

**MINUTES OF THE
THE CITY OF SANTA FE & SANTA FE COUNTY
BUCKMAN DIRECT DIVERSION BOARD MEETING**

September 13, 2012

This meeting of the Santa Fe County/City Buckman Direct Diversion Board meeting was called to order by Chris Calvert, Chair, at approximately 3 p.m. in the Santa Fe County Chambers, 102 Grant Avenue, Santa Fe, New Mexico.

Roll was called and the following members were present:

BDD Board Members Present:

Councilor Chris Calvert, Chair
Commissioner Liz Stefanics
Commissioner Kathy Holian
Councilor Carmichael Dominguez

Member(s) Excused:

Ms. Consuelo Bokum

BDD Board Alternates

Commissioner Danny Mayfield

BDD Support Staff Present:

Nancy Long, BDD Board Consulting Attorney
Steve Ross, Santa Fe County Attorney
Brian Snyder, Brian Snyder, Director Public Utilities Department
Erika Schwender, Interim Director BDD f
Rick Carpenter, Rick Carpenter, Water Resources and Conservation Manager
Teresa Martinez, County Finance Director
Kimberly Block, BDD staff
Patricio Guerrerortiz , County Water Utilities Director

Others Present:

Joni Arends, CCNS
Charlie Nylander, Club at Las Campanas
Wendell T. Egelhoff, Club at Las Campanas
David Loan, Club at Las Campanas
Mark Silbert, Club at Las Campanas
Phil Nowlin, Las Campanas Water Corp

Dr. Jim McClure, Citizen
Anna Hansen, Citizen
Paul Karas, CDM Smith
Steve Hoffman, CDM Smith

[Exhibit 1: Sign-in Sheet]

3. **APPROVAL OF AGENDA**
[Exhibit 2: Agenda]

Item 13 was moved to directly following item 9. With that change Councilor Dominguez moved to approve the agenda and Commissioner Stefanics seconded. The motion passed by unanimous [4-0] voice vote.

4. **APPROVAL OF MINUTES: July 5, 2012**

Upon motion by Commissioner Stefanics and second by Councilor Dominguez the minutes were unanimously [4-0] approved as published.

5. **APPROVAL OF CONSENT AGENDA**

There were no matters under the Consent Agenda.

6. **MATTERS FROM STAFF**

Brian Snyder announced that Erika Schwender had been appointed Interim Facilities Manger upon the resignation of Robert Mulvey and that a search is underway for a replacement Facilities Manager.

DISCUSSION AND ACTION ITEM

7. **Request for approval of a professional services agreement between the Buckman Direct Diversion Board and GeoSystems Analysis, Inc. in the amount of \$81,395.00 exclusive of NMGRT for habitat restoration and mitigation implementation management and oversight in accordance with the approved implementation plan and budget**

Rick Carpenter reported that the PSA with GeoSystems Analysis, Inc. would implement the habitat implementation plan and would be paid for as provided in the Board-approved carve-out budget for that effort. The scope of work under this agreement is one required step of the habitat implementation plan. He recommended that the Board approve the contract and stood for questions.

Commissioner Holian moved approval with Commissioner Stefanics seconding. The motion passed unanimously [4-0].

INFORMATIONAL ITEMS

8. **Update on the Middle Rio Grande Endangered Species Collaborative Program and Recovery Implementation Program**

Mr. Carpenter reported that he included a short memo on this program in the packet and also included memos that contain the background information and provide context. Following the litigation over the silvery minnow, the implementation program pertains to the Board because of the water rights transferred from the Middle Rio Grande.

This plan will replace the expiring Biological Opinion that came out of that litigation. The Collaborative is wrestling with the issues as described in the memo including who will manage the Recovery Implementation Program. Mr. Carpenter then called for any questions.

Councilor Dominguez inquired as to who makes up the consortium. Mr. Carpenter replied it is a consortium made up of representations of federal, state, tribal and local interested agencies. The transition to the new Biological Opinion will occur in late fall or early winter.

Commissioner Stefanics asked about expected impacts to the BDD and whether there was any potential to lose water. Mr. Carpenter indicated the transfer of water rights to the project could be constrained and there could be more efforts toward regional cooperation. Additionally, there are terms in the Biological Opinion that could cause it to be reopened which could result in curtailment issues yet to be determined.

Commissioner Stefanics asked about the timeline for implementation and Mr. Carpenter stated it would be the end of fall or winter. They are hoping that the coverage of the Biological Opinion may also extend to the BDD. Commissioner Stefanics asked about feedback from the Pueblos. Mr. Carpenter said the Pueblos have been active participants and have the same concerns as the other participants. They have representation as voting members.

9. Update and discussion of BDD operation and shutdown during July and August 2012

Ms. Schwender gave a report summarizing the operations of the project during the summer months of 2012, particularly focusing on July and August. The operational policies for the project were originally drafted based on projections before the project was up and running. The Las Conchas fire and other factors have caused the actual operations to differ rather drastically from those original projections. Thus, the operation of the project has been revised so that water was not taken in with ash contamination and as a result of storm events. Based on actual operations, the acceptable online VOC level was increased to 3 and turbidity levels from 1,000 NTU as acceptable compared to 300 NTU. Samples were collected during storm events and sent for testing. Regular storm events were distinguished from those storm events with ash. The goal is to protect the facility and the water quality.

In operating the facility, there is also the consideration of operating during off-peak electric hours. Nine months out of the year, there is no problem with operation of the facility. Shutdowns only occur during the summer monsoon season. San Juan/Chama water diversion requires a 24-hour notice for release whereas native water rights can be diverted anytime. The 24-hour notice is a problem when the water quality is changing so rapidly. At the end of June and in July, the project relied heavily on native rights so there were restrictions on how much water could be taken in. Also, in July, the State Engineer imposed a different way of calculating native water rights that was more stringent. That led to discussions on which method of water flow to use to calculate available

rights. That discussion took place over four weeks so available water was restricted during that period of time as well. The diversion decision is very complex. Questions arise as to which type of water to divert and whether to divert on peak. The conclusion was made not to divert during July.

Commissioner Stefanics asked how much time between storm events is needed to recover and divert again. Ms. Schwender stated the treatment process can be turned back on quickly but it is the river quality that is unpredictable. The water flowing in the river comes from a number of sources and it is hard to predict how water will be affected and for how long. It is sometimes hours and sometimes days.

Commissioner Holian asked if there is any water rights accounting done. Ms. Schwender said there is, as well as forecasting. We must be accountable to our project partners as to their rights using only the called for water.

Commissioner Holian inquired if the accounting is performed for the partners and Ms. Schwender stated it was and that the County's water is predominately native water, Las Campanas' water is entirely native and the City's is largely San Juan/Chama water.

Commissioner Mayfield asked if the project operates during the day if the turbidity is low. Ms. Schwender indicated the project runs primarily at night due to off-peak electric hours but we are re-evaluating this issue in discussions with our partners. The discussions are necessary because of the financial impact on the partners of operating the project during the on-peak electric service hours. The monsoon season does make the off-peak pumping difficult.

Chair Calvert commented that it would make sense to have this discussion during the budget cycle.

Commissioner Mayfield asked if the budget was dictating operation of the project. Ms. Schwender replied the budget is only one factor.

Councilor Dominguez expressed his thanks to Ms. Schwender and all the staff for ensuring the safety of the project's drinking water. He inquired as to how the samples are being recorded and where the records are kept. Ms. Schwender said the records are kept in the project office and posted on the website. The samples are collected and matters of concern are focused on. When the reports come back, a summary is created and then posted.

Councilor Dominguez asked if there was an auditing process for reports and Ms. Schwender replied it is a part of her duties to review reports and follow up with the lab if there is an issue.

Councilor Dominguez asked if she was the auditing arm of the sampling. She said quality assurance is part of her job.

Councilor Dominguez asked if the OSE discussions described result in a written statement and Ms. Schwender said that no written statement has been issued but following that process, more water is now available.

Commissioner Holian asked how the acceptable level of turbidity was determined. Ms. Schwender said it begins with the design criteria handed over to us by CDM which was a 1,000 NTU acceptability which the project was designed to handle. It was decided to move slower as operations began in order to demonstrate that the project could handle the turbidity based on actual operations. The current limit is now 600 NTU. The meter for VOC limits does not read out true concentration. The meter is installed online and is calibrated on base flow levels. If there is an increase, we are only getting a response if that increase or decrease goes up to 3 mg with no increase in VOC

Commissioner Mayfield asked when was the acceptable turbidity level moved down to 600 NTU and Ms. Schwender replied late last year.

Ms. Schwender continued with her report that procedures are being discussed and input received to address the concerns that came up over the summer. We are widening communication channels and will possibly be revising the operating procedures. We are hoping to move forward on a solution by springtime. She pointed to the last two pages of her report that demonstrate examples of the water quality monitoring that is documented every 30 minutes.

Councilor Dominguez asked if this information provided on the internet. She said this is from the SCADA system. The website contains the lab results.

In response to Commissioner Mayfield's question whether the Top of the World water rights are in the diversion project, Ms. Schwender said they were not.

Commissioner Mayfield asked if the City doesn't have native rights, can the County divert its native rights? Ms. Schwender stated we are engaged in a new accounting system to provide water rights from every partner. An accounting on a daily basis will distinguish how much water is used at any given time.

Commissioner Holian asked how those levels are determined.

[The remainder of the meeting is provided verbatim]

MS. SCHWENDER: That's a very good question. We started out by going with the design criteria of the Buckman Direct Diversion project. Those criteria were developed and handed over to us by our contractor, CDM. And the original design criteria for the Buckman Direct Diversion project are 1,000 NTU turbidity. While those are the criteria based on the treatment processes and the specs of the equipment types and grades of pumps that are being installed, while they are designed to handle those kinds of loading the BDD took a very proactive approach and decided to move slowly into those types of areas. Instead of saying, yes we can, up to 1,000 NTU, let's move ourselves slowly but surely up to higher levels where we can by practice, by application and we realized we can verify that we can really deal with those types of water quality levels. Which is why we did not move right away to 1,000 NTU but we moved up to 600 NTU in the river.

COMMISSIONER HOLIAN: And that is your current limit now, both in summer and in the winter?

MS. SCHWENDER: During standard storm events that are not ash-carrying storm events, yes, that would be 600 NTU.

COMMISSIONER HOLIAN: And what the VOC levels?

MS. SCHWENDER: The VOC levels, let me clarify that for one second please. The VOC meter that we have online down at the diversion structure does not give – does not read out a true concentration of VOCs as if you would be taking a sample, sending it to the laboratory, sending it to the laboratory and they analyze it and you get a result back of x-microgram per liter of which ever volatile organic compound you're concerned about. The VOC meter installed online is calibrated as a base flow background concentration. So we're metering during good conditions in the river what the standard VOC levels are.

Should we discover an increase in level, and that's where the 2 or 3 milligram per liter VOC that I mentioned earlier come into place, we're basically only getting a response from the meter if there is an increase or a decrease in VOCs in the river. So when we have an ash event coming through, the VOC levels would be rising because of the ash. And we have, based on comparison samples, split?? Sampling, have documented that we can go up to 3 milligram per liter increase and are not showing really any VOCs in the raw water.

COMMISSIONER HOLIAN: Thank you.

COMMISSIONER MAYFIELD: Mr. Chair.

CHAIR CALVERT: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Mr. Chair. On that point, when did you all move from the turbidity level from 300 to 600? When did you make that decision?

MS. SCHWENDER: That took place late last year.

COMMISSIONER MAYFIELD: And then, I'm just trying to understand [inaudible] we have the sediment catchment right after the extraction point, correct?

MS. SCHWENDER: We have a sediment removal facility in the immediate vicinity of the river where we are removing the coarsest of the sediment and return that to the river.

COMMISSIONER MAYFIELD: And I guess my point is, where the sediment plant is, what station is that? Is that Station 1?

MS. SCHWENDER: That is booster station 1-A.

COMMISSIONER MAYFIELD: Okay. So at Booster Station 1-A if turbidity levels aren't going to have an impact on us for raw water supply, or if the VOCs aren't going to have an impact from us, can't we still divert water to Booster Station 1 and then use that water to move over to a raw water supply? Or do you have to take that all the way up to the filtration system up on top?

MS. SCHWENDER: May I ask you to clarify that question?

CHAIR CALVERT: Are you – we are sort of getting into item 13 to a certain extent I think. Then I think we might clarify that. If you can hold that –

COMMISSIONER MAYFIELD: I appreciate that. Fair enough.

CHAIR CALVERT: Hold that until we get to item 13 I think we'll address that issue in that time.

COMMISSIONER STEFANICS: So Mr. Chair, I think she was going to say more or have another part of the presentation. I just want to make sure we heard that.

MS. SCHWENDER: Thank you, Chairperson. Looking backwards, what happened during July and August we understand some concerns have arisen regarding raw water availability to some of the partners and potentially communication. We have been evaluation and analyzing our procedures, our policies, trying to evaluate where we could improve on procedures and we're in the process of developing and implementing new procedures, and those procedures are discussed about the partners. We have meetings in the past and discussions with the County, Las Campanas, trying to include everyone and trying to get input from all participants and trying to figure out how we can move forward and come to a satisfying solution to what we experienced in the summer that was to not everybody's satisfaction.

Some of the items that we had discussed at this point is that we would like to widen our communication channel and especially during times when water availability is limited, when water quality in the river is impaired, and at any other time when special needs arise among the partners. We also have discussed, as I mentioned earlier already and are in the process of trying to evaluate what are the possibilities regarding changing our procedures in on-peak versus off-peak pumping. But those are major discussions and major decision making processes that cannot be implemented by the BDD. All partners need to be involved in that discussion.

Also, and Commissioner Mayfield, you have alluded to that already, what kind of procedures – strategical, engineering, operational procedures can be implemented that we have not implemented in the past because it wasn't necessary? How can we make modification to the procedure, to the engineering, to the facility, to make water more available during times that we – during this month's didn't divert? Those are just the beginning steps. I think we're heading in the right direction by involving everyone and engaging in open discussion on these issues and we're hoping to move forward in that as fast as possible so we can come to a viable solution for all partners by springtime next year.

Then I would like to point to the last few pages in the memo that are part of my presentation, and we included those pages just to give you an example of what we are monitoring in the BDD among many other parameters. These pages give you a brief summary of the raw water lift station turbidity, the raw water lift station VOCs, LANL alarms from the early notification station 1099, and the next column will list whether or not we were pumping water from the river and if you look to the right side of those columns we were trying to identify – or trying to lay out so it would be easy to identify during which parts of the day, on-peak, off-peak, what type of water quality was available.

And I would like to point out that while these tables are giving us only those pieces of information every 30 minutes, we monitor them continuously. Some are every 30 seconds; some are every minute, every 15 minutes, and our operations team monitors those kinds of parameters on a consistent and continuous basis every day. So I would like you to take out of this table that we are vigilantly assuring that the water quality that we're taking out is of the best quality. Thank you.

CHAIR CALVERT: Councilor Dominguez.

COUNCILOR DOMINGUEZ: On that point, so is this what's provided on the internet?

MS. SCHWENDER: No, sir. What is provided on the internet, if you're referring to the water quality samples, that is a completely different table. This type of information that is displayed in these tables here is information that we pulled out of the scalar system and those pieces of information, those data points are coming from the online meters that are being monitored.

COUNCILOR DOMINGUEZ: So this is more raw data than what you put on the internet?

MS. SCHWENDER: Yes. And it is actually not laboratory data; it is from online meters. The data that is displayed on the internet from stormwater quality and drinking water quality comes from independent certified laboratories.

COUNCILOR DOMINGUEZ: Thank you.

CHAIR CALVERT: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Mr. Chair, thank you, and if this goes to question 13 just let me know too, but you brought up and Commissioner Holian brought up I guess the quantities of water that we can receive either from if it's San Juan diversion, if it's different Native rights, tributary rights, and maybe I should ask this of County staff. But we also have the Top of the World water rights. Are any of those water rights coming through the BDD system at all?

MS. SCHWENDER: Not to my knowledge. We are only operating the San Juan/Chama water and Native water rights.

COMMISSIONER MAYFIELD: So then, and I think Commissioner Holian asked this, but when you do an accounting, because there could be a time when San Juan is off for reasons – maybe not the 24-hour notice or other reason, but if they're Native rights – and I'm just trying to understand how the makeup is of the City's use and the County's use, when can we make that clarification maybe if the City doesn't have any water to use out of the Native rights but the County does, and the County is saying, well, we need our water right now out of these Native rights?

MS. SCHWENDER: The water rights accounting – actually based on the availabilities that we experienced this summer from Native water rights and the non-availability of San Juan/Chama water rights, the County, the City and the BDD have engaged in developing a new accounting system. The proposed accounting system will allow all partners – basically, we are going to provide the water rights from everyone. We're going to continue monitoring how much water is being used by each partner, but let's say today we only have Native water rights available but the City also needed four million gallons, we're pumping only Native water. Then we would be giving Native water – we would be utilizing Native water to produce water for the City of Santa Fe, whereas at another time, when we have a lot of San Juan/Chama water available, we would be utilizing the San Juan/Chama water to produce County drinking water. But the accounting on a daily basis will distinguish how much of which water right was used at any given time so we can definitely do the accounting and balancing so everyone at the end of the year is being accounted for according to their water rights.

COMMISSIONER MAYFIELD: Thank you. Thank you, Mr. Chair.

CHAIR CALVERT: Okay. Any other questions on 9?

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR CALVERT: Commissioner Holian.

COMMISSIONER HOLIAN: Well, of course I'm fairly new to this Board but I'm wondering whether once a year at the end of the year – and I'm not sure. Does your fiscal year go from July 1st to June 30th? Whether we could see an accounting of the water rights so that we know what occurred over the course of a year.

MS. SCHWENDER: We actually provide that information on a monthly basis.

COMMISSIONER HOLIAN: Oh, you do.

MS. SCHWENDER: Yes. We are required to provide those reports to the State Engineer by the 15th of every month and we create the report, then we actually circulate it amongst all partners. Karen Torres for the County, Claudia Bortchert for the City, and then internal, Gary Durrant for the BDD review the report, evaluate and once everyone has okayed and reviewed everything the report goes out to the State Engineer's Office.

COMMISSIONER HOLIAN: Okay. Thank you.

CHAIR CALVERT: Okay. If there aren't any further questions I think we'll move forward on item 13.

13. Presentation of County's intent to prepare and implement a facility improvement plan to permit the County to deliver raw (non-potable) water to its customers at Booster Pump Station 2A even when BDD deliveries are suspended as the result of poor Rio Grande water quality

PATRICIO GUERRERORTIZ (County Water Utilities Director): Mr. Chair, Board members, thanks for the opportunity to make this presentation to the entire Board today. Our presentation is pretty much a complementary presentation to Erika's. The concept, as she had mentioned, we are evolving in our understanding of what we need to do in order to primarily serve our customers, both the customers that belong to Partner County as well as customers who belong to Partner City in this joint venture.

The County utility, which is a growing utility at this point and has approximately 3,200 residential equivalent customers. And one of those customers is right now a large raw water customer, has specific needs to be able to satisfy the demand from those customers. And of course the maximum demand from the customers that take raw water from the County is usually during these periods where the experience shows so far the BDD plant is not necessarily in operation. So we are taking a step. We're taking the initiative at this point and saying, okay, so we need to take a look at different options that we have at this point and come up with something that is satisfactory to all partners involved and take into account primarily that we have to serve our customers, because that's what utilities do; they have to be prepared to serve their customers.

So how do we go about this? Who do we get that is in the best interest or that will be looking at the best interest of all members involved and the partners and the customers? And who would have the best knowledge of the facilities from the beginning planning process or planning steps all the way to operations and troubleshooting. So we have thought that at this point the Board, the BDD has an agreement already with the company that was in charge of the construction, the design-builders in this project, that we think would be the best bet in trying to take a look at the different possibilities, take a look at the different alternatives that we have to solve our problem.

And the idea is that while the water in some cases might not be of the quality we want to have at the treatment plant for whatever reason, because of more solids to be removed from the treatment system or because we have maintenance operations that need to be taking place that are more intensive or more expensive than others when we take water with high solids we need to decide how and why and how we would put together a system or a modification of this operation so that we can have the raw water supply that we can take four our customers during these critical months in summer where both the demand for raw water is high as well as the potential for the BDD to be offline.

So we're here to communicate that intent to you and we are prepared to of course pay for the cost of the analysis as well as whatever improvements need to be made in order to be able to operate a plant more months during the year. And at the same time have or pursue the better use of our resources. And of course we don't want to have an investment that is there just simply shut down a month, a month and a half, two months of the year. We want to take as much as we can from that investment so that our return could be maximized as well.

That's my summary, Board members and I appreciate your attention and I'll be here for questions.

CHAIR CALVERT: Okay. Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Mr. Chair, thank you, Mr. Chair, Mr. Guerrerortiz. I guess in the closing memo in your summary memo and what you just said, why should the County though incur all these costs? We're all in this together so why wouldn't we just kind of look at these costs or even to we're delivering this water to to be part of paying for these costs?

MR. GUERRERORTIZ: That's a good question and that's a decision that will be left to the members of this Board. We will be bringing the report to you and telling you what needs to be done and why, and perhaps, presenting a recommendation to you you can have the ability to decide whether or not this is something to the benefit of all partners or is to the benefit of one of the partners that needs to have, or has special needs within this joint venture.

COMMISSIONER MAYFIELD: Thank you.

CHAIR CALVERT: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: Yes, thank you, Mr. Chair.

Commissioner Mayfield brought up something that relates to a comment that Erika made as well. So my question might not be phrased correctly. But do we need different meters? If the meters only accept a very large flow, and there's no way to divert that flow or to take the flow at a lower amount, as has been explained to me and you even made a comment today that the amount of water that comes through is significant. So I'm wondering, in relation to Commissioner Mayfield's question about the cost increment, whether this is just an issue for the Buckman that we need to have different meters that have some - like a low flow, medium flow, high flow. Are our meters just one flow?

BRIAN SNYDER: Mr. Chair, Commissioner Stefanics, I believe our meters are sized adequately. They can read low flow and high flow. I believe what you're revering to is more in the line of pumps. Our pumps can only be - the way we operate our pumps right now is on the curve, the pump curve, and in order to ramp them back down to get a lower flow, if I understand what you're asking correctly, we'd be coming off the pump curve and there would be negative implications to the pump and the life of the

pump. So the pumps are sized for certain diversion abilities and if we were to take less flow from the river and pump less, it's not a metering – I don't see it as a metering issue as much as a pumping issue that pumps would have to be sized differently. Maybe Pego can answer that.

COMMISSIONER STEFANICS: Okay, so then, Mr. Chair, my question is to Pego, would our work, or CDM's work primarily be pump driven or meter driven? Or line driven?

MR. GUERRERORTIZ: Mr. Chair, Commissioner Stefanics, we're going to take a look at the operations and find out where the adjustments need to be made. And of course we're going to take a look at where the efficiencies are going to be either gained or lost. And we're going to present to you something that works for about every situation and the idea is that I think what Erika was mentioning before was more about water quality than water quantity. And the VOC gauging or the VOC measurement that she was talking about is what may have to be revisited as one of those adjustment issues that would have to be made with every system of this size.

But in the case where we are concerned about at this point is being able to pump the same volumes of water that we would pump during normal operations during certain times in which the treatment plant is not operable. That's the bottom line. So we divert the water and we divert it to the user of the raw water, not necessarily to the water treatment plant. So the issues that have to do with water quality at the treatment plant could still be handled separately, and they should be adjusted but it's not what we're trying to do at this point.

CHAIR CALVERT: If I may, I think that to a certain extent we're getting into engineering here and probably – not meaning to step on anybody's toes, but just leave that to the engineers. But I think some of the alternative solutions you were talking about, Commissioner Stefanics, is storage capacity built into this line so it allows you to take that. You could change the valves but you could also have the ability to accept the amount of water and store part of it if you didn't need it all or if the line didn't go out for that capacity.

So I think there's a variety of different ways to go after this and I think we should allow them to present us with the alternatives and the pros and cons of those.

COMMISSIONER STEFANICS: Thank you. I'm finished.

CHAIR CALVERT: Okay. Any other questions or concerns on this? I think, I know there's been a lot of discussion on this issue and I think if we can come to an engineering solution that we can all agree on I think everybody will be better served in that respect and we can get past some of the other debates or talks we've been having at the City and the County. So I think I'm more than – I know this is just an information item but I appreciate the presentation and the spirit behind it and I think it's a positive step forward and something we can definitely incorporate in the future.

MR. GUERRERORTIZ: Thank you.

CHAIR CALVERT: Mr. Ross, did you want to say anything? Any other comments or questions from the Board? All right.

10. Update and discussion on operator training program and contract

MS. LONG: Mr. Chair and members of the Board, I will present the report on this and hopefully can respond to your questions. This is a discussion item as you see on the agenda.

CHAIR CALVERT: Not really.

MS. LONG: Well, informational. But we're not seeking a vote on the future of this tuition reimbursement agreement from the Board today. As some of you may recall, and I know Councilor Calvert was on the Board and also Commissioner Stefanics in 2010 when the decision was made not to go to a third party for operations of the project but rather have our own operate the project, and they would be City employees. And to that end there had to be a certification program of courses that were developed at the Santa Fe Community College. And the Board did enter into an agreement with the Santa Fe Community College. The Community College did develop an operating training program so that operators could receive their certification and become really qualified operators of the project. That was in 2010.

There was a cost associated with training those employees. There was some release time but more importantly there was a cost in developing a program, and the Board was concerned that we would train operators and get them up to a very high level in the water operator business and then that they might become trained and leave. And all of the training of course was at the Board's expense.

CHAIR CALVERT: And that has in fact happened, has it not?

MS. LONG: Well, it happened on a couple of occasions. I don't know if those operators left to other jobs or other jobs or better paying jobs but the Board did direct that we develop this tuition reimbursement program. So that when employees were trained and left before three years of service that they had to repay that cost, ultimately to the Board. Part of the cost. If they left within two years, 100 percent of the cost that is provided in that agreement. Within three years, 50 percent. After that, home free.

The agreement apparently was not, or we know was not, uniformly offered to all operators, for some reason. I think initially it was and most of the operators have signed this agreement; there were several that did not. A couple left that had not signed the agreement. So we are at a point now of re-evaluating that agreement. We pulled it out, looked at it, trying to figure out why it was not signed, and it also caused us to look at the amount that's in the agreement as well as the term. So we wanted to let you know that we are evaluating that, all of those issues. The amount in the agreement is \$14,000. We know that the tuition, out of state tuition, as well as books and fees, is a little over \$3,000 a year. And I know that Commissioner Stefanics and Councilor Calvert will recall that at the time this agreement was put together and the training program was developed CDM was still on board and providing those services, and they came up with that number, the \$14,000 number.

We are surmising now that that amount included some of the development costs that we spent with the Community College and at this time we are looking at the actual cost of tuition and thinking that it might be more appropriate to include the actual tuition that is being spent now that the courses have been developed. We would have to go back and look at the other employee agreements so that they're all consistent. Many of those employees are already two years in at this point, so they're down to the 50 percent requirement. In another year they will be out of that requirement entirely to repay the tuition and costs.

So we are evaluating that and the term also coordinating with the City in terms of how to get these agreements presented and signed off at the beginning, and then we are also having the City Attorney's Office – we have been in communication with them about any possible union issues and getting those taken care of as well.

CHAIR CALVERT: Sorry. If I might I want to clarify something. So the \$14,000 was based upon development of the program but it wasn't that the development of the program cost \$14,000. They were trying to somehow allocate that over the number of employees. Right? Okay. I just wanted to clarify that.

MS. LONG: That's correct.

CHAIR CALVERT: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. So Ms. Long, the employees are given times from their jobs to do this training. Correct?

MS. LONG: Yes, that's correct.

COMMISSIONER STEFANICS: And they are given salary and benefits during this time as well.

MS. LONG: Yes, they are

COMMISSIONER STEFANICS: Okay. I have no problem in lowering it to the appropriate amount but I'm just wondering if there should be any other item attached to cover that training time where they are being reimbursed.

MS. LONG: I think that is a good point.

COMMISSIONER STEFANICS: And I'm not talking about doing something excessive, I'm just saying maybe you could round it up to \$5,000 and that represents the time you've been given off of your job – something. I'm not going to suggest –

MS. LONG: That is a good point and it did come up for discussion that City employees apparently are allowed, by policy, six hours per week to attend classes, for education. And the operator training program does require, if it is to be completed within one year, and that's a requirement of the job, it does require more than six hours per week. So we could look at that issue as well.

COMMISSIONER STEFANICS: Thank you, Mr. Chair.

CHAIR CALVERT: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Mr. Chair. Mr. Chair, Ms. Long, just to ask this question. Now, that's if they voluntarily leave, correct? That you're going to be asking or we this Board might be asking –

MS. LONG: That's correct. On termination there would be no repayment.

COMMISSIONER MAYFIELD: Okay. And I just my question, because how it works with the state and nationally, can you bind somebody to stay working with your organization? Is there ever case law on this? It's a signed contract.

MS. LONG: Commissioner Mayfield, there was some initial research done on other public entities, as well as private entities entering into these kinds of agreements, and they are done, usually on a tuition reimbursement or a payment basis as we've done here to provide for those training costs, so we believe the agreements can be enforceable if done correctly. The agreement does not require an employee to stay for any period of time but it does provide some deterrent, I suppose, within those first few years which is what it is aimed to do. You may leave at any time but basically the project

did not get the benefit of what it invested in you or some part of it so it's seeking repayment for those costs that were advanced on behalf of the employee.

CHAIR CALVERT: Yes, when we were talking about this I think one of the examples that most people will recognize is doctors graduating from med school with a commitment to serve in a rural area for a certain amount of time, a la Northern Exposure. They may spend the whole time then they don't owe anything but if they don't stay the whole time they have to pay part of that back. So I think it's not without precedent and that's one of the things – we did go through that when we established this process or this policy several years ago.

COMMISSIONER MAYFIELD: And Mr. Chair, I appreciate that, and I'm looking at the letter but as to the spirit, if somebody wants to leave I just want to make sure we have a happy employee staying with us those next three years and not somebody disgruntled.

MS. LONG: I understand.

CHAIR CALVERT: The only question I would have is, I understand that the actual costs are \$3,300 but the \$14,000 was meant to amortize the cost not only of just that actual training but of actually having to develop the course that would go into that training. So I don't see that as two separate pieces necessarily. I guess if we want to – there's a myriad of options. We could leave all the current employees that signed up with the original one as is and we could put the burden of that development cost on them as it was laid out, or we could modify everybody's and spread it out a little bit farther over time and give everybody a little piece of it. But I think those are some of the things you need to look at, whether you want to have two tiers of employees, one with a big commitment and some with a lesser, or if you want to rearrange it so everybody gets a little bit of that overall cost of developing it, which was I think part of the intent.

MS. LONG: Those are all good, valid thoughts that we'll be considering.

CHAIR CALVERT: All right.

11. Overview of BDDB operational agreement with the City as project manager under the Project Management Fiscal Services Agreement

MS. LONG: Mr. Chair, members of the Board, we had some questions arise recently about the role of the City as the project manager of the Buckman Direct Diversion project, and so my intent here was just to present you with a very general, overall view of the Project Management Fiscal Services Agreement, which was entered into and the agreement is provided to you along with the amendments. And that was in 2007. The joint powers agreement that establishes the Board does identify the project manager and identifies the project manager as the City. The City acts as the fiscal agent as well as the operational manager and receives a fee for that.

I think there was also a question from some Board members as to the term of the agreement and I have that in the memo. It expires on December 1, 2015. The joint powers agreement allows for the project manager to be the City, the County or a regional authority. It can be split. It doesn't have to be with a single entity after 2015. And I think what this brought to the forefront for staff was there were some new Board members and maybe even a refresher for the old Board members that it may be wise to have a study session or one on one sessions with some of the operational agreements for the project as

well as an in-depth tour of the treatment plant as well as the diversion. We'd be happy to set that up if the Board is interested.

CHAIR CALVERT: Yes, I think we need as an ongoing policy – I've been on this Board for so long that I sort of was involved in all these agreements from the start. And I'm not saying that I remember every detail of all of them, but I think as an ongoing policy, as new members come on board, not just new members now but continuing forward, any time we have new members joining the Board I think it would be wise to have that orientation for all the Board members. I think it would be better – we could have it for the whole Board but I think a one-on-one maybe and then on certain things we can do them for the whole Board. But I think the new Board members should get that orientation. If you can combine two or three of them at the same time that's fine but I think that they specifically need that orientation when they come on board. I think it would pay dividends as we move along.

MS. LONG: I agree, Mr. Chair, and we'd be happy to set those up.

COMMISSIONER STEFANICS: Mr. Chair, I have no problem in having orientations and I think that's a great idea. I do think that the interpretation of some duties and some authorities have been questioned in the past couple of months and it has always been my understanding and I sought legal counsel at the County level that a Board has some oversight and authority over the operations. So I think that there are some expectations of the Board members to be involved in – and I know this is another topic coming up – involved in selection of top personnel, involved in some key decisions and amendments, etc. So I do want to express my support for the management of the BDD to be able to do their job, but I do think that we should be very clear about what the authority of the Board is. And I think those lines have gotten a little fuzzy, just in general discussions in the past. So I would like to see that continue to be clarified.

CHAIR CALVERT: Okay.

COMMISSIONER MAYFIELD: Mr. Chair.

CHAIR CALVERT: Yes.

COMMISSIONER MAYFIELD: Mr. Chair, [inaudible] also though, and I guess I don't want to ask a silly question, but Sangre de Cristo Water Company is a division of the City of Santa Fe, correct?

MS. LONG: That's correct.

COMMISSIONER MAYFIELD: So they have their division director, but Sangre de Cristo Water Company is arguably the project operator of the BDD, or project manager of the BDD?

MS. LONG: The project manager.

COMMISSIONER MAYFIELD: Also the City of Santa Fe is the fiscal agent of the BDD.

MS. LONG: That's correct.

COMMISSIONER MAYFIELD: So kind of in line with Commissioner Stefanics' points and knowing that there's a Board and I'm just an alternate I have a couple questions. Or maybe I can vote now because Commissioner Stefanics walked out, that being said I guess how she's phrased it is I do think this BDD Board had some direction when they appointed a project manager and selected a project manager, the Sangre de Cristo Water Company, in fairness to the City and to the County, I just think that Sangre de Cristo Water Company is going to be taking direction from totally the City

because that's their gainful employer and I do think that this is kind of where that hybrid is, where they do have to take some direction from this Board as a whole. So could you clarify that for me or am I just confusing that issue even more?

MS. LONG: No, I think those are valid questions and points. As you said the Fiscal Manager is the City and the water division is the project manager and all of those individuals that make up the project manager are City employees. Most of them have other duties as well. It's not running the Buckman Direct Diversion project. So there is not, I suppose a clear line where you can say that those employees work directly for the Buckman Direct Diversion project and they don't. They are City employees, but the City as a whole is the Fiscal Manager and the project manager. So it's to the extent – I don't think necessarily the duties need to get blurry because they do perform separate functions for the Board, but they are City employees.

CHAIR CALVERT: If I may, on that point, I think that's why we have over time, moved, especially since we've gone from a project phase to an operational phase of making the employees employees of the Buckman Direct Diversion project. If you will, for lack of a better term, its own facilities director, our own legal staff here at the Board, those kinds of things, to make it as independent of City operations as possible. But those arrangements that set up the City as project manager and as the Fiscal Agent were agreed upon many years ago and they do have a sunset. So we have an opportunity at the end of 2015 to make some definitive changes.

And we can certainly clarify in the meantime and I think we should start having those discussions now and not wait until the 11th hour to decide how we're going to transition. So we can continue to have those. But I think those decisions were made at that time partly because the City had a fully functioning and very diverse water department and was able to take on this project and the management of it. So I understand as time is changing, things are changing both at the City and the County but I'm just trying to give you some of the reasons why it was set up that way to begin with. And it's going to be evolving and it's going to have, obviously, a chance to change at the end of 2015.

COMMISSIONER STEFANICS: On that point, Mr. Chair, but there is separate cost accounting for the BDD, so it's not blended with the City. For our own budget and our own audit purposes we have separate cost accounting.

CHAIR CALVERT: We do, but we have – the City is still in charge of pulling that all together from the different parts. In other words you're managing your cost and budget as it relates to the Buckman and your contributions and payments and stuff like that, but the City has to pull all that together and work with the auditors and make sure that all of those pieces are done and satisfy our legal requirements.

COMMISSIONER HOLIAN: Mr. Chair, on that point.

COUNCILOR DOMINGUEZ: On that point, if I can, Commissioner Holian. That's part of the reason why on the next item the City is actually doing the hiring of the – we're actually putting out, I guess the application process. The applicant is going through the City's process pretty much.

CHAIR CALVERT: Right.

COUNCILOR DOMINGUEZ: So we're spending City time, or City staff is using their time to do some of those – I guess some of the things that you're talking

about, Councilor Calvert, in terms of the accounting and stuff like that, City staff is doing that part of the accounting for the entire board.

CHAIR CALVERT: Right.

COUNCILOR DOMINGUEZ: Okay. I just wanted to ask that question.

CHAIR CALVERT: Well, it's part of the – that's more of the Project Management versus the fiscal services. And not to get too far ahead of ourselves, and I know some of the concern on that has been the County having a say in that, and I don't see any problem with the County having a position at the table when we do interviews and stuff like that. I think we can all work that out and agree to that. But in the end a decision will have to be made and it's going to fall on the City with everybody's input as the manager to make that decision. So I'm trying to – well, anyway. Anybody – do we have any further questions on item 11 or is it something that we want to continue discussing in future meetings.

COMMISSIONER HOLIAN: Well, I have one question.

CHAIR CALVERT: Sure.

COMMISSIONER HOLIAN: When the PMFSA agreement expires in December of 2015, will the BDD Board put out an RFP for another project manager? Will we have to?

CHAIR CALVERT: Well, I think that's why I say I think we need to start looking now how we want to make that transition, not only what it will be too but the process that we use to get there. So I'm not sure if it's outlined anywhere.

MS. LONG: The joint powers agreement provides that the project manager must be the City, the County or a regional entity. So it wouldn't be an RFP for a private –

CHAIR CALVERT: Right. So I think we have to start looking – I think it would behoove us to start looking at that, how that succession process is going to work because I think it will get here quicker than we think and I don't want this to be a spur of the moment decision. I think we want it well thought out, given all the concerns and issues that are being raised here today.

MS. LONG: And Mr. Chair, I think some of these concerns and issues we can also deal with in the study sessions or the group sessions that we talked about in terms of governments and the documents for the project.

COUNCILOR DOMINGUEZ: Mr. Chair, just one last question, if I may. I agree with you that we need to get this done before 2015 just in case I don't run again, I can leave my mark somewhere. But maybe you can provide some history or maybe Nancy or Brian or whoever's got the tenure here. Was 2015 the date specified way back then because it was anticipated that by then we would be moving more into an operational – because back then there were a lot of uncertainties. We didn't even know if BDD would become a reality up until however many years ago. Just a few years ago, and so I'm just trying to get a little bit of a history if that 2015 day was predetermined just because of that transition from capital to operational.

CHAIR CALVERT: Well, I just weigh in. I believe – I don't know exactly why that date was picked but I think it was probably to get us through the project phase and well into the operational stage smoothly before we made an abrupt or some other type of transition so there was continuity from the beginning of the operational stage and provide the stability to that operation, and then from then you could change, you could

move onto a different arrangement if you wanted to but I think it was just the continuity and the stability in transitioning from one phase to another.

MS. LONG: Mr. Chair, I don't know why that date was chosen. I wasn't around then, but it was my understanding it was sort of the opposite, that the project was delayed and it was believed it would be online much sooner than it would be, so that there would be a longer operational stage when the City was the project manager than as it actually turned out.

CHAIR CALVERT: Okay. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Mr. Chair, there were a lot of points brought up like why this goes out, if it goes out by the decision of this Board, it can either be the County, the City, or such regional operator?

MS. LONG: A regional authority or regional entity I think is the wording.

COMMISSIONER MAYFIELD: Mr. Chair, Ms. Long, can you give me like an example of a regional authority, if that would be the case if we got there?

MS. LONG: SWMA is a regional authority. Albuquerque/Bernalillo County Water Utility I think is a regional authority. I don't know about Albuquerque's exact governance structure but there are some examples out there of regional authorities.

COMMISSIONER MAYFIELD: So, Mr. Chair, Ms. Long, but that's arguably something the County and the City has already created internally within our two governments. So what's – the regional authority would be basically something we've kind of already created with one another. Correct?

MS. LONG: It would be a joint authority with the City and the County.

COMMISSIONER MAYFIELD: A new one.

MS. LONG: Correct.

COMMISSIONER MAYFIELD: So I'm just going to ask this question. So arguably could the BDD be its own regional authority and they be their own project manager?

MR. SNYDER: Mr. Chair and Commissioner Mayfield, it's a good question. An example of SWMA versus BDD, SWMA is pretty much standalone. They're self-sufficient in that they have their own supporting staff for almost everything, and then they have a board that they report to, whereas BDD, the City's role as project manager/fiscal agent on a daily basis I'm approving purchase orders, I'm dealing with staff, some that report to the staff, some that don't, technical issues. Our Finance Director is dealing with financial things. We're supporting them from ITT standpoint. We're supporting them from [inaudible] standpoint. So my point is that as it's currently set up BDD does not stand alone and the role of the project manager, which is the City at this time, provides all those supporting services. It's almost similar to the general fund in that they have all these different supporting services that are needed.

Whereas SWMA and Albuquerque/Bernalillo stand alone. They have their ITT group. They have their internal legal counsel. They have their financial arm. They have those things. There is a difference between a regional entity and what we have currently at BDD.

COMMISSIONER MAYFIELD: Okay. And Mr. Chair, I wasn't here for the creation but you're helping me. So does the City get extra credit for this in our cost agreements? Because it seems like the City is doing a lot of work.

MR. SNYDER: Mr. Chair and Commissioner Mayfield, the City does get 10 percent of the operation cost, which accounts to \$80,000 a year, based on the \$8 million budget that we currently have. Or is it – one percent. Sorry. One percent of the operating cost which accounts for \$80,000 a year based on the current budget of \$8 million.

COMMISSIONER MAYFIELD: And Mr. Chair, and respectfully though, if that \$80,000 went directly to the BDD is there any thought that they could still be self-sufficient with that extra \$80,000?

MR. SNYDER: Mr. Chair, Commissioner Mayfield, I don't see how that would be – it would work. \$80,000 would not probably even cover one FTE from the standpoint of a legal or ITT or somebody. I don't see how that would work.

COMMISSIONER MAYFIELD: Thank you. And then, Mr. Chair, not to put you on the spot but at least what I heard here sitting in this seat is that for the new selection of the new BDD director or operator, at least the Board will have a say in that interview process or the County will have a say in that?

CHAIR CALVERT: I'll clarify what I said. It still – the City as the project manager is in charge of the hiring but we certainly welcome BDD members or County staff at the table when we do the interviewing for input and stuff like that. So I don't see any problem with that. It is part of the current arrangement and that's why we have this on the agenda in item 11 is what the current roles and how they are set up. I didn't decide that; this Board decided that. So that's how we're operating today. But I think we're – the City staff that will be making the decision is more than willing and flexible enough to include whoever from this Board, from the County or staff members that want to be involved in that process to include them.

COMMISSIONER MAYFIELD: Thank you.

CHAIR CALVERT: Yes.

COMMISSIONER STEFANICS: Mr. Chair, my point earlier was that no one should be hired until this Board approves the hiring. That is part of our authority and it's clearly written in our agreement. We have oversight over the manager. And I'm not talking about the interview process or the posting or anything like that. But a person would not be offered a job until we determined that that was the appropriate applicant. And I'm happy to have an applicant brought forward to us for approval in that way, but that's our authority.

MS. LONG: I think that's the next item up on the agenda. I know or I understand in the past for the last facilities manager it was not conducted that way, but I understand your –

CHAIR CALVERT: So could we get that clarified, Nancy, as soon as possible and you can email us your answer if you will or if you want to consult on that with somebody else but I think we do need to get that clarified as soon as possible. I understand Commissioner Stefanics' position so I think we need to – maybe it wasn't how we did it last time. How is it specified in our agreements to do?

COMMISSIONER STEFANICS: Mr. Chair, I would recommend that Ms. Long meet with our County Attorney and anybody else she wants to see if everybody's going to be on the same page, because we of course do receive some of our legal advice from our County Attorney. The other issue is we have a facility manager left after a very short time. We don't even know why he left. And it seems to be that as a Board if we had

had some investment in who was doing that job we also would have some investment in finding out why the person was leaving to determine if there's some way to keep them. So I see some disconnects with the running of the BDD.

CHAIR CALVERT: Okay. Well, and I asked that question the last time. I don't think staff had a good idea of why that person left, but you can only ask the question; you can't necessarily demand an answer, except the one that they give you. But I think that we can get this – we should try and get this issue clarified as soon as possible and if you would expedite that research and get back to us I'd appreciate it, Ms. Long.

COUNCILOR DOMINGUEZ: Mr. Chair, I just have one other question. Brian, when you talked about the difference between SWMA and Albuquerque/Bernalillo, SWMA doesn't actually have taxing authority, but does Bernalillo? I know that the City, we've been brought forward proposals to raise rates or whatever.

CHAIR CALVERT: SWMA has the ability to raise rates.

COUNCILOR DOMINGUEZ: Not without our approval, though. Right?

MR. SNYDER: Mr. Chair, Councilor Dominguez, I understand Albuquerque/Bernalillo can adjust their rates, or the board adjust the rates. I'm not sure about that taxing structure.

COUNCILOR DOMINGUEZ: Well, I guess when I say taxing authority I just mean –

CHAIR CALVERT: Well, the SWMA board has the ability, in and of itself to set rates. It has representatives from both bodies on there, right? But it doesn't require, I don't think, the approval of each governing body. It stands alone in that respect. Now, that ripples down to our respective governing bodies when we set our budgets. Okay? But I don't think their decision to raise rates has to be approved by the individual bodies, so –

COMMISSIONER MAYFIELD: Mr. Chair, on that point, the individual bodies have to figure out to pay.

CHAIR CALVERT: Yes. Absolutely. That's what I'm saying. When we get down to our budgets we have to figure out how to accommodate that.

COUNCILOR DOMINGUEZ: I just brought that up because I think when we start going into these alternative forms of government for lack of a better term, we're talking about taxpayer money and whether it's taxes or fees or whatever and how we manage that and the proper representation needs to be available. Okay. That's all I have on that issue.

CHAIR CALVERT: Okay. I'm going to move forward to item 12 but at this point, because of a previous commitment I have to excuse myself so I'm going to turn over chairing of the meeting to Commissioner Stefanics for item 12 and the remainder of the agenda.

[Chair Calvert left the meeting.]

12. Update on BDD facility manager's position vacancy and recruitment procedures

COMMISSIONER STEFANICS: So, Brian, we had started discussing this already. What would you like to add?

MR. SNYDER: Commissioner Stefanics, I really don't have much to add other than to echo what Councilor Calvert said. I have already been in communication with two County staff, Adam Leigland and Patricio Guerrerortiz about participating during the interview process. We are, as you can see in the memo a little ways away from that time period but we have advertised the position. The position is being advertised internally, externally, nationwide on several technical websites as well as locally, and it's set to close on September 28th. It will go through an HR screening process, so I anticipate that by mid to late October we'll be holding interviews and that's from a timeframe standpoint. And definitely, I'm interested in working with County staff and having them participate in the interview process. And with that I'll stand for questions.

I guess one additional thing, two additional things, for your benefit I put in the packet the org chart that was approved. This was just basically cut and paste from the approved budget last year. It kind of just lays out what the current - it says Robert Mulvey, the facility manager oversees in the structure that that position oversees, as well as I believe that for the past Board meetings request for advertisements. That kind of information was requested and that is included in the packet. So the BDD facility manager advertisement announcement is in the packet as well, and with that, I'll stand for questions.

COMMISSIONER STEFANICS: Thank you. I want to make a comment and then I'll turn to questions. Since we have this recruitment period we might want to do once again a little salary survey to determine whether or not we're in the ballpark. Since we don't know why our manager left we don't know if that was an issue. If we constantly hire or employ someone who is good who is going to be bumped up by the next organization, some times you can't help that but sometimes we could try to address that. So maybe if you have any recommendations. I would assume that this topic would be on the next agenda as well since Ms. Long is going to look into the legal ramifications and maybe you could make a comment about the salary structure as well. Questions? Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Thank you, Madam Chair. Mr. Snyder, and just a suggestion though, and I don't know the reason why the last director left, but if that does happen, maybe an emergency meeting, at least an executive meeting with the personnel matter or something with the Board. How I received notice is I was invited to a barbecue. Maybe everybody else received that same notice. What happened to the BDD Director? So I don't know if maybe the City had more notice than that and that this was how we received the notice. But that would just be my suggestion. If it doesn't go to the full County that it at least goes to the Board members of the BDD.

COMMISSIONER STEFANICS: Thank you. Anything else from Commissioners, Councilors? Thank you.

MATTERS FROM THE PUBLIC

COMMISSIONER STEFANICS: Are there members from the public who would like to speak? If so, why don't you come on down to the front row? So I see two

speakers so far. Is that correct? Is there anybody else besides these two speakers? Okay, if you'd come to the podium and introduce yourself for the record please.

DR. JIM MCCLURE: Good afternoon, Ms. Chair, members of the Board. My name is Dr. Jim McClure. I have lived and practiced in Santa Fe for the past 25 years. I practice functional medicine and conduct independent scientific research regarding health and the environment. I am very concerned with contaminants in our public water supply. The latest test data I could find, conducted by the New Mexico Environment Department in the Drinking Water Quality Report for the City of Santa Fe water system was 2004 through 2006, six-year old data. In that report six contaminants exceeded the legal limit during these two years; 19 contaminants exceeded the health limit during these two years. These include halo-acidic acids, arsenic, thallium, copper, chloroform, lead, uranium, radium, cadmium, plus 17 other known toxins.

This raises three questions for me, which I have asked Senator Bingaman's office, Senator Udall's office, Representative Lujan's office at a public forum in July with no response. Now I am asking you. Number one: How can this occur for two years and nothing done to address these contaminants or to even notify the public or physicians treating the public? Number two: Who is responsible for addressing this? Number three: How can the public have access to data from the past six years including current data? Thank you for listening. I await your response.

COMMISSIONER STEFANICS: Thank you very much. I believe that we could probably put this on the agenda to just revalidate to the public at our next meeting our testing and what happens when we see different results and maybe address his concerns. Thank you. Yes, Ms. Arends.

JONI ARENDS: Good afternoon. Joni Arends, Concerned Citizens for Nuclear Safety. I have three questions or three points. First, I'd like to understand what happened to the August meeting and why this meeting has been scheduled for 3:00. Is that a new thing that's happening or was something else going on?

COMMISSIONER STEFANICS: No. This meeting was just done to accommodate a schedule and members of this Board were queried before it was put out to the public. So the next meeting will revert back to the regular time of 4:00.

MS. ARENDS: On October 4th?

COMMISSIONER STEFANICS: Yes.

MS. ARENDS: Okay. Great. Thank you. Number two is with regard to the contract with GeoSystems Analysis, for the mitigation efforts by the BDD, I know that that area is to the south of the pipeline, generally, but we're still concerned about the plutonium and other contaminants from LANL that maybe have been deposited in that region and we're concerned about the grid sampling and we want to make sure that the employees are properly protected, especially if they're going to be doing any kind of mitigation where they're removing Russian olive and the sage trees by mechanical methods where they would pull them out by their roots, thereby possibly being exposed. So that's an ongoing concern that we've had for a number of years. And we've tried to address it with respect to Alan Hamilton's proposal for part of the restoration in the bio-area, the riparian area to the north of the pipeline out at the Buckman. So those are ongoing concerns.

My third point is with regard to the elephant in the room with regard to the turbidity in the water. Los Alamos National Laboratory cleanup budget has not changed.

They haven't done cleanup in Los Alamos Pueblo Canyon. We're concerned about any possibility of diverting water that's above this 1,000 NTU for turbidity or above 3 for the VOCs. We're concerned about the ash. From what I've heard and what I've read it doesn't address ash in the river. It doesn't address high turbidity that we know, as Erika has explained, where there's turbidity and fine sediments in the river it's carrying pollutants. And it doesn't matter if it's from Los Alamos National Laboratory or it's from the sewage treatment plant in Española or something further upstream. This is a complex system and we're concerned about any diversion when there's high levels.

So here's some of our questions. From what we understand we divert from the river when there's ash. Let's just take the worst case scenario. There's ash in the river and you divert it 4.5 miles up to the Booster Station 2-A. Who's going to clean the pipe after that? Who's going to go in there and clean the pipe before we divert water for drinking? Because we know that the contaminants are in the ash, the pollutants. Whether it's from global fallout or it's from Los Alamos National Laboratory operations. Who's going to go in there and clean it up?

And then who is going to be liable for that? Because it's being diverted to water golf courses? Who's going to be liable? The County? The City? The BDD? The Board? So the alternative that we see in the short amount of time that we've looked at this proposal is if Las Campanas needs water in the summertime they should just build some tanks and store that water at a time when the pumping is okay to pump. We're very concerned that this big elephant in the room with respect to the pollutants from Los Alamos or from the Española treatment facility which is generally out of compliance, three quarters out of four are going to get stuck into the system and who's going to be responsible for that? We don't want to be drinking that water. We've already compromised by saying, okay, 1,000 turbidity, or 3 VOCs.

But I do want to acknowledge that the steps that were taken by BDD this past summer when there was all sorts of things in the river and there were a number of reasons, that we really are appreciative that the system was turned off during the summer. We thought that that was very proactive and that the Board and staff had heard the public's concerns. So thank you very much.

COMMISSIONER STEFANICS: Thank you very much. Is there anybody else for public comment?

MATTERS FROM THE BOARD

COMMISSIONER STEFANICS: Any Board matters?

COMMISSIONER MAYFIELD: Madam Chair, just a question for staff. Ms. Arends' comments, did we do any comparison data with, say, downstream utilities such as Albuquerque, as far as what the test scores are coming out with the issues with the water, with sampling? Do we look at, say, Bernalillo's, to see if there's a significant difference between ours?

MS. SCHWENDER: I assume you're talking regarding raw water quality, not drinking water quality. Correct?

COMMISSIONER MAYFIELD: Well, I'm thinking of even drinking water quality.

MS. SCHWENDER: Drinking water quality. Our public utilities, public drinking water systems are regulated by either EPA or by the state and have to comply with the Safe Drinking Water Act. There are various regulations that spell out exactly your allowable levels, concentrations of various constituents. And while we are not monitoring other utilities whether or not they are complying with the Safe Drinking Water Act we are monitoring our drinking water quality. Not only do we comply with the minimum standards that are dictated by EPA and the NMED in New Mexico, we also collect additional samples throughout the year.

The way it works in New Mexico is the state actually comes out, collects the drinking water samples, sends them out to the laboratories that are certified with the NMED, and analyzes them for various analytes. We follow the same protocol. We have certified sampling technicians and we are only utilizing the same kind of laboratories that are certified by NMED to perform additional testing, rather than only once every one year or once every three months. And we have never exceeded. We've always been very much below any maximum contaminant limits.

COMMISSIONER MAYFIELD: Thank you. And then Madam Chair, I also sit on the Regional Coalition of Los Alamos Communities and just wanted to let everybody know that there will be a meeting the 21st from 9:00 to 12:00 and it's going to be at our BDD facility. So that's open up to the public. I do think that they have to contact either the BDD or contact the director of the Regional Coalition, whose name escapes me – excuse me, Ms. DeAnza Sapien, just to apply for I guess a pass, because we will also be touring the facility. So everybody knows that.

MS. SCHWENDER: If I may clarify that. The meeting is actually – to the best of my knowledge, the meeting is actually being held here at Council Chambers. The tour is out at the BDD, because we don't have enough of meeting room facilities to accommodate more than 30, 40 people and we were anticipating potentially a larger participation. So the actual meeting is going to be held here and then at noon the tours will be offered at the BDD.

COMMISSIONER MAYFIELD: Thank you for that clarification because I would have went to the wrong spot.

COMMISSIONER STEFANICS: Well, we all received an email saying that all the meetings would be up there so we better get the communications out in writing.

COMMISSIONER MAYFIELD: And if you could – thank you, Madam Chair. If you could talk with DeAnza Sapien just to make sure we have that clear. I would hate to see some folks down there and some folks up here. So we just really need to communicate that. Thank you.

MS. SCHWENDER: Thank you for bringing that to my attention. I'll be contacting her.

COMMISSIONER STEFANICS: Thank you. Councilor Dominguez.

COUNCILOR DOMINGUEZ: Madam Chair, just to let City staff know, I won't be here at the next meeting so if you could let Councilor Bushee who is the City alternate for that know for that meeting.

COMMISSIONER STEFANICS: Thank you. And I will not be here but Commissioner Mayfield is going to try his best to be here. Thanks. Anything, Commissioner Holian? Okay. Thank you.

SFC CLERK RECORDED 10/17/2012

NEXT MEETING: Thursday, October 4, 2012 @4:00 P.M.

ADJOURNMENT

Having completed the agenda, Vice Chair Stefanics declared this meeting adjourned at approximately 5:05 p.m.

Approved by:


Chris Calvert, Board Chair

Respectfully submitted:

Karen Farrell, Wordswork

FILED BY:


VALERIE ESPINOZA
SANTA FE COUNTY CLERK



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BUCKMAN DIRECT DIV MIN
PAGES: 29

I Hereby Certify That This Instrument Was Filed for
Record On The 17TH Day Of October, 2012 at 10:00:31 AM
And Was Duly Recorded as Instrument # 1684806
Of The Records Of Santa Fe County

Deputy  Witness My Hand And Seal Of Office
Valerie Espinoza
County Clerk, Santa Fe, NM

Sign 1a sheet BDD 9-13-12 @ 3 pm.

Joni Arends	CCNS	jarends@nuclearactive
Teresa Martinez	SF County	tsanchez@cc.santa-fe.nm
Charlie Nylander	club at Las Campanas	cnylander@comcast
Wendell T. Egelhoff	Club at Las Campanas	wegelhoff@clubc.
DAVID LOAN	club at las Campanas	dloan@clubc
Mark Silbert	Club at Las Campanas	rmsilbert@
Phil Noward	Las Campanas Water Coop	accounting@
Dr. Jim McClore	citizen & physician	dr.jimmie@leastersewer
Annatt Hansen	citizen	clakundesign@renewex
Kimberly Block	citizen	N/A
Kimberly Block	BDD	keblock@santafenm.gov
Rick Carpenter	BDD/City	rrcarpenter@santafenm.gov
PAUL KARAS	CDM SMITH	KARASPA@CDMSMITH.COM
Steve Hoffman	CDM Smith	hoffmansm@cdmsmith.



AGENDA

THE CITY OF SANTA FE
And
SANTA FE COUNTY

CITY CLERK'S OFFICE

DATE 9-5-12 TIME 1:30

SERVED BY [Signature]

RECEIVED BY [Signature]

BUCKMAN DIRECT DIVERSION BOARD MEETING

THURSDAY, SEPTEMBER 13, 2012
3:00 PM
CITY HALL
CITY COUNCIL CHAMBERS
200 Lincoln Avenue

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF MINUTES FOR THE JULY 5, 2012 BUCKMAN DIRECT DIVERSION BOARD MEETING
5. APPROVAL OF CONSENT AGENDA
6. MATTERS FROM STAFF

CONSENT AGENDA

None

DISCUSSION AND ACTION ITEMS

7. Request for approval of a Professional Services Agreement between the Buckman Direct Diversion Board and GeoSystems Analysis, Inc. in the amount of \$81,395.00 Exclusive of NMGR for Habitat Restoration and Mitigation Implementation Management and Oversight in accordance with the approved Implementation Plan and budget. (Rick Carpenter)

City of Santa Fe



New Mexico



AGENDA

THE CITY OF SANTA FE
And
SANTA FE COUNTY

CITY CLERK'S OFFICE

DATE 9.5.12 TIME 1:00 PM

SERVED BY *[Signature]*

RECEIVED BY *[Signature]*

BUCKMAN DIRECT DIVERSION BOARD MEETING

THURSDAY, SEPTEMBER 13, 2012

3:00 PM

CITY HALL

CITY COUNCIL CHAMBERS

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INFORMATIONAL ITEMS

8. Update on Middle Rio Grande Endangered Species Collaborative Program and Recovery Implementation Program. (Rick Carpenter)
9. Update and discussion of BDD operation and shut down during July and August 2012. (Erika Schwender)
10. Update and discussion on operator training program and contract. (Erika Schwender and Nancy Long)
11. Overview of BDDB operational agreement with the City as Project Manager under the Project Management Fiscal Services Agreement. (Brian Snyder and Nancy Long)
12. Update on BDD Facility Manager's position vacancy and recruitment procedures. (Brian Snyder)
13. Presentation of County's intent to prepare and implement a Facility Improvement Plan to permit the County to deliver raw (non-potable) water to its customers at Booster Pump Station 2A even when BDD deliveries are suspended as the result of poor Rio Grande water quality. (Patricio Guerrerortiz and Steve Ross)

MATTERS FROM THE PUBLIC

MATTERS FROM THE BOARD

NEXT MEETING: THURSDAY, OCTOBER 4, 2012 @ 4:00 P.M.

ADJOURN

PERSONS WITH DISABILITIES IN NEED OF ACCOMODATIONS, CONTACT THE CITY CLERK'S OFFICE AT 505-955-6520, FIVE (5) WORKING DAYS PRIOR TO THE MEETING DATE.