoff out of the storm water to capture the bad stuff.

Alternate B has the detention facilities scattered in the watershed. The ones that are marked by red circles on the map are water quality treatment sites. The triangles are detention sites. The combination of these decreases the load on Black Dam, which in turn makes it so that Black Dam does not have to be increased in size. The yellow triangles are other sites that ASCG looked at and didn't think were as good as the others for detention sites.

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There are two storm water quality treatment facilities at the bottom of the watershed, one on the west branch and one on the east branch just before it goes into Black Dam. There is another pond up at the golf course. They are proposing a pond in the golf course at the end of the channel. This will help reduce the flows into the undersized facilities. There is a detention pond at Tributary U, which is a gateway area. There is a potential for detention at Unser, but they're not showing that as a prime site. The prime site they have is at Tributary A, which has a large basin, with a long, narrow drainage area below. Above Tulip, many of the channels going through the subdivision have 30 to 50 feet of right of way and are very narrow. A lot of the grade control structures are washed out. These channels are problems. The idea is to cut the water off by detaining it and releasing it very slowly, thereby reducing the risk and the erosion all the way through the system.

Mr. Chaney suggested that AMAFCA build a new Black Dam. Mr. Stoliker stated that he is not sure that would happen. He stated that AMAFCA might work on expanding the dam a little bit, based on this report. Mr. Dodge is not looking at just the dam site and the volumes, but also at all the channels in the watershed. Mr. Dodge is looking at reducing the flow and putting in a pipe, which would allow all the properties to be developed and protected. Inlets would be needed along that pipeline. Mr. Chaney stated that when SSCAFCA staff goes to the public, he recommends stating that the standards have changed since that dam was built rather than allowing the implication that it was inadequately built to handle the storm water.

Mr. Deubel stated that SSCAFCA does not know what will be required as a result of the NPDES permit. It is unknown where sampling sites are going to be, if each detention pond will have to be sampled, or if the samples will be taken at the confluence of some of the arroyos. He questioned if SSCAFCA would need to make the DMP compatible with the NPDES permit. Mr. Dodge stated that they are keeping that in mind, but he would like to keep comments like that coming in for discussion and review.

Mr. Dodge stated that Alternate A is to let the water run down through the watershed and capture it all at the bottom, either in Black Dam or in Sandoval County. The arroyos and channels will convey the flow without any detention involved. They have designed two large storm water quality diversions that would release the water into Black Dam. The advantages of this from an O & M perspective would be that they are large, central locations that can be managed and sampling becomes very simple because everything would show up at the bottom. The disadvantage would be that they are not scattered in the area. They are not dam sites, but are more like allowances (set asides) for storm water quality. There is a small amount of enlargement needed, whether it's in the Black Dam right-of-way or whether it's in Sandoval County. ASCG's very crude estimates shows that Alternate A is slightly more expensive (10%) than Alternate B.



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Mr. Dodge stated that channel work would have to be done in either alternative. The channels are currently not stable over much of the watershed. The stabilization of the channels would be the function of slope, right-of-way availability, etc. Lisbon Channel has a narrow right of way with a large flow and there is not much that can be done there except to line it. Other places can be naturalized. Mr. Deubel stated that he would like to have a fairly detailed estimate of cost before the Board makes a decision as to which proposal is most economical. Mr. Dodge stated that they have gone in and said for a certain flow and a certain slope, they can treat the channel in a certain way and taken the cost from that without doing a detailed cost estimate. The way the master plan will end up is that ASCG will identify the flow rates and the volumes, the constraints will be identified, the right-of-way, and discuss the options and solutions.

Mr. Dodge stated that he is trying to identify a set of criteria on how to identify priorities for SSCAFCA so they can go through the watershed and rank the different pieces based on safety of the life, cost, available right-of-way, property damage, etc. He would then like to sit down with the same list from the different master plans and start comparing them. Some items will jump out as a threat to people and property and will need to be taken care of right away.

Mr. Dodge stated that there are an unknown number of in-between solutions as well. The one with all of the water flowing through has less total area, about 30 acres less. That is based on assuming conveyance width. The large site at the bottom will be less O & M with a minimum upgrade required to the Black Dam. The first alternative has a little less cost and a lot of the areas could be used as parks. It therefore has the opportunity to share with the City on O & M, land costs, etc. No upgrade to Black Dam will be required. With the reduced flows, there may be an opportunity, below Southern, to use more natural soil cement types of channels.

Mr. Stoliker stated that the staff is looking for approval to take this plan to the public, Rio Rancho City Council and to AMAFCA to get their input.

Mr. Howard Stone stated that in 1985 a Master Plan was done for Black Arroyo. At that time, they came up with flows around 5,800 or 6,000 cfs. They were bound by the state of technology and criteria of the time. About 1988 there was a severe storm in Albuquerque that pointed out some concerns about hydrology in terms of the current technology criteria. Sediment came down with the flows and caused flooding in a number of areas. It precipitated an action by FEMA which told them that they weren't sure if they had the hydrology right and wanted them to come back to FEMA with a better explanation before any changes were made to flood plains in the area.

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That precipitated a look at the hydrology standards, which took about three to four years to complete. In the mid-90s the new standards came out which changed the hydrology in the area, not only with the flows, but also with the sediment. Those new standards, which Clint Dodge is now using, have caused the flows to go beyond the recommended cfs. The structure right now is fully capable of taking the current flows that go to it, but it is a question of what the developed scenario will occur that will overload it in the future.

It was the consensus of the Board to take this matter to the public, the City of Rio Rancho and AMAFCA.

- g. Action/Approval to Update SSCAFCA's Procurement Code to Comply with the State Procurement Code.

Mr. Stoliker stated that every once in a while the State will change parts of the Procurement Code. SSCAFCA staff tries to keep up with these changes. The changes to SSCAFCA regulations have been made to conform with the State statute and Mr. Metzgar has looked at them to make sure SSCAFCA is in compliance.

A motion was made by John Chaney to update SSCAFCA's Procurement Code as presented. It was seconded by Guy McDowell and passed unanimously.

**FOR BOARD INFORMATION:**

Mr. Yarbrough stated that he did not believe that the Office Management/ Personnel Services Request for Proposals should go out to write up job descriptions for SSCAFCA personnel. Mr. Deubel stated that he would like to see Mr. Stoliker have a system in place for periodic evaluations of the staff in order to prevent problems down the road.

- a. Policy for Numbering IFBs and RFPs.

Mr. Stoliker stated that the staff has a policy for numbering IFBs and RFPs.

- b. Policy for Distribution of Confidential Information.

Mr. Stoliker stated that the staff has as policy for distribution of confidential information.

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- c. Letter to Debbie Hays Regarding Digital Mapping Project Cost Sharing Approval.

Mr. Stoliker stated that he has provided a letter to Debbie Hays regarding digital mapping project cost approval.

- d. Letter to John Taschek Regarding Comments on NM528 Improvements Environmental Assessment.

Mr. Stoliker stated that he has provided a letter to John Taschek regarding 528 improvements. There is a meeting at the Baptist Church tonight regarding 528.

- e. Letter from Eddie Gutierrez Regarding the Estimated Cost for the November Election.

Mr. Stoliker stated that he has provided a letter from Eddie Gutierrez regarding the estimated cost for the November election.

- f. Letter to Gary Kanin Regarding the Corrales Far Northwest Sector Plan's Effect on the Dulcelina Curtis Channel and the Harvey Jones Channel.

Mr. Stoliker stated that he has a letter to Gary Kanin regarding the northwest sector.

- g. Letter to Gary Kanin Regarding the Transmittal of Escarpment LOMR Information.

Mr. Stoliker stated that he has provided a letter to Gary Kanin regarding the escarpment LOMR information that was put together by Jim Service.

- h. Letter to Gary Kanin Regarding the Montoyas Arroyo Watershed DMP, January 16, 2002 Meeting.

Mr. Stoliker stated that he has provided a letter to Gary Kanin regarding the Montoyas Arroyo Watershed DMP with regard to a January 16th meeting.

Mr. Deubel stated that he thought the Board had agreed at the last meeting that they were going to hold the Village responsible for whatever improvements were necessary to keep the Lafferty's property from flooding. Mr. Stoliker stated that a letter regarding that has not been prepared yet. He has met with the engineers and everything should be back by the 4th of March. Once he receives that, he will distribute it, with the Executive Committee's approval. At that point, he will have an actual estimate and a letter will go to Mayor Kanin regarding the cost.

i. Letter to Annie Chavez Regarding the Montoyas Arroyo Watershed DMP.

Mr. Stoliker stated that he has a letter to Annie Chavez about raising the Corrales Road bridge at the Harvey Jones Channel. Ms. Chavez was very concerned that SSCAFCA would affect her property by raising the bridge. If their property is damaged, they would like payment for it. He has asked Howard Stone to provide him with a scope of work for what it would take to evaluate raising that bridge and the effect it would have on the adjacent properties. It will be brought to the Board at a future meeting for its approval. Mr. Yarbrough stated that Annie Chavez is the one who led the charge to lower the bridge from its original design. When that happened, it created a bottleneck.

Mr. Stoliker stated that he believes this matter is a joint responsibility with the State Highway Department. Mr. Deubel stated that the matter would require state approval. Mr. Chaney stated that they knew the bridge was substandard ten years ago. The Soil Conservation Service knew the bridge was substandard when they built it. Mr. Pineda stated that if any state agency gets involved with this matter, they will be required to perform a complete environmental impact assessment. Mr. Yarbrough stated that, by raising the bridge, SSCAFCA is trying to reduce the danger of the flow through the Los Montoyas Arroyo. Mr. Yarbrough stated that SSCAFCA can either go upstream and build enough dams to reduce the flow to where it is safe, or raise the bridge. At this point, raising the bridge is probably the cheapest alternate.

Mr. Stoliker stated that the study is requested by the public and will calm a lot of fears. If it is a problem, and SSCAFCA wants to cost share with the Highway Department, it will identify a cost as part of the study. SSCAFCA can then send a letter to the Highway Department informing them that they have a deficient bridge and request that they put it on their list for capital improvements.

j. Task Order 2002-1 for Review of Drainage Issues of NM528, South of Westside Boulevard to North of Southern Boulevard.

Mr. Stoliker stated he has a task order for review of drainage issues of NM528.

k. Task Order 2002-2 for Tree Farm Pond Final Permits.

Mr. Stoliker stated that they have one last thing to do on Tree Farm Pond. Mr. Dodge needs to submit the final permit, so a task order was issued for that.

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1. G.O. Bonds Series 2002 Schedule.

Mr. Stoliker stated that they have received a series issue schedule for the sale of the bonds in 2002. Mr. Baird stated that the election in August and the schedule leads to a possible sale of bonds by December or January.

m. Newspaper Article Regarding Travel Rate Increase.

Mr. Stoliker stated that they have a newspaper article, which shows that the state may have increased the travel rate. His staff will track that to see if it is true. The reason for this is because it affects what SSCAFCA pays to consultants and the staff. Mr. Metzgar stated that it probably does not affect the Board.

n. Letter from MRGCOG Regarding the Proposed Regional Water Plan.

Mr. Stoliker stated that he has provided a letter regarding the proposed regional water plan.

o. Letter of Response to Mayor Kanin Regarding Questions from a Concerned Corrales Citizen.

Mr. Stoliker stated that he has provided a response letter regarding questions about how SSCAFCA estimated costs.

p. Distribution of the Annual Report.

Mr. Stoliker stated that the Board should have received a copy of the final annual report.

q. Letters of Transmittal of the Annual Report.

Mr. Stoliker stated that the letters show that the annual report went out.

r. Distribution of Roberts Rules of Order.

Mr. Stoliker stated that everybody received their copies of Roberts Rules of Order.

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s. Task Order for Sediment Removal at the Harvey Jones Channel Outlet.

Mr. Stoliker stated that staff did a task order for sediment removal from the Harvey Jones Channel outlet. They are researching how to handle this matter in a better way.

t. PNM Electric Line Extension Agreement.

Mr. Stoliker stated that the PNM Electric Agreement is an extension of the power to SSCAFCA's new office building for \$2,500.00. He was planning on signing the agreement since it is less than \$10,000.00. General consensus was to proceed with signing the agreement and getting the utility extended.

u. Final Repayment of Loan from Ciudad Soil and Water Conservation District Received February 11, 2002.

Mr. Stoliker stated that the final payment of the loan made to Ciudad Soil & Water Conservation District was received on February 11, 2002.


**OTHER BUSINESS.**

None.

**ADJOURNMENT.**

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

  
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WM. C. YARBROUGH  
Chairman

  
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RICHARD DEUBEL  
Secretary

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DATE APPROVED: 3/19/02