

Buckman Direct Diversion

A joint regional project of the City of Santa Fe and Santa Fe County to build a reliable and sustainable water supply.

Memorandum

Date: February 4, 2016
To: Buckman Direct Diversion Board
From: Randy Sugrue, Interim Operations Superintendent *RS*
Subject: Update on BDD Operations for the Month of January 2016

ITEM:

1. This memorandum is to update the Buckman Direct Diversion (BDD) Board on BDD operations during the month of January 2016. The BDD diversions and deliveries have averaged, in Million Gallons Daily (MGD) as follows:
 - a. Raw water diversions: 3.77 MGD Average
 - b. Finished Drinking water deliveries through Booster Station 4A: 2.76 MGD Average
 - c. Finished Drinking water deliveries through Booster Station 5A: 0.74 MGD Average
 - d. Raw water delivery to Las Campanas at BS2A: 0.0 MG Total.
2. The BDD is providing approximately 51 percent of the water supply to the City and County for the month.
3. Please see the following pages from the Monthly report to the Office of the State Engineer (OSE) for accurate information up to December 15, 2016.
4. Please note all prior years are also included for reference.
5. The current Drought Update Summary is attached and reservoir storage status.



BACKGROUND AND SUMMARY:

Buckman Direct Diversion Monthly SJC and Native Diversions

Dec-15

In Acre-Feet

Month	Total SJC + Native Rights	SP-4842 RG Native COUNTY	SD-03638 RG Native LAS CAMPANAS	SJC Call Total	SP-2847-E SJC Call CITY	SP-2847-N-A SJC Call LAS CAMPANAS	All Partners Conveyance Losses
JAN	312.687	66.122	0.000	246.565	246.565	0.000	2.400
FEB	328.880	49.882	6.848	272.150	272.150	0.000	2.358
MAR	358.212	169.870	8.149	180.193	180.193	0.000	1.602
APR	40.134	40.134	0.000	0.000	0.000	0.000	0.000
MAY	465.403	238.729	0.000	226.674	226.674	0.000	2.145
JUN	692.311	128.544	0.000	563.767	452.444	111.323	5.043
JUL	448.317	148.671	0.000	299.646	237.065	62.581	2.701
AUG	493.158	213.727	0.000	279.430	279.430	0.000	2.538
SEP	683.013	130.850	0.000	552.163	552.163	0.000	4.983
OCT	677.884	80.409	0.000	597.475	597.475	0.000	5.300
NOV	494.573	66.158	0.000	428.415	428.415	0.000	3.893
DEC	200.291	10.315	0.000	189.976	189.976	0.000	1.725
TOTAL	5,194.863	1,343.411	14.997	3,836.455	3,662.551	173.904	34.687

In Acre-Feet

Month	Native COUNTY	Native Las Campanas	SJC CITY	SJC Las Campanas	All Partners Diversions BDD
JAN	66.122	0.000	244.165	0.000	310.287
FEB	49.882	6.848	269.792	0.000	326.521
MAR	169.870	8.149	178.592	0.000	356.610
APR	40.134	0.000	0.000	0.000	40.134
MAY	238.729	0.000	224.529	0.000	463.258
JUN	128.544	0.000	448.397	110.327	687.268
JUL	148.671	0.000	234.928	62.017	445.616
AUG	213.727	0.000	276.893	0.000	490.620
SEP	130.850	0.000	547.180	0.000	678.030
OCT	80.409	0.000	592.175	0.000	672.585
NOV	66.158	0.000	424.522	0.000	490.681
DEC	10.315	0.000	188.251	0.000	198.566
TOTAL	1,343.411	14.997	3,629.424	172.344	5,160.177

Buckman Direct Diversion Monthly SJC and Native Diversions

Dec-14

Month	Total SJC Release (AF)	SJC Conveyance Losses (AF)	Total SJC Available at BDD (AF)	SJC Diversion, SP-2847-E (AF)	SJC Diversion, SP-2847-N-A (AF)	Total Native Rio Grande Diversion SP-4842 (AF)	Release of SJC in Elephant Butte (AF)	Total BDD Surface Diversion (all permits)	SJC from SP-2847-E used to offset Buckman Wells RG-20516 (AF)	SJC from SP-2847-N used to offset Buckman Wells RG-20516 (AF)
JAN	383.35	3.74	390.34	390.34	0.00	12.68	0	403.01	0	0
FEB	349.51	3.28	341.55	341.55	0.00	11.38	0	352.93	0	0
MAR	373.88	3.66	381.69	357.07	34.09	148.83	0	530.52	0	0
APR	178.75	1.70	176.78	92.46	84.47	227.22	0	404.00	0	0
MAY	491.46	4.61	480.35	389.13	91.22	374.86	0	855.21	0	0
JUN	427.50	3.96	412.65	295.07	117.58	292.84	0	705.49	0	0
JUL	425.22	4.14	431.96	399.51	32.46	72.32	0	504.28	0	0
AUG	496.68	4.60	479.66	479.66	0.00	96.07	0	575.74	0	0
SEP	552.71	5.40	562.83	562.83	0.00	84.85	0	647.68	0	0
OCT	381.93	3.63	378.30	378.30	0.00	142.46	0	520.76	0	0
NOV	441.14	4.09	426.17	426.17	0.00	11.59	0	437.76	0	0
DEC	423.99	4.13	430.74	430.74	0.00	19.56	0	450.30	0	0
TOTAL	4,926.12	46.93	4,893.03	4,542.84	359.82	1,494.66	0.00	6,387.69	0.00	0.00

Source of SJC releases in reporting month. Includes conveyance losses.

Month	Total Release (AF)	ABIQUIU		
		City of Santa Fe (AF)	Santa Fe County (AF)	Club at Las Campanas (AF)
JAN	383.35	383.35	0.00	0.00
FEB	349.51	349.51	0.00	0.00
MAR	373.88	346.37	0.00	27.37
APR	178.75	93.42	0.00	85.41
MAY	491.46	399.41	0.00	92.41
JUN	427.50	307.54	0.00	120.28
JUL	425.22	397.13	0.00	28.09
AUG	496.68	496.68	0.00	0.00
SEP	552.71	552.71	0.00	0.00
OCT	381.93	381.93	0.00	0.00
NOV	441.14	441.14	0.00	0.00
DEC	423.99	423.99	0.00	0.00
TOTAL	4,926.12	4,573.19	0.00	353.55

Buckman Direct Diversion Monthly SJC and Native Diversions

December 2013

Month	Total SJC Release (AF)	SJC Conveyance Losses (AF)	Total SJC Available at BDD (AF)	SJC Diversion, SP-2847-E (AF)	SJC Diversion, SP-2847-N-A (AF)	Total Native Rio Grande Diversion SP-4842 (AF)	Release of SJC in Elephant Butte (AF)	Total BDD Surface Diversion (all permits)	SJC from SP-2847-E used to offset Buckman Wells RG-20516 (AF)	SJC from SP-2847-N used to offset Buckman Wells RG-20516 (AF)
JAN	439.04	4.24	441.79	441.79	0	44.09	0	485.88	0	0
FEB	261.03	2.47	257.94	257.94	0	10.49	0	268.42	0	0
MAR	353.69	3.30	343.57	343.57	0	75.66	0	419.23	0	0
APR	680.73	6.34	661.33	661.33	0	89.47	0	750.80	0	0
MAY	1045.27	9.88	1030.46	1030.46	0	22.86	0	1053.32	0	0
JUN	817.91	7.85	818.00	734.56	83.44	260.03	0	1078.03	0	0
JUL	606.85	5.90	614.73	397.47	78.83	0.00	0	476.30	83.70	54.73
AUG	108.68	0.91	95.34	41.68	36.91	0.00	0	78.59	5.58	11.18
SEP	136.77	1.43	149.29	63.86	53.76	0.00	0	117.61	25.36	6.32
OCT	255.24	2.46	256.53	213.87	42.66	72.92	0	329.45	0	0
NOV	196.45	1.88	195.50	187.02	8.48	117.33	0	312.83	0	0
DEC	293.76	2.63	274.19	274.19	0.00	12.25	0	286.44	0	0
TOTAL	5195.42	49.29	5138.67	4647.73	304.07	705.09	0.00	5656.89	114.64	72.23

Source of SJC releases in reporting month. Includes conveyance losses.

Month	Total Release (AF)	ABIQUIU		
		City of Santa Fe (AF)	Santa Fe County (AF)	Club at Las Campanas (AF)
JAN	439.04	439.04	0	0
FEB	261.03	261.03	0	0
MAR	353.69	353.69	0	0
APR	680.73	680.73	0	0
MAY	1045.27	1045.27	0	0
JUN	817.91	729.30	0	88.60
JUL	606.85	473.27	0	133.58
AUG	108.68	65.21	0	43.47
SEP	136.77	83.87	0	52.90
OCT	255.24	211.15	0	44.09
NOV	196.45	186.31	0	10.15
DEC	293.76	293.76	0	0.00
TOTAL	5195.42	4822.62	0.00	372.79

Buckman Direct Diversion Monthly SJC and Native Diversions

December 2012

Month	Total SJC Release SP-2847-E (AF)	Conveyance Losses (AF)	Total SJC Available at BDD Diversion (AF)	Total SJC Diversion SP-2847-E (AF)	Total Native Rio Grande Diversion SP-4842 (AF)	Release of SJC in Elephant Butte (AF)	Total BDD Surface Diversion SP-2847-E plus SP-4842 (AF)	SJC used to offset Buckman Wells RG-20516 (AF)
JAN	448.09	4.06	447.00	411.56	5.02	0	416.59	35.44
FEB	210.29	1.97	216.94	208.13	32.21	0	240.34	8.81
MAR	335.75	2.94	323.61	312.85	59.21	0	372.06	10.76
APR	528.63	4.72	519.90	519.90	108.61	0	628.51	0.00
MAY	660.18	6.24	651.05	651.05	145.51	0	796.55	0.00
JUN	722.36	6.79	692.21	692.21	120.92	0	813.12	0.00
JUL	152.03	2.23	191.75	157.16	0.00	0	157.16	34.60
AUG	86.08	0.58	60.90	60.90	239.96	0	300.87	0.00
SEP	637.17	6.05	630.92	630.92	110.07	0	740.99	0.00
OCT	747.21	7.14	744.87	744.87	50.82	0	795.69	0.00
NOV	479.19	4.63	482.65	482.65	120.91	0	603.56	0.00
DEC	442.67	4.17	434.71	434.71	119.44	0	554.15	0.00
TOTALS	5449.67	51.53	5396.51	5306.90	1112.67	0.00	6419.57	89.61

Source of SJC Releases in reporting month. Includes conveyance losses.

Month	Total Release (AF)	HERON		EL VADO		ABIQUIU	
		CITY	COUNTY	CITY	COUNTY	CITY	COUNTY
JAN	448.09	0.00	0.00	0.00	0.00	448.09	0.00
FEB	210.29	0.00	0.00	0.00	0.00	210.29	0.00
MAR	335.75	0.00	0.00	0.00	0.00	335.75	0.00
APR	528.63	0.00	0.00	0.00	0.00	528.63	0.00
MAY	660.18	0.00	0.00	0.00	0.00	660.18	0.00
JUN	722.36	0.00	27.21	0.00	0.00	695.15	0.00
JUL	152.03	0.00	21.42	0.00	0.00	130.61	0.00
AUG	86.08	0.00	0.00	0.00	0.00	86.08	0.00
SEP	637.17	0.00	0.00	0.00	0.00	637.17	0.00
OCT	747.21	0.00	0.00	0.00	0.00	747.21	0.00
NOV	479.19	0.00	0.00	0.00	0.00	479.19	0.00
DEC	442.67	0.00	0.00	0.00	0.00	442.67	0.00
TOTALS	5449.67	0.00	48.63	0.00	0.00	5401.04	0.00

Note: Grey fields indicate revisions to previous monthly report

Drought, Monsoon/El Nino, and ESA Update

Drought conditions have eased this past year due to the reappearance of a strong El Nino. NOAA's latest update (01/21/16) indicates that El Nino Conditions are present, and that El Nino is expected to remain strong through the winter 2015-16, with a transition to neutral conditions during late spring or early summer 2016. Dry conditions in 2016 could present significant challenges to all water purveyors, water utilities, and irrigators going forward into the summer if there is not significant filling and carry-over storage in regional reservoirs. Regional reservoir levels on the upper Santa Fe River, Rio Grande, and Chama Rivers are still low but rising slowly. The City has received about 93% of total San Juan-Chama Project firm yield for the year (2015); however, there were no deliveries in August through December. There are no water-related Endangered Species Act (ESA) updates. Updates on endangered species issues will be made as needed. Rio Grande Compact Article VII has been invoked, which means the City cannot impound runoff into Nichols and McClure Reservoirs above its pre-Compact pool of 1,061 AF (unless other arrangements are made to access either its SJCP "exchange pool" and/or the ISC's "relinquishment pool.") Updates to this condition will be made as needed. It is anticipated that Article XII will be lifted sometime around mid-February.

City of Santa Fe SJCP Reservoir Storage as of December 30, 2015:

Heron:

4,805 AF (2015 SJCP water must be vacated by September 31, 2016 pursuant to a BoR waiver).

El Vado:

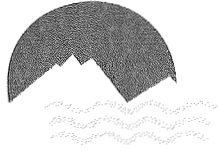
4,757 AF (Temporary storage, will be moved to Abiquiu as part of environmental winter flow releases)

Abiquiu:

6,943 AF SJCP carry-over from previous years, no time limit to vacate due to storage agreement with ABCWUA

TOTAL:

16,505 AF



Buckman Direct Diversion

A joint regional project of the City of Santa Fe and Santa Fe County to build a reliable and sustainable water supply.

Memorandum

Date: January 21, 2016
To: BDD Board
From: Daniela Bowman, BDD Regulatory Compliance Officer
Subject: 4th Quarter of 2015 Update on Environmental Compliance

NPDES Program

- ✦ BDD maintained compliance with its NPDES permit.

SDWA Program

- ✦ BDD and NMED sampled the finished drinking water in 2015. Those results confirmed BDD maintained compliance with the safe drinking water standards.
- ✦ BDD posted on its web site the analytical results from 2015.

Solid Waste Disposal Program

- ✦ By the end of December 2015, BDD has processed 2,306 tons of solid waste. In comparison, the 2014 amount was 1,180 tons of solid waste.
- ✦ Waste analyses of the solids demonstrated that disposed solids met the contaminants' limits set for non-hazardous waste, and therefore, BDD maintained compliance with its Disposal Management Plan.

BDD & LANL MOU – Early Notification System and Water Quality Monitoring Program

- ✦ BDD prepared a MOU Report which presented and analyzed the results from the 2011 through 2014 MOU programs.
- ✦ BDD implemented a new surface water monitoring program based on the renewed 2015 MOU between DOE/LANL and BDD Board.
- ✦ More than 500 samples were collected during the summer season 2015, processed and sent for analyses to the contract laboratory.
- ✦ BDD hired interns from state universities to help with this program. BDD interns collected more than 500 samples and they analyzed 114 surface water samples at BDD laboratory.

RCRA Waste Disposal Program

- ✦ BDD recycled approximately 1,000 lbs of batteries.

EPCRA Program

- ✦ The 2015 Tier II Report (BDD Chemical Inventory) was submitted to NM DHSEM.





Buckman Direct Diversion Project

A joint project of the City of Santa Fe and Santa Fe County to build a reliable and sustainable water supply for the Santa Fe region.

DATE: January 14, 2016
TO: Buckman Direct Diversion Board
FROM: Stephanie Lopez, Office Manager *Stephanie Lopez*

ITEM AND ISSUE:

2016 Fiscal Services and Audit Committee Schedule

BACKGROUND AND SUMMARY:

Currently, the FSAC meetings are generally held on the Tuesday before the Buckman Direct Diversion Board meetings with the exception of the November 28th meeting. The FSAC meetings will be held in the Legal Conference Room at the Santa Fe County Administration Building at 102 Grant on the 2nd floor. The following is the proposed 2016 schedule for the Fiscal Services and Audit Committee meetings:

<u>FSAC</u>	<u>BDDDB</u>	<u>BCC</u>
February 2 nd	February 4 th	February 9 th & 23 rd
March 1 st	March 3 rd	March 8 th & 29 th
April 5 th	April 7 th	April 12 th & 26 th
May 3 rd	May 5 th	May 10 th & 31 st
May 31 st	June 2 nd	June 14 th & 28 th
July 5 th	July 7 th	July 12 th & 26 th
August 2 nd	August 4 th	None Scheduled
August 30 th	September 1 st	September 13 th & 27 th
October 4 th	October 6 th	October 11 th & 25 th
November 1 st	November 3 rd	November 8 th & 29 th
November 28 th	December 1 st	December 13 th

This schedule was drafted so as not to conflict with Santa Fe County Commission meetings and miscellaneous City of Santa Fe committee meetings and City Council meetings.

RECOMMENDED ACTION:

For your approval.



APPENDIX 1

NOTICE OF REGULAR MEETINGS OF THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY TO BE HELD FROM JANUARY 1, 2016, TO DECEMBER 31, 2016, IN THE COMMISSION CHAMBERS ON THE SECOND FLOOR OF THE SANTA FE COUNTY ADMINISTRATIVE BUILDING LOCATED AT 102 GRANT AVENUE SANTA FE NM 87501

January 12, 2016	2:00 PM
January 26, 2016	2:00 PM
February 9, 2016	2:00 PM
February 23, 2016	2:00 PM
March 8, 2016	2:00 PM
March 29, 2016	2:00 PM
April 12, 2016	2:00 PM
April 26, 2016	2:00 PM
May 10, 2016	2:00 PM
May 31, 2016	2:00 PM
June 14, 2016	2:00 PM
June 28, 2016	2:00 PM
July 12, 2016	2:00 PM
July 26, 2016	2:00 PM
September 13, 2016	2:00 PM
September 27, 2016	2:00 PM
October 11, 2016	2:00 PM
October 25, 2016	2:00 PM
November 8, 2016	2:00 PM
November 29, 2016	2:00 PM
December 13, 2016	2:00 PM

SFC CLERK RECORDED 12/09/2015

Final agendas for these meetings shall be posted in a conspicuous and appropriate place at the Santa Fe County Administrative Building located at 102 Grant Avenue Santa Fe NM 87501 and on the County's internet web site at least seventy-two (72) hours before the meeting.



COUNTY OF SANTA FE) BCC RESOLUTIONS
STATE OF NEW MEXICO) ss PAGES: 6

I Hereby Certify That This Instrument Was Filed for Record On The 9TH Day Of December, 2015 at 10:47 52 AM And Was Duly Recorded as Instrument # 1781443 Of The Records Of Santa Fe County

Deputy *Geraldine Salazar* Witness My Hand And Seal Of Office Geraldine Salazar Clerk, Santa Fe, NM



Meeting Calendar 2016

JANUARY						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

FEBRUARY						
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28	29					

MARCH						
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27	28	29	30	31		

APRIL						
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MAY						
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29	30	31				

JUNE						
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26	27	28	29	30		

JULY						
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17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

AUGUST						
S	M	T	W	T	F	S
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28	29	30	31			

SEPTEMBER						
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OCTOBER						
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30	31					

NOVEMBER						
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13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

DECEMBER						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

APPROVED 11/10/2015





A joint regional project of the City of Santa Fe and Santa Fe County to build a reliable and sustainable water supply.

Memorandum

Date: February 4, 2016
To: Buckman Direct Diversion Board
From: Charles Vokes, Facilities Director
Subject: **Appointment of Citizen Member and Alternate Citizen Member to the BDDB**

ITEM AND ISSUE:

Appointment of the citizen member and alternate citizen member (on a provisional basis) to the Board.

BACKGROUND AND SUMMARY:

The Joint Powers Agreement (“JPA”) establishing the Buckman Direct Diversion Board (BDDB) provides for the appointment of a citizen member to the Board by a majority vote of the four other members of the Board. The term of the citizen member is two years and the current citizen member’s term expired on January 7, 2016. Mrs. Bokum may continue to serve for sixty (60) days beyond the expiration of her term under the current JPA.

The Board voted to recommend amendment of the JPA to provide for an alternate citizen member. The amendment was passed by the City Council at the January 2016 board meeting. We are awaiting approval by the Board of County Commissioners. Then the amendment must be approved by the New Mexico State Department of Finance & Administration.

The Board advertised for the citizen member position and alternate citizen member position by placing public notice in the Santa Fe New Mexican, and on the BDD’s and City’s website for 2 weeks in December. Four applications were received and interviews were conducted in January.

The interview committee consisted of BDDB Chair Liz Stefanics, BDDB Vice Chair Carmichael Dominguez, Charles Vokes, Facilities Director and Bernardine Padilla, Public Relations Coordinator.

RECOMMENDATION:

Chair Stefanics and Vice Chair Dominguez will give their recommendations for the citizen Board member seats to the BDD Board members for decision and vote. The new citizen board member will begin on the Buckman Direct Diversion Board effective March 3, 2016. The alternate citizen member will be provisionally appointed until the amendment to the JPA is fully approved.



To: BDD Board Members
From: Nancy R. Long, BDDDB Counsel
For: February 4, 2016 Board Meeting
RE: Creation of Contingency Fund

ITEM AND ISSUE:

Adoption and approval of Contingency Fund Policy

BACKGROUND AND SUMMARY:

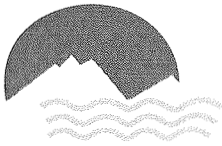
The BDDDB has had some unexpected events and developments requiring funding. The events, including the necessity of funding possible litigation the Board may pursue, are not covered by the regular budget nor covered by other established funds. The fund will be limited at this time to cover litigation fees and related costs.

Contributions to the Contingency Fund will be based on the percentages each partner contributed to the construction of the BDDDB facility as follows:

City	-	47%
County	-	47%
Las Campanas	-	6%

RECOMMENDATION:

It is recommended that the Board adopt the Contingency Fund Policy, attached hereto, to provide funding for litigation and costs related to the litigation.



**Buckman Direct Diversion Board
Contingency Fund Policy**

In alignment with the BDD Project intergovernmental agreements and in order to secure resources for the BDDDB’s participation in litigation, the BDDDB wishes to establish a Contingency Fund to cover litigation fees and related expenses.

The Contingency Fund will be funded by the BDDDB partners.

The purpose of this policy is to set forth how the fund will be initially funded and the process for adding additional contributions to the fund, how to obtain access to the funds, and how the Contingency Fund will be replenished once the funds had been utilized.

Initial Funding

The Contingency Fund shall be initially funded in the amount of One Million Dollars (\$1,000,000.00), for fiscal year 2015/2016. Additional amounts added to the fund will be made by the BDD partners as part of the regular, yearly budget process (or more frequently if necessary) for so long as it is determined that the Contingency Fund is necessary and advisable. The partners will contribute to the Contingency Fund according to the same percentages contributed to the construction of the Buckman Direct Diversion Project as follows:

City of Santa Fe:	47%
Santa Fe County:	47%
Las Campanas:	6%

Purpose

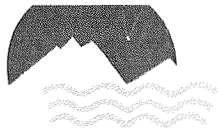
The Contingency Fund shall be designated as a restricted special revenue fund. Expenditures shall be made in accordance with this policy and billed to our partners for reimbursement.

Maintenance of the Contingency Fund

All funds will be monitored by the BDD Financial Manager and may earn interest income on cash balances. The Board will determine yearly, as part of its budget process or more frequently during the year, as may be required, the contributions to be made to the Contingency Fund.

All funds shall be budgeted and expended in accordance with the policies and procedures established in the Project Management and Fiscal Services Agreement and the BDD Working Capital and Billing Policy.





Buckman Direct Diversion

A joint regional project of the City of Santa Fe and Santa Fe County to build a reliable and sustainable water supply.

Memorandum

Date: For February 4, 2016 meeting
To: Buckman Direct Diversion Board
From: Nancy R. Long
Subject: **Amendment No. 1 to the Legal Services Agreement with Sheehan & Sheehan, P.A.**

ITEM AND ISSUE:

Consideration of approval of Amendment No. 1 to the Legal Services Agreement with Sheehan & Sheehan, P.A. ("LSA"), to increase the compensation under the LSA for fees, services and costs by \$900,000.00 plus New Mexico Gross Receipts Tax.

BACKGROUND AND SUMMARY:

At the conclusion of the procurement process for litigation legal services, the Board approved entering into a PSA with Sheehan & Sheehan, P.A. on December 3, 2015. The LSA was initially funded with \$30,000 while staff was tasked with establishing a process for obtaining additional funds from the partners to fully fund the LSA. That process has now been established through adoption of the Contingency Fund Policy.

RECOMMENDATION:

It is recommended that the Board approve Amendment No. 1 to the LSA to increase the compensation under the PSA by \$900,000.00 plus NMGR in order to fund the LSA for litigation fees and costs and for expert expenses.



**AMENDMENT NO. 1
TO THE LEGAL SERVICES AGREEMENT
WITH SHEEHAN & SHEEHAN, P.A.**

This Amendment No. 1 (the “Amendment”) to the Legal Services Agreement, dated December 3, 2015, (the “Agreement”), between the Buckman Direct Diversion Board (“BDDDB”) and Sheehan & Sheehan, P.A. (“Contractor”) shall be effective as of the date when it is executed by the Board Chair.

RECITALS

A. Under the terms of the Agreement, Contractor has agreed to provide professional legal services to the Board.

B. Pursuant to Article 19 of the Agreement, and for good and valuable consideration, the receipt and sufficiency of which are acknowledged by the parties, the BDDDB and Contractor agree as follows:

1. COMPENSATION

Article 2 of the Agreement is amended to increase the amount of compensation by a total of by nine hundred thousand dollars (\$900,000.00) plus applicable New Mexico Gross Receipts Tax, so that Article 2, paragraph A reads in its entirety as follows:

A. The BDDDB shall pay to Contractor in full payment for services, costs and fees incurred, a sum not to exceed nine hundred thousand dollars (\$900,000.00), plus New Mexico Gross Receipts Tax.

2. AGREEMENT IN FULL FORCE

Except as specifically provided in this Amendment, the Agreement remains, and shall remain, in full force and effect, in accordance with its terms.

IN WITNESS WHEREOF, the parties have executed this Amendment No. 1 to the Legal Services Agreement as of the dates set forth below.

BUCKMAN DIRECT DIVERSION BOARD

CONTRACTOR:

By: _____
Liz Stefanics, BDDDB Chair

Signature: _____

Printed Name: David P. Gorman

Title: _____

Date: _____

Date: _____

ATTEST

NM Taxation & Revenue

CRS # _____

Geraldine Salazar, County Clerk

City of Santa Fe Business

Registration # _____

APPROVED AS TO FORM

Nancy R. Long, BDDDB Counsel

APPROVED

Oscar S. Rodriguez, City Finance Director

ATTEST

Yolanda Y. Vigil, City Clerk

File Date: _____



A joint regional project of the City of Santa Fe and Santa Fe County to build a reliable and sustainable water supply.

Memo

DATE: February 4, 2016
TO: Buckman Direct Diversion Board
FROM: Mackie Romero, BDD Financial Manager *[Signature]*
SUBJECT: Budget Adjustment Request

ITEM AND ISSUE:

Request approval of a Budget Adjustment to the FY15/16 Contingency Fund Budget.

BACKGROUND AND SUMMARY:

Upon approval of the Contingency Fund Policy, we request to budget \$930,000 plus NMGR to allow expenditures for the increase to the Professional Services Agreement between Sheehan & Sheehan, P.A. and the Buckman Direct Diversion Board. This request will increase the legal services line item and corresponding revenue reimbursements, as established per the policy.

ACTION REQUESTED:

Staff recommends approval of the attached Budget Adjustment Request Form to increase Legal Services and Partner revenue accounts.

<u>Category</u>	<u>Business Unit/Line Item/Description</u>	<u>Amount</u>
Legal Services	TBD.510200.9991325 Legal Services	\$930,000
City of Santa Fe	TBD.491350 City of Santa Fe	(\$437,100)
Santa Fe County	TBD.491010 Santa Fe County	(\$437,100)
Las Campanas	TBD.439332 Las Campanas	(\$ 55,800)

FY 2015/2016 Total Budget Request \$930,000 plus NM GRT

Approved by BDDDB February 4, 2016

Commissioner Liz Stefanics, BDDDB Chair

