

SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
(SSCAFCA)
MINUTES OF 7-10-90 BOARD OF DIRECTORS MEETING

CALL TO
ORDER

The meeting of SSCAFCA Board of Directors was called to order at 1:00 p.m. at the Rio Rancho City Hall by Chairman Johnnie Losack.

Those in attendance were Directors, Johnnie Losack, Floyd Bailey, Dayton Molzen and John Jennings. Others present were Richard Farmer, Bernard Metzgar, Tamera Morgan, Elmo Rhoton and John Werner.

APPROVAL OF
MINUTES

The minutes of the previous meeting were reviewed. A motion was made by Floyd Bailey to approve the minutes, as written. Seconded by John Jennings. Motion carried.

STATE
APPROPRIATIONS

Richard Farmer reported that an error in the Legislative Appropriation Bill wording was delaying the transfer of funds from the State Engineers Office to the Authority. Mr. Farmer gave the Directors a letter that he had prepared, addressed to the State Engineer, explaining the intent of the Bill and urging that the transfer of the appropriation be made. The Directors requested that Richard Farmer hand deliver the letter this afternoon.

SURPLUS
FURNITURE

A motion was made by Floyd Bailey, seconded by John Jennings to adopt the following resolution which is required in the Application for Surplus furniture from the State and federal government: A RESOLUTION BY THE GOVERNING BOARD DESIGNATING RICHARD FARMER TO ACT FOR THE APPLICANT ACQUIRING DONABLE PROPERTY FROM THE STATE AGENCY TO OBLIGATE ANY NECESSARY FUNDS OF THE APPLICANT FOR THIS PURPOSE AND TO EXECUTE THE STATE AGENCY DISTRIBUTION DOCUMENT INCLUDING TERMS, CONDITIONS, RESERVATIONS, RESTRICTIONS THAT THE STATE AGENCY OR GSA MAY ESTABLISH ON THE USE AND DISPOSAL OF THE PROPERTY.

A non-discrimination resolution was also required in the application. Both resolutions passed unanimously.

ATTORNEY
REPORT ON
TAX LEVY
AND
FUNDING

Bernard Metzgar, Attorney reported to the Directors that the Authority cannot levy and collect taxes for any purpose until a bond issue has been submitted to and approved by the electors. Mr. Metzgar also explained to the Directors that any tax levy must be tied to the

general election. No special election for a tax levy can be held. The tax is for administrative cost and related items. Bond issues are for projects.

Mr. Metzgar also reported that there is a provision in Section 22I of the Act restricting the making of contracts but concluded that the Authority can make contracts so long as they are for no longer than one year. Mr. Metzgar based this conclusion on other provisions of the Act, including Section 44 and his conversation with bond attorney, Mike Groshek of Denver, Colorado who has represented AMAFCA for years.

Mr. Metzgar informed the Directors of the urgency of establishing a working agreement with the Sandoval County Flood Commissioner and the the Sandoval County Commission in order for the Authority to be able to use the funds collected by the Commissioner since its own levy cannot be made until after November, 1992.

Floyd Bailey contacted the Chairman of the County Commission for Sandoval County, Tom Swisstack, during the meeting and was informed by Mr. Swisstack that the County was ready to develop an agreement that would allow the Authority to use the Flood Commissioner's funds.

Johnnie Losack, Chairman, appointed a committee to meet with Sandoval County to work on the agreement. The Committee will consist of Johnnie Losack, Richard Farmer, Bernard Metzgar, and Judy Russell.

OFFICE LEASE

A lease for office space was presented by Elmo Rhoton, a representative for John M. and Louise Casebolt. The lease was for a period of five years with a repayable clause for improvements should the lease be terminated by the Authority after the first year.

Mr. Metzgar advised the Directors that it was his opinion that they did not have the authority to enter into a contract over one year. They requested that the lease be modified to reflect a one year term with year to year options for up to five years. They agreed that should the lease be terminated after the first year a repayment for improvements would be made to the Lessor, up to

\$2,500.00. Mr. Rhoton agreed to discuss the proposed changes with the property owners.

It was the concensus of the Directors that no lease would be entered into until the Authority had sufficient funds.

MISCELLANEOUS

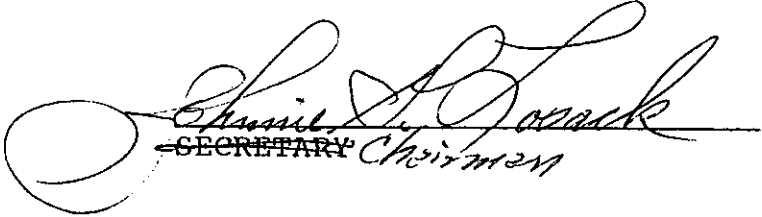
Tamara Morgan, Drainage Engineer for the City of Rio Rancho asked if the money that the Authority received from the County Flood Commissioner could be used for project construction, such as the Black Arroyo demonstration project. Mr. Metzgar explained that it was his opinion that the Authority Statute would allow the use of such funds for such a project.

SSCAFCA PLAN

John Werner, Soil Conservation Service, gave a brief report on the progress of the plan development. Mr. Metzgar pointed out the requirements of the plan in Section 19 of the Act.

ADJOURNMENT

Chairman Losack adjourned the meeting at 4:00 p.m. and announced that the date for the next meeting would be set at a later time.


~~SECRETARY~~ Chairman

Approved August 27, 1990