

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY  
(SSCAFCA)  
MINUTES OF JUNE 17, 1994  
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 1:04 p.m.

Directors in attendance were John Chaney, Dub Yarbrough and Guy McDowell. Bill Joiner and Annette Jones were noted as absent. (see below). A quorum was declared present. Bernard Metzgar, legal counsel, was present. Staff members present were Bob Garman, Executive Engineer and Pam McGrath, Administrative Secretary.

**APPROVAL OF AGENDA**

A motion by Dub Yarbrough, seconded by Guy McDowell, to approve the agenda as presented passed unanimously.

**APPROVE MINUTES OF MAY 17, 1994**

A motion by Dub Yarbrough, seconded by Guy McDowell, to approve the minutes of the regular meeting of May 17, 1994 as written and presented, carried unanimously.

**INTEL IMPACT STUDY**

Frank Robinson, Environmental Engineer, from Intel presented the Intel New Mexico Site Drainage Plan.

Mr. Robinson reviewed the 1993 Intel storm water master drainage system, findings and recommendations. Included in the presentation was a review of Intel's storm water discharge into Sandoval County.

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**BOND RESOLUTION**

Tommy Hughes, bond counsel, presented Resolution 1994-9, Authorization for Sale of Bonds.

Annette Jones arrived at 1:45 p.m.

**CHANGE OF MEETING DAY FOR JULY 1994**

John Chaney, chairman, stated that he would be out of town for the regular meeting of July 1994. It was the consensus of the Board to change the date of the meeting to Friday, July 22, 1994 at 1:00 p.m.

**BOND RESOLUTION (Resumed)**

A motion by Annette Jones, seconded by Guy McDowell, to approve Resolution 1994-9, Authorization for Sale of Bonds, as presented passed unanimously.

**FINANCIAL ADVISOR**

John Archuleta of Southwest Securities introduced himself to the Board and thanked them for selecting his company.

Mr. Archuleta distributed the tentative time schedule for the sale of the \$2.5 million bonds, along with debt service information.

**TREASURER'S REPORT**

1. Approve Expenditures 5/1/94-5/31/94.

Motion by Annette Jones, seconded by Dub Yarbrough, to approve the reported expenditures of 5/1/94-5/31/94 as presented, carried unanimously.

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2. Approve Treasurer's Report of 5/31/94.

Motion by Annette Jones, seconded by Guy McDowell, to approve the treasurer's report of 5/31/94 as presented, carried unanimously.

3. Proposal Budget Fiscal Year 1994/95.

Annette Jones presented the proposed budget for fiscal year 1994/95.

A motion by Annette Jones, seconded by Guy McDowell, to approve the fiscal year 1994/95 budget and Resolution 1994-10, Budget For Fiscal Year 1994-95 passed unanimously.

LEGAL COUNSEL REPORT

1. PERA.

Mr. Metzgar, legal counsel, stated that the decision on PERA is still pending in the Attorney General's office.

2. Insurance Coverage For SSCAFCA.

Mr. Metzgar stated that project coverage liability is not included in the present policy.

Mr. Metzgar stated that he had contacted the New Mexico Municipal League for possible coverage but that a Municipal league official stated that SSCAFCA first had to request insurance coverage from the Association of Counties. If SSCAFCA is refused coverage by the Association of Counties, then the New Mexico Municipal League can review for coverage. Further information should be available at the next meeting.

3. JPA - CWD/SSCAFCA/State Highway Department on Lomas Project.

Mr. Metzgar stated that at the meeting with the State Highway Department, he was told that a Joint Powers Agreement needs to be entered into with the State Highway Department with regard to the additional \$90,000 that has been approved for the project by the Highway Department.

4. Section 14 Update.

Mr. Metzgar stated that two condemnation lawsuits have been filed involving three properties. Permanent orders have been entered and the only issue remaining in each case is the cost of the property taken. Mr. Manfredo has filed an answer and has indicated that he will be representing himself. In the other case, Mr. Sandoval has hired his own attorney.

5. Responses to Requests For Proposals (RFP's).

Mr. Metzgar stated that if the Board is going to talk about responses to proposals that need to be negotiated, the Board can go into closed session to discuss negotiator's. The basis for the closed session is that the Procurement Code indicates that you cannot give an advantage to a particular bidder and the only way to prevent this is to discuss proposals in closed session. However, after discussion, the motion to accept a proposal has to be made in an open meeting.

**MOTION FOR CLOSED SESSION**

A motion by Annette Jones to go into closed session for the purpose of further discussion of the proposals for real property negotiator was seconded by Guy McDowell. Roll call vote: Dub Yarbrough, yes; Guy McDowell, yes; Annette Jones, yes; John Chaney, yes. Motion passed 4 to 0.

The Board went into closed session at 2:44 p.m.

**RESUMPTION OF OPEN SESSION**

The Board reconvened into open session at 2:55 p.m.

**REAL PROPERTY NEGOTIATOR PROPOSALS**

John Chaney stated that a motion was made by Annette Jones, seconded by Dub Yarbrough to hire C. R. Keever & Company. Motion passed unanimously.

EXECUTIVE ENGINEER'S REPORT

1. Dams 1 & 4

Mr. Garman stated that the total appraisal cost for Dams 1 & 4 properties is \$891,150. The cost for Phase I is \$504,750 and Phase II is \$386,400.

At Mr. Garman's request, Easterling & Associates looked at rerouting the pipe line to avoid taking certain property with utilities involved. It was Mr. Garman's opinion to reroute and avoid that narrow strip of land, thus saving SSCAFCA money unless there was objection from the Board. There was no objection.

Another piece of land was looked at for possible realignment by Easterling and Associates at Mr. Garman's request. In this particular case there would not be any savings to SSCAFCA and would, in fact, cost additional monies. Therefore, Mr. Garman did not recommend the change.

2. Section 14 Project.

Mr. Garman stated that the Corps of Engineers has accepted the Certificate of Sufficiency signed by Mr. Metzgar showing that necessary acquisition of property has been completed.

3. Lomitas Negras Bank Stabilization.

Mr. Garman reported that the legislative grant monies have been reallocated. He met with DFA and the Highway Department to work out the payment procedures and design review.

4. Urban Ponds and Tree Farm Pond Projects.

Mr. Garman reported that Johnnie Losack, Sandoval County Flood Commissioner, is picking up the MRGCD permits today.

5. Bond Counsel and Financial Advisor Contracts.

Mr. Garman reported that the contracts for the bond counsel and financial advisor have been signed.

6. Harvey Jones Channel Joint Repair.

Mr. Garman stated that he has volunteered to be part of a team to inventory the cracked joints.

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7. Aerial Photography.

Mr. Garman stated that aerial photography by Koogle & Pouls was flown June 13 and 14, 1994. Delivery of the prints are expected in mid August.

8. Dam 1 Sediment.

Mr. Garman stated that he inspected Dam 1 after one of the last storms and found that sediment in the dam has caused flood water to go straight through the windows on the outlet pipe into the arroyo. He contacted Johnnie Losack and informed him of the situation.

There was a brief discussion by the Board. There was a consensus by the Board to write a letter to Sandoval County Commission and Amrep informing them of the problem and requesting that maintenance be done to correct this situation.

9. FEMA Update.

Mr. Garman reported that the City of Rio Rancho has thanked SSCAFCA for their contribution and the cooperative attitude by SSCAFCA.

10. Drainage Policy.

Mr. Garman reported that the Drainage Policy was sent April 19, 1994 to all entities along with the draft Joint Powers Agreement. The sixty day period for appointing a designee ends June 20, 1994.

Comments from the City of Rio Rancho have been received. Both the City of Rio Rancho and Sandoval County would prefer a Memorandum of Understanding or Memo of Agreement rather than a JPA.

There has not been a reply from Bernalillo and the Village of Corrales.

After the discussion, it was the consensus of the Board to send the Village of Corrales and the town of Bernalillo a letter stating that the Drainage Policy is now in effect and either a designee needs to be appointed or all development plans have to be submitted to SSCAFCA for review.

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11. Office Lease.

Mr. Garman stated that the office lease needs to be renewed for another year.

It was the consensus of the Board to renew the lease for the next year, but to have a facilities committee review the future office space needs of SSCAFCA and report to the Board in 90 days. The facilities committee appointed by Mr. Chaney is Dub Yarbrough and Annette Jones with Mr. Garman as chairman.

CHAIRMAN'S REPORT

1. July 1994 Meeting

Mr. Chaney reminded the Board that the July meeting has been moved to July 22, 1994.

2. Thank You Note

Mr. Chaney read a thank you note to the Board and staff from Mary Metzgar on the donation to Hospice in memory of her mother.

OTHER BUSINESS

None.

DIRECTORS COMMENTS

None.

PUBLIC FORUM

None.

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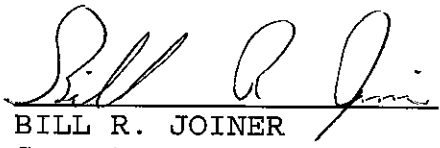
ADJOURNMENT

A motion by Annette Jones, seconded by Dub Yarbrough, to adjourn the meeting was passed unanimously. Meeting adjourned at 4:11 p.m.



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JOHN CHANEY  
Chairman



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BILL R. JOINER  
Secretary

Date Approved

July 22, 1994