

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
(SSCAFCA)
MINUTES OF MARCH 16, 1993
REGULAR BOARD OF DIRECTORS MEETING**

CALL TO ORDER

The regular meeting of the SSCAFCA Board of Directors was called to order by Chairman John Chaney at 10:36 a.m.

Directors in attendance were John Chaney, Dub Yarbrough, Guy McDowell, Bill Joiner, and Annette Jones. A quorum was declared present. Staff members present were Bob Garman, Executive Engineer and Pam McGrath, Administrative Secretary.

APPROVAL OF AGENDA

A motion by Annette Jones, seconded by Dub Yarbrough, to approve the agenda as written passed unanimously.

CLOSED SESSION

A motion by Annette Jones to go into closed session for the purpose of interviewing legal counsel applicants was seconded by Bill Joiner. Roll call vote: Dub Yarbrough, yes; Guy McDowell, yes; Bill Joiner, yes; Annette Jones, yes; John Chaney, yes. Passed 5 to 0.

The Board went into closed session at 10:40 a.m.

OPEN SESSION

The Board reconvened into open session at 1:10 p.m.

Mr. Chaney stated that the Board interviewed three candidates for legal counsel.

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A motion by Annette Jones, seconded by Guy McDowell, to retain Bernard Metzgar, of Lamb, Metzgar, Lines & Dahl, for legal counsel on the same terms as the previous contract through March 31, 1995 passed unanimously by roll call vote.

SECRETARY'S REPORT

No report.

APPROVAL OF PRIOR MINUTES

A motion by Dub Yarbrough, seconded by Annette Jones, to approve the minutes of February 16, 1993 carried unanimously.

LEGAL COUNSEL REPORT

1. Interstate Stream Commission

Bernard Metzgar, legal counsel, updated the Board on the status of SSCAFCA's request to ISC for a loan of one million dollars with bonds as collateral. Mr. Metzgar stated that there were three possible options open to the Board.

The first option is to continue pursuing the Board's proposal to use general obligations bonds as collateral for a \$1 million loan to fund design and construction work in connection with the outfalls to Dams 1 and 4. Mr. Metzgar stated that Ted Apadoca, Special Assistant Attorney General for ISC, wrote that several issues must still be resolved before a final draft agreement can be presented to ISC for consideration.

The second option would be for Johnnie Losack, Sandoval County Flood Commissioner, to go back to ISC and request a \$1 million loan. In turn, this loan would be assigned to SSCAFCA under a joint powers agreement between SSCAFCA and the Sandoval County Flood Commissioner to do work on Dams 1 and 4 and use the bonds as collateral.

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The third option was discussed by Kevin Powers of The Principal/Eppler, Guerin & Turner, Inc., SSCAFCA's financial advisor. Mr. Powers stated that, in order to market the bonds nationally, a rating needs to be obtained and SSCAFCA needs to develop a track record. Therefore, he is inquiring with local banking institutions on possible private placement of part of the bonds. Placing the bonds privately might result in a slightly higher interest rate but it would give faster access to monies and there would be a savings on some of the costs of marketing them nationally. Mr. Powers indicated that he had gotten some very positive responses from a couple of local banks.

John Chaney requested that Kevin Powers give an analysis of public and private sales expense and interest rates at the next Board meeting.

It was the consensus of the Board to have Mr. Metzgar, along with bond counsel, Bob Garman and Mr. Powers continue pursuing all options.

Annette Jones informed the Board that an assessment plan, which includes land acquisition, needs to be started for Dams 1 and 4, as this is a long and involved process.

2. Ownership of Dams 1 and 4

Mr. Metzgar stated that there has been no change on the determination of ownership of Dam 1. Sandoval County has legal title to it and therefore owns it unless a court says otherwise. Mr. Metzgar stated that he asked Mr. Westbrook, attorney for Sandoval County, whether there has been any progress on the declaratory judgment action by the County and Mr. Westbrook stated that the County has not taken any action on this.

There was a brief discussion by the Board. It was the consensus of the Board that Mr. Metzgar continue to monitor this matter.

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TREASURER'S REPORT

1. Approve Treasurer's Report dated March 16, 1993 for the month of February, 1993

Motion by Dub Yarbrough, seconded by Bill Joiner, to approve the treasurer's report dated 3/16/93, carried unanimously.

2. Approve Expenditures 2/1/93-2/28/93

Motion by Dub Yarbrough, seconded by Bill Joiner, to approve the expenditures of 2/1/93-2/28/93, carried unanimously.

3. Certificates of Deposit

A motion by Dub Yarbrough to cash in the \$15,035.03 certificate of deposit for operations and roll over the \$20,046.71 certificate of deposit for 30 days was seconded by Guy McDowell and passed unanimously.

EXECUTIVE ENGINEER'S REPORT

1. Corps of Engineers (COE)-Soil Conservation Service (SCS)

Bob Garman, Executive Engineer, informed the Board that Corrales Watershed District and SSCAFCA sent letters to both agencies urging them to resolve the hydraulic and hydrological differences on the Harvey Jones Channel. He stated that both agencies have had at least two meetings on the problem. Mr. Garman recommended that the Board wait another thirty days for this problem to be resolved.

2. Dams 1 and 4 Project

Mr. Garman stated that there is not enough O&M monies available to start even the basic needs for this project.

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Mr. Garman stated that he and Bill Joiner had toured the escarpment since the last Board meeting. Mr. Garman expressed his doubts about the constructability of the reach between Dams 1 and 4 as it may be much too costly.

Mr. Garman questioned the Board regarding the final payment that was withheld from Easterling and Associates. Annette Jones went over the reasons that the Board postponed the final payment. Mr. Garman stated that all entities have now replied on their review of the design and there is nothing further to be resolved.

A motion was then made by Annette Jones to pay Easterling and Associates the balance due them was seconded by Guy McDowell and passed unanimously by roll call vote.

3. Northern Boulevard/Los Montoyas Project

Mr. Garman stated that he received a briefing from Mr. Malloy and Ms. English of Gannett Fleming on this project. He stated that he then did a detailed review of the plans and discovered a possible discrepancy in the plans relating to the cfs flow. He felt that this discrepancy should be resolved next week when a meeting is scheduled with Mr. Fossenier, Gannett Fleming and a representatives from the SCS and COE.

Mr. Garman stated that he has also reviewed the appraisal received from Roos Appraisal and requested authorization to proceed with the acquisition of that property. At this point, Mr. Metzgar stated that discussions of acquisition of real property was a closed meeting subject. The Board deferred this subject to a closed session later in the meeting.

4. Section 14 Project Schedule

Mr. Garman informed the Board that he has talked with Ron Rameriz with the COE and the current schedule is:

Plans and specifications will be completed on or about April 1, 1993. Construction review is to be completed by mid-May. It will then be forwarded to the next higher level in COE and its review should be completed by June 4, 1993. Finalized plans by June 23, 1993. Award date by August 1 or August 25, 1993.

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5. Evaluation of O&M Monies

Mr. Garman stated that he has looked very carefully at the O&M monies and cannot predict a date as to when SSCAFCA will be able to absorb CWD. The current fixed costs are approximately \$110,000 per year. Mr. Garman stated that, given our current O&M income (approximately \$130,000 per year), SSCAFCA cannot afford to take over the O&M responsibility of CWD's channels which cost about \$100,000 a year and does not see it in the foreseeable future.

6. House Bills 811 and 813 Status

Mr. Garman stated that House Bill 811 has passed the house and that he did not know the status of House Bill 813.

7. FEMA Floodplain Mapping Project

Mr. Garman requested approval to add gross receipts tax (GRT) to the \$5,000 approved by the Board. A motion by Dub Yarbrough to add GRT to the \$5,000 pledged to Resource Technology was seconded by Annette Jones and passed unanimously.

8. Drainage Policy

Mr. Garman stated that he has an appointment scheduled March 19, 1993 with Dr. Richard Heggan to discuss the drainage policy further. John Chaney requested that a report be made to the Board at the next meeting.

Mr. Chaney instructed Mr. Garman to continue to work expeditiously on the drainage policy as it is a top priority item. He stated that Mr. Garman should try to develop a consensus among the various entities and SSCAFCA of what needs to be changed in the policy and the reasons why.

9. PERA

Mr. Garman stated that proposed changes in the legislation were forwarded to Representative Perls. Representative Perls informed SSCAFCA that he was unable to amend the bill because he was unable to

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be there when it reached the House floor. Representative Perls stated that he would help SSCAFCA on this issue after the legislative session was over.

10. Computer Proposals

Mr. Garman stated that he has talked with AMAFCA as to where they were heading with their hardware and software. Mr. McDowell questioned why the computer originally bought was not adequate. Mr. Garman stated that he is computer literate and needs to have a computer in order to be able to be productive and the sharing of only one computer does not work. Secondly, the computer that was purchased is two generations behind the current standard and will not handle the accounting package.

Mr. Garman stated that he has requested three proposals and has received one proposal back and that he should have complete information for the Board at the next meeting.

11. Copier Status

Pam McGrath, Administrative Secretary, gave each Board member a copy of the quotes received on three machines.

A motion was made by Guy McDowell, seconded by Annette Jones, to have the office purchase a Sharp SF2027. The motion passed unanimously.

12. Medlin's Letter

Mr. Garman informed the Board that Mr. Medlin wrote a letter to SSCAFCA requesting that John Werner from SCS be invited to discuss the watershed area where Mr. Medlin lives. Copies of Mr. Medlin's letter were provided to the Board.

John Chaney directed Mr. Garman to write a letter to Mr. Medlin that the Board may review this issue if funding becomes available and that the Board will invite Mr. Werner to speak to the Board at that time.

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Mr. Garman was instructed to include in the letter that there is an historical flow where he bought his home and that he assumed the responsibility for it.

13. Service Contracts

Mr. Garman stated that the contracts with Richard Heggan and Richard Farmer expire the end of this month.

Mr. Metzgar stated that Dr. Heggan's contract may be able to be extended once and that he would look at the law regarding this point. A motion was made by Annette Jones to extend Dr. Heggan's contract for a period of time within the same framework, if it is determined that it can be done. The motion was seconded by Dub Yarbrough and passed unanimously.

CHAIRMAN'S REPORT

1. Corps of Engineers Feasibility Study

John Chaney stated that it appears that the Corps of Engineers feasibility study will not find a project that will allow it go into a reconnaissance study. If that is the case, SSCAFCA will have an additional five hundred thousand dollars for construction projects. Mr. Chaney instructed Mr. Garman to press for a quick decision on this issue.

Mr. Chaney stated that if this money is not needed, it could possibly be used to build desilting facilities along the Los Montoyas, which could lower the O&M expense of CWD, and thus cost the taxpayers less.

OTHER BUSINESS

Guy McDowell questioned who was of sufficient caliber to break the possible deadlock between SCS and the Corps of Engineers on the CFS flow in the Harvey Jones Channel. Mr. Garman indicated that Dr. Richard Heggan could be a starting point.

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Annette Jones asked the Board members if they had seen the final version of House Bill 811 and House Bill 813. Mr. Metzgar informed the Board that not all of the changes recommended by the Board were made on HB 811. Mr. Metzgar also stated that HB 813 was not brought to the Board prior to introduction in the House.

PUBLIC FORUM

Bob McCormick, Chairman of Corrales Watershed District, informed the Board that he and Dub Yarbrough took Mr. Garman on a tour of the Harvey Jones Channel and the Montoyas Arroyo below Highway 528.

CLOSED SESSION

1. Northern Boulevard/Los Montoyas Project

A motion by Annette Jones to go into closed session to consider the amounts that the Board will pay for the three lots on Northern Boulevard was seconded by Dub Yarbrough. Roll call vote: Dub Yarbrough, yes; Bill Joiner, yes; Annette Jones, yes; John Chaney, yes; Guy McDowell, absent from room. Passed 4 to 0.

The Board went into closed session at 4:08 p.m.

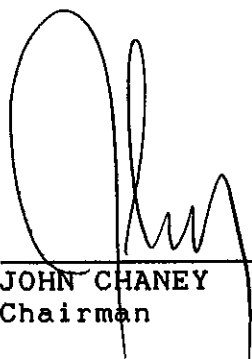
OPEN SESSION

The Board reconvened into open session at 4:16 p.m.

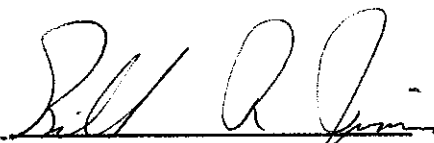
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ADJOURNMENT

A motion by Annette Jones, seconded by Bill Joiner, to adjourn the meeting was carried unanimously. Meeting adjourned at 4:16 p.m.



JOHN CHANEY
Chairman



Bill R. Joiner
Secretary

Date Approved April 20, 1993