

SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
(SSCAFCA)

MINUTES OF MAY 18, 1999
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 1:05 p.m.

1. Roll Call of Directors

Directors in attendance were John Chaney, James Dorn, Bill Joiner, Guy McDowell, and Dub Yarbrough. Staff members present were David Stoliker, Executive Director, and Pam McGrath, Administrative Secretary. Bernard Metzgar, SSCAFCA's attorney, and members of the public were also present.

2. Approval of Agenda.

A motion was made by John Chaney to approve the agenda as presented. It was seconded by James Dorn and passed unanimously.

II. SECRETARY'S REPORT.

1. Approve Minutes of March 30, 1999.

A motion was made by Bill Joiner to approve the minutes of March 30, 1999 as presented. It was seconded by James Dorn and passed unanimously.

2. Approve Minutes of April 13, 1999.

A motion was made by Bill Joiner to approve the minutes of April 13, 1999 as presented. It was seconded by James Dorn and passed unanimously.

3. Approve Minutes of April 27, 1999.

A motion was made by Bill Joiner to approve the minutes of April 27, 1999 as presented. It was seconded by James Dorn and passed unanimously.

III. DISCUSSION WITH THE BOARD -- ANNETTE HISE JONES.

Annette Jones stated that she wished to reserve her statements for later.

Mr. Chaney stated that attorney Brad Hays has sent a letter to the

Board which discusses a paid advertisement by Mr. McDowell in the last Corrales Comment. Mr. Chaney stated that Ms. Jones does not wish to speak today because she hasn't seen the letter from her attorney, nor has the Board. Mr. Chaney stated that the matter would most likely be addressed at the next meeting.

Mr. Yarbrough stated that the SSCAFCA Board did not endorse nor have any part of the paid advertisement. The advertisement was one person's opinion and was not the opinion of the SSCAFCA Board.

Ms. Jones asked about the qualifications needed to be on the Board. Mr. Metzgar stated that the only qualification to be on the SSCAFCA Board is that the person must be a resident of SSCAFCA's boundaries and is a registered voter.

IV. TREASURER'S REPORT.

1. Approve Expenditures 03/01/99 - 03/31/99.

A motion was made by James Dorn to approve the expenditures of March 1, 1999 to March 31, 1999 as presented. It was seconded by Bill Joiner and passed unanimously.

2. Approve Treasurer's Report dated 03/31/99.

A motion was made by James Dorn to approve the Treasurer's Report dated March 31, 1999 as presented. It was seconded by Bill Joiner and passed unanimously.

3. Approve Expenditures 04/01/99 - 04/30/99.

A motion was made by James Dorn to approve the expenditures of April 1, 1999 to April 30, 1999 as presented. It was seconded by Bill Joiner and passed unanimously.

4. Approve Treasurer's Report dated 04/30/99.

A motion was made by James Dorn to approve the Treasurer's Report dated April 30, 1999 as presented. It was seconded by Bill Joiner and passed unanimously.

5. Financial Advisor/Bond Counsel Selection Committee Recommendations.

Mr. Dorn stated that recommendations for Financial Advisor and Bond

Counsel had been provided to the Board in their folders.

Mr. Stoliker stated that the Selection Committee had met and gone over the choices for Bond Counsel and that the committee had selected Hughes & Strumor as their first choice. He stated that while both firms were well qualified, the reason for selecting Hughes & Strumor was because their cost was approximately half of the other firm responding and they had performed well under their previous contract.

Mr. Stoliker stated that SSCAFCA's previous Financial Advisor had been Southwest Securities, which didn't even submit a proposal. He stated that the committee selected Dain Rauscher as their first choice for Financial Advisor.

A motion was made by John Chaney to hire Hughes & Strumor as SSCAFCA's Bond Counsel and give David Stoliker the authority to sign an agreement with them. It was seconded by James Dorn and passed unanimously.

A motion was made by John Chaney to hire Dain Rauscher as SSCAFCA's Financial Advisor and give David Stoliker the authority to sign an agreement with them. It was seconded by James Dorn and passed unanimously.

6. Auditor Selection.

Mr. Stoliker stated that the selection committee had not made a recommendation on an auditor. He stated that Pam McGrath went through the list and randomly picked different firms and called them. They are required to call three auditors. Mr. Stoliker stated that they received a response from only one auditor. Mr. Gaylord came out and Pam interviewed him for the auditor position. Mr. Stoliker interviewed him and assessed Mr. Gaylord to be competent as exhibited by his appearing on the list of qualified auditors by the State Auditor.

A motion was made by John Chaney to allow David Stoliker to hire Gary Gaylord as auditor for SSCAFCA. It was seconded by James Dorn and passed unanimously.

V. PRELIMINARY BUDGET REVIEW.

Mr. Stoliker stated that it is a State requirement that SSCAFCA have a budget approved and submitted by the end of June 1999. Mr. Stoliker stated that in last year's budget the focus had been on completing projects. The projects are underway and will be completed by year's end. The next step will be to work on the building and look at

personnel issues. Last year, Liz Davenport told SSCAFCA that it needed two things, with other suggestions to think about. Ms. Davenport suggested that SSCAFCA hire a file clerk and a half-time financial person. The Board has already approved the position for the file clerk, but Mr. Stoliker has not hired one yet. She further stated that a recorder for SSCAFCA Board meetings was a possibility. Ms. Davenport further recommended that SSCAFCA hire a receptionist, or privatize the receptionist services. Mr. Yarbrough stated that he wants somebody on staff that answers the phones and is personally in the office.

Mr. McDowell asked Mr. Stoliker to go over the scope of the jobs. Mr. Stoliker stated that Pam does all the recording for SSCAFCA and because she was so busy, Mr. Stoliker asked Mr. Metzgar and his staff to type meeting minutes. There is a logistics issue of getting the tapes to Mr. Metzgar and getting the tapes back to SSCAFCA. Ms. Davenport recommended that SSCAFCA contract the work to a recorder. Mr. McDowell stated that if the minutes are getting done at basically no cost there is no reason to hire a recorder. Mr. Chaney asked Mr. Stoliker why, if that was being done, did he want to spend an extra \$3,600.00 for the services. Mr. Stoliker stated there were two reasons: 1) Mr. Stoliker is not sure it is within Mr. Metzgar's purviews to do the minutes and he is doing it as a favor right now and if SSCAFCA wants a service done, SSCAFCA should pay for it; and 2) Mr. Stoliker is trying to get to the point where Mr. Metzgar does not have to come to each meeting. Mr. Metzgar stated that if you take the minutes of a meeting and type them verbatim, a lot of times they don't make any sense. What Board minutes are supposed to do is reflect the gist of what the different speakers say and then the motions and so on. A recorder will take down the minutes verbatim. Mr. Metzgar reviews the minutes now and puts them in some kind of order. Mr. Stoliker reviews them and makes any changes that he thinks are needed, and the minutes are then presented to the Board. That may still have to be done if SSCAFCA hires a recorder.

Mr. Stoliker stated that Pam McGrath is overloaded at this time. More right-of-way work is needed and he had hoped Pam could do more of that work which would free her up from the other duties for which she is responsible. Mr. Yarbrough stated that if a receptionist were hired, it would relieve Pam, and the receptionist could also be the recorder and could do the filing. Mr. Yarbrough stated that he wants a full time receptionist so there is always somebody at the office.

Mr. Stoliker stated that if SSCAFCA were to have e-mail access the problem could possibly be solved. Mr. Metzgar would continue to do the minutes and he could then send them to Mr. Stoliker, without the necessity of a disk.

A motion was made by James Dorn giving Mr. Stoliker the authority to hire a receptionist/file clerk and half-time financial person. It was seconded by Bill Joiner and carried unanimously.

VI. PHASE I EROSION PROTECTION (DAMS 1 & 4 PROJECT).

1. Request from Mr. and Mrs. Hart.

Mr. Stoliker introduced Mr. Hoyt Hart and his wife Judy. Mr. Hart stated that both Mr. Stoliker and the contractor involved have done everything they possibly could to ease the pain associated with the "big tube," as he calls it, which runs in front of his house.

Mr. Hart stated that he and Judy bought their home at 182 Tierra Encantado in January 1998. They took possession of the property the last day of January 1998. The first thing he heard about the outflow tube was a card stuck in his door by RP Bohannan. When they bought the house, the realtor told them that it was little ditch and it would be a 15-foot easement. About the middle of March he saw the machines come out for the work. Mr. Stoliker came out and he and Mr. Bohannan developed a plan for reconstructing the part of their lot that was disturbed. They have a one-acre lot and the part disturbed was on the east side of the house, which is in the front. One-half of the native vegetation was removed from the lot, which they put back by making terraces on the lot. Mr. Hart has asked SSCAFCA to come out and do some re-seeding on the area it affected and place curlex-type ground cover as they used on the back slope of the lot. Mr. Hart would water the grass enough to ensure that the grass will grow. He sees this process as a cure to the wind erosion problem they are now facing.

Mr. Hart stated that curlex provides excellent mulch and the soil that is blown into it is trapped and stays right there. Mr. Hart is most concerned with stabilizing the soil surface.

Mr. Chaney asked Mr. Stoliker if SSCAFCA had this problem all along the pipeline easement. Mr. Stoliker stated that there is a problem all along the easement, but that this is the most affected part of the pipeline project. Mr. Chaney stated that a request such as this could set precedent for requests all along that easement. Mr. Stoliker stated that SSCAFCA is looking at this revegetation prototype project similar to the one with NRCS and CCM (i.e., to identify cost effective ways to revegetate affected areas after a project). He stated that the good thing about this request is that Mr. Hart is willing to water it and keep an eye on it himself. Mrs. Hart stated that if SSCAFCA

were to put the curlex down before the summer rains, that would help to germinate the grass. Mr. Yarbrough stated that it is SSCAFCA's policy to seed before the summer rains. If it is not done by the summer rains, the seeding waits until the next year.

Mr. Stoliker stated that the estimate provided by the Harts for the curlex material is approximately \$1,000.00 and may actually be cheaper than the re-vegetation that it has been done in the past. Mr. Stoliker stated that Mr. Hart is asking SSCAFCA to buy the seed and the curlex and install it, and also to cultivate the dirt. Mr. Hart will irrigate and maintain it at no cost to SSCAFCA.

Mr. Chaney stated that this is a very reasonable request, but his concern is that it will set precedent. Mr. Stoliker stated that the project appears reasonable for development as a prototype project.

A motion was made by Guy McDowell to authorized SSCAFCA to fix the Hart problem as requested. It was seconded by John Chaney and passed unanimously.

Mr. Stoliker stated that the big rains come in July and Mr. Hart has requested that SSCAFCA do the work in June.

2. Other.

Mr. Stoliker introduced Mr. Teleki. Mr. Teleki stated that he wanted to express his appreciation to SSCAFCA for the elimination of three power line poles where the lines have been relocated and buried.

Mr. Teleki further stated that the wind blows on his land and the east winds were very strong a few weeks ago and it is very difficult for the people between Dam 1 and Dam 4 because they get deposits of grit from the winds. He acknowledges that it is unavoidable and that SSCAFCA does work very hard to keep it watered down to avoid the blowing grit.

Mr. Korzdorfer, from NRCS, stated that at the June meeting, Ramona Gardner would have a working agreement, a work plan and a proposal for a work plan for a re-vegetation agreement with NRCS.

Ms. Jones asked if there were any possibility of using treated waste water for watering of the re-vegetation. Mr. McDowell stated that he was not interested in getting involved in any waste water matter. Mr. Stoliker stated that on Dam 4 to 1 project, SSCAFCA looked at setting up the irrigation necessary and the cost was \$150,000.00, without any use of waste water. SSCAFCA decided at that point to see what it could do to use as much natural re-vegetation as it could. At the

same time, SSCAFCA is going forward with the NRCS to see if there is a better way to do it. He stated that the problem with using waste water effluent is not the cost of the water, it is the cost of the piping.

VII. CHAIRMAN'S REPORT.

1. Sara's Meadows Correspondence Approval.

Mr. Yarbrough stated that Mr. Stoliker was asking for approval of the Board to send the proposed letter that is contained in Section VII of the Board packet. It asks that when the intersection of Sara/Meadowlark is reconstructed that the storm water flow be diverted 100% to Tree Farm ponds. This is done to properly account for the storm water flow.

Mr. Yarbrough stated that the Tree Farm Pond B may breach when the overflow exceeds the spillway capacity. Mr. Yarbrough wants to redo the pond so that it won't breach.

Mr. Stoliker stated that he is meeting with Pierce Runnels next week to go over the preliminary numbers on the NM 528 Channel watershed Master Drainage Plan report. This report will provide information necessary to determine the adequacy of the Tree Farm Ponds. This is important because SSCAFCA committed to accepting storm run-off from Sara Meadows. Sara Meadows is going through rezoning right now and will probably hit preliminary plat approval around the fall of this year. The intersection in question would be reconstructed as part of the subdivision construction. However, this probably won't be done until the end of the year or into next year. By the time of preliminary plat approval, it may be beneficial for SSCAFCA to have the pond improvements completed or it will be in the same situation as with Trinity.

Mr. Stoliker stated that the problem with the Tree Farm Ponds project is that from the time Johnny Losack did the environmental assessment, which set the whole thing up, to today, the hydrology changed. The model upon which everybody based the way they calculated rainfall changed. It will change again at the end of this year. Whether or not the pond is inadequate will not be determined until next week. The early indications are that the pond is adequate.

SSCAFCA's policy, as set with Urban Pond 4, is to attempt to "do no harm." If the pond breaches, it may do harm. Wilson & Company built the pond. Dan Aguirre, of Wilson & Company, is convinced that the

pond should have been built to breach and was built properly. Mr. Stoliker stated that he disagrees with this as a policy issue, not as a design issue.

1. Mr. McDowell asked where the water would go if the pond were to breach in the 100 year event. Mr. Yarbrough stated it would go right down Ruffles Lane. Ruffles Lane is completely developed. Mr. Stoliker stated that the cost to cap the pond would be approximately \$400,000.00.

Mr. Stoliker stated that he wants to wait to send the proposed letter until after he meets with Mr. Runnels and after he brings in the information on how the Tree Farm Pond looks. Mr. Yarbrough stated that if, after looking at the information, SSCAFCA needs to remedy the breaching portion of the pond that it should be done.

VIII. OTHER BUSINESS.

None.

IX. DIRECTOR'S COMMENTS.

Mr. McDowell stated that he likes the policy of "do no harm" but it seems like it's "reinventing the wheel" every time a new model is done and that SSCAFCA will have to continually update its facilities to do no harm. Mr. Stoliker stated that the way engineers view the matter is that when you touch something, and redo it, at that point you need to go ahead and upgrade the facility. Mr. Yarbrough stated that if SSCAFCA does not put the cap on the Tree Farm Ponds and it breaches, SSCAFCA would not be liable because it did the best it could with the technology at the time the pond was built. He further stated that if SSCAFCA goes in there and does something major to the pond, it would have to bring it up to standards. Mr. Stoliker stated that SSCAFCA is protected because of the engineer's stamp on the pond.

X. PUBLIC FORUM.

None.

XI. CLOSED SESSION.

A motion was made by Bill Joiner to go into a closed session for purposes of discussing potential and pending litigation for Dams 1 & 4 Outlet Project, the Urban Pond #4 Project and Task Order Increase for Leedshill-Herkenhoff. It was seconded by Guy McDowell. Roll call vote: John Chaney, yes; James Dorn, yes; Bill Joiner, yes; Guy McDowell, yes; Dub Yarbrough, yes. Motion passed 5 to 0.

The Board went into closed session at 3:20 p.m.

XII. RESUMPTION OF OPEN MEETING

The Board reconvened in open session at 4:32 p.m.

The matters discussed in the closed meeting were limited only to those specified in the motion for closure.

XIII. APPROVAL OF TASK ORDER INCREASE FOR L/H.

A motion was made by Bill Joiner to approve the task order increase for Leedshill-Herkenhoff on Urban Pond #4. It was seconded by James Dorn. Roll call vote: John Chaney, no; James Dorn, yes; Bill Joiner, yes; Guy McDowell, yes; Dub Yarbrough, yes. Motion passed 4-1.

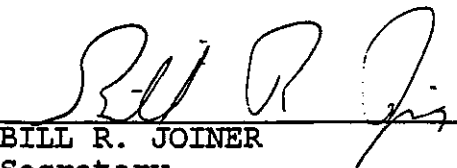
Mr. Yarbrough stated that no other action was necessary on the matters discussed in the closed session.

XV. ADJOURNMENT.

A motion was made by John Chaney and seconded by Bill Joiner to adjourn the meeting. It was carried unanimously. Meeting adjourned at 4:40 p.m.



WM. C. YARBROUGH
Chairman



BILL R. JOINER
Secretary

DATE APPROVED: 8-17-99