

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

July 5, 2012

This meeting of the Santa Fe County/City Buckman Direct Diversion Board meeting was called to order by Councilor Chris Calvert, Chair, at approximately 4:05 p.m. in the Santa Fe City Council Chambers, 200 Lincoln Avenue, Santa Fe, New Mexico.

Roll was called and the following members were present:

BDD Board Members Present:

Councilor Chris Calvert
Commissioner Liz Stefanics
Ms. Consuelo Bokum
Councilor Carmichael Dominguez
Commissioner Kathy Holian

Member(s) Excused:

None

Staff Present:

Robert Mulvey, Facility Manager
Nancy Long, BDD Board Consulting Attorney
Steve Ross, County Attorney
Stephanie Lopez, Staff Liaison
Erika Schwender, BDD staff
Gary Durrant, BDD staff
Brian Shelton, BDD staff
Teresita Garcia, City Finance

[Exhibit 1: Sign-in Sheet]

3. APPROVAL OF AGENDA

[Exhibit 2: Agenda]

Staff had no changes. Upon motion by Commissioner Stefanics and second by Councilor Dominguez the agenda was unanimously [5-0] approved.

4. **APPROVAL OF MINUTES: June 7, 2012**

Councilor Dominguez moved to approve the minutes as published. His motion was seconded by Commissioner Stefanics and passed by unanimous [5-0] voice vote.

5. **APPROVAL OF CONSENT AGENDA**

There was no consent agenda.

6. **MATTERS FROM STAFF**

ROBERT MULVEY: Mr. Chair, I have one thing I want to discuss. Is Brian Shelton here? Would you please stand up. Brian Shelton has recently been recredentialed as a certified treasury professional by the Association of Financial Professionals. Mr. Shelton has been a CTP since July of 2009. His examination to become a CTP required 36 hours of continuing education units in order to maintain the essential knowledge, skills, and quality of work necessary to deal with working capital and treasury management.

So we believe that this is a definite asset to the BDD and we would just to recognize Mr. Shelton today.

CHAIR CALVERT: Okay. Thank you. Mr. Shelton, congratulations.

DISCUSSION AND ACTION ITEMS

7. **Request for approval to purchase water treatment plant chemicals in an amount not to exceed \$523,006.00**

MR. MULVEY: Yes, Mr. Chair. As you know we have an annual need for water treatment chemicals at the Buckman Direct Diversion project. In May of 2012 we solicited a request for bids for nine water treatment chemicals. We received proposals from six companies. On the second page of your memo we tabulated the low bids for each of the chemicals. I'd like to point out that we did not receive a bid for liquid oxygen which is used in our ozone unit process, but we do have a commitment from the current vendor to provide liquid oxygen until we can rebid this and get it a new price.

So with that we're asking the board to approve \$523,006 for water treatment chemicals.

CHAIR CALVERT: Okay. Discussion, anybody?

COMMISSIONER STEFANICS: Mr. Chair, I'll move for approval of the amount.

COMMISSIONER HOLIAN: Second.

CHAIR CALVERT: Okay. Any further discussion?

The motion passed by unanimous [5-0] voice vote.

8. **Request for approval to conduct design-build procurement of integrated solar development services for the Buckman Direct Diversion Booster Station 2A solar project**

CHAIR CALVERT: Is Dale here? Who's going to do this?

MR. MULVEY: Yes, Mr. Chair, as you recall, earlier in the year the City received funding from the New Mexico Finance Authority to build a solar array at Booster Station 2A. We moved forward to secure a consultant and company that would build this project through a design-bid-build process. Through that effort we were unsuccessful at securing a workable proposal so we took a step back and looked at our procurement methods. We made an evaluation and a determination that using the design-build process would be beneficial in this particular project. The design-build process matches up very closely with the business model of most that the firms that do these projects currently utilize.

So per the Procurement Code we are required to get approval from a City Manager and the appropriate committees to do design-build and our justification for this request is in the memo as well as quite a bit of background that relates to specific information required in the Procurement Code.

CHAIR CALVERT: Any questions from the committee? Commissioner Holian.

COMMISSIONER HOLIAN: So Bob, in this particular project I take it that the Buckman Direct Diversion would actually own the solar panels, correct? It's not like a third-party situation.

MR. MULVEY: Commissioner Holian, that is correct.

COMMISSIONER HOLIAN: And the funding is coming from, I guess the federal government and the state government, and it's part grant, part loan. Is that correct?

MR. MULVEY: That is correct. The money is coming from the State of New Mexico Finance Authority but I believe the initial source is through the federal government through a pass-through. And the second part of your question?

COMMISSIONER HOLIAN: It's part grant, part loan?

MR. MULVEY: Yes. That's correct. Fifty percent of it is grant, fifty percent of it is loan.

COMMISSIONER HOLIAN: And it's up to \$5 million or it's \$4 million?

MR. MULVEY: It's up to \$5 million. We expect the project to come in around \$4 million.

COMMISSIONER HOLIAN: Okay. Thank you.

CHAIR CALVERT: Any other questions? Yes, Councilor Dominguez.

COUNCILOR DOMINGUEZ: Mr. Chair, just for my clarification. We're going to be utilizing the City of Santa Fe purchasing manual?

MR. MULVEY: That's correct.

COUNCILOR DOMINGUEZ: And so I guess, again, for my information, does the BDD have their own procurement process or procedure that's it has followed in the past?

MR. MULVEY: Through the Chair, no we don't. We follow the City's Procurement Code as the fiscal agent.

COUNCILOR DOMINGUEZ: Okay. That's all I have, Mr. Chair.

CHAIR CALVERT: Board Member Bokum.

BOARD MEMBER BOKUM: Thank you, Mr. Chair. Just for a point of historical information, we looked at procurement processes at some point and that was what we all agreed to as a board, years ago. So, just a point of information.

CHAIR CALVERT: Okay. So what's the pleasure of the board on this matter?

COMMISSIONER HOLIAN: Mr. Chair, I move for approval.

COMMISSIONER STEFANICS: I'll second.

CHAIR CALVERT: Any further discussion?

The motion passed by unanimous [5-0] voice vote.

CHAIR CALVERT: Just a quick question. This has also got to go to each governing body?

MR. MULVEY: Mr. Chair, my understanding is it needs to go to the Finance Committee, the City Finance Committee and the City Council. I don't believe there's a requirement for it to go to the County but I might be wrong on that.

CHAIR CALVERT: Okay. Thanks.

9. Discussion and request for direction on an amendment to the BDD project FOPA following the sale of Las Campanas, LP assets

MR. MULVEY: Mr. Chair, I'd like to turn this over to Nancy Long who can give you some background on this item.

NANCY LONG: (BDD Board Consulting Attorney): Mr. Chair and members of the board, as the memo that you have points out, Las Campanas in April of this year sold off the remaining undeveloped property that is in Las Campanas and also, as a part of that transaction, assigned its capacity interest in the FOPA, which has the Las Campanas percentage capacity at 17.58 percent among three entities: the Club at Las Campanas, the homeowners water co-op that delivers water to the homeowners – it's roughly a third, a third, a third, is how it ended up being assigned, and to a company that is – it's Arizona Rights, LLC, that is holding the remaining Las Campanas property that was not a part of that transaction.

So those three entities now have this capacity under the FOPA by those assignments. So what we are seeking to do, along with the City and the County attorneys and their offices and those governing entities, because as you know the City is a party to the FOPA as the board is not, but of course it's an agreement that is integral to board operations and dictates how variable and fixed costs are handled and those sorts of things going forward. So all three of us will be involved in that in crafting an amendment to the FOPA. I think it will take some time but we just wanted to get your authority to proceed with that and bring it back here of course before it gets completely formed and goes off to the City and the County for their approval.

CHAIR CALVERT: Okay. Thank you. Any questions from the board?

COMMISSIONER STEFANICS: Mr. Chair, I believe, in my opinion, the recommended action would be appropriate steps to take, because we'll find out from our bodies and our attorneys if there's any discord.

CHAIR CALVERT: Councilor Dominguez.

COUNCILOR DOMINGUEZ: Mr. Chair, I agree. I guess a question that I have is what kind of timeline are we looking at? Are there any issues regarding the timeline? Especially given the -- I guess the situation that some of the entities are in.

MS. LONG: Board Member Dominguez, I don't believe this is an urgent matter, that we have to get an amendment done quickly. We can begin to review it and look at it and I anticipate it would take several months to get it done.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR CALVERT: Yes.

COMMISSIONER STEFANICS: When you say several months, are you thinking prior to January 1? That to me is six months; that's several.

CHAIR CALVERT: That's a liberal interpretation.

MS. LONG: We have not begun this process. I am not sure what hurdles that there might be that might tie it up, but I would think that it could be done, certainly by the end of the year.

COMMISSIONER STEFANICS: Well, just as the Councilor indicated I think it's good to have goals sometimes for the timeline and if we can't meet them then we come back and discuss how it's going.

MS. LONG: I think that's a wise way to approach it.

COMMISSIONER STEFANICS: Thank you very much.

BOARD MEMBER BOKUM: Mr. Chair.

CHAIR CALVERT: Yes.

BOARD MEMBER BOKUM: I just want to clarify or make sure in the meantime everybody's agreed to follow the existing FOPA, so we're not going to run into any problems. The new one being adopted.

MS. LONG: Board Member Bokum, yes. The costs that are assessed under the FOPA are being treated in the same way as if Las Campanas was still a party to the FOPA, and that billing is going out to those three entities that have now been assigned an interest.

CHAIR CALVERT: So we're sort of jumping ahead of ourselves a little bit because we're going to go ahead and assign them a third, a third, a third, and then we're going to come back and formalize that, right?

MS. LONG: Yes. The assignment occurred and it is done.

CHAIR CALVERT: We have to get it into the FOPA.

MS. LONG: So now we are amending it to follow those assignments that we were not parties to, but they did occur.

CHAIR CALVERT: Okay. All right. What's the pleasure of the board?

COUNCILOR DOMINGUEZ: Move for approval.

COMMISSIONER HOLIAN: I'll second.

CHAIR CALVERT: Okay. Any further discussion?

The motion passed by unanimous [5-0] voice vote.

10. Request for approval of amendment #5 for Pitcher Komer, LLC for the amount of \$6,500, exclusive of GRT

MR. MULVEY: Mr. Chair, as you know, Lynn Komer has been providing public communication services and public relations services for the board for several years. This amendment is simply to close out her contract, take care of some final work that she did to put the new website in place and with this we'll be paying her for those remaining services and extending the contract for about two years. Two months.

CHAIR CALVERT: I was going to say, two years for \$6,500? She's hired.

MR. MULVEY: That would be great. For two months, and then she'll be separated from service with the board at that point.

CHAIR CALVERT: Okay. Questions from the board?

COMMISSIONER STEFANICS: Mr. Chair, though, I'm reading it longer than two months. I'm reading it to February 19, 2013, and it started February 19, 2009, so that would be four years. So that's a contract and two one-year amendments?

MS. LONG: There have been – if I may answer that because I have looked at this. This is the fifth amendment during that four-year period. So contracts typically are renewed that we receive to try to follow the fiscal year if possible, and that's how this contract was initially drafted. But because Lynn Komer's contract commenced in February four years ago, four years from 2013, we had to keep it within that four-year time period for a professional services agreement; it could not extend longer. The anticipated work should be done, but just as a safety mechanism it was extended out to the four years but these funds will probably be spent and her work will be done within a few months, as I understand it.

COMMISSIONER STEFANICS: Okay, so Mr. Chair and Mr. Mulvey, would the contract also include any new PR assignments?

MR. MULVEY: Through the Chair, no. No, this is simply for work that's in place right now. There will be no new assignments.

COMMISSIONER STEFANICS: So I'm a little confused. So the \$6,500, Mr. Chair, is to complete payment for services already rendered?

MR. MULVEY: Through the Chair, it's possible that some of that work has already occurred. I don't have the exact breakdown of when it did happen. There were expenses that Lynn incurred with her subcontractors to get the website up in place, and I don't believe that we've been invoiced for that at this point. But this is primarily to close out a rather large public relations contract, take care of those loose ends and finalize it.

CHAIR CALVERT: And this is – we have the \$6,500 because it's extending beyond the fiscal year end and we haven't been invoiced so we have to have that money available and we're stating the date is February 19, 2013 just to give us a very large margin of error?

MR. MULVEY: That's correct.

COMMISSIONER STEFANICS: Well, the rationale behind my question, Mr. Chair, is if there was something that came up between now and February that we wanted to have our public relations firm handle, whether or not that amount could cover that.

MR. MULVEY: I understand your question. Yes. I believe there's nothing in here that precludes us from assigning more duties. At this point we have none that we anticipate assigning.

CHAIR CALVERT: But that \$6,500 is not going to cover it. We would have to come up with new money for any new assignment that we came up with between now and February 19th.

MR. MULVEY: We're not anticipating any more work. This is just to close it out. But the contract is still in place and if the board had a need for additional services we'd be happy to address that.

COMMISSIONER HOLIAN: Thank you very much.

CHAIR CALVERT: Councilor Dominguez.

COUNCILOR DOMINGUEZ: Thank you, Mr. Chair. I guess I'm still a little confused, only because in the memo you talk about additional meetings, public controversies, associated with water, LANL, drought, fire. We really don't know what the future will bring in terms of drought, certainly, and fire. And so I know that you say you don't anticipate any additional need to communicate, and I hope not, quite frankly, but if we do, and there's money for it, do we have to go come up with a new contract and go through the whole process to get somebody on board?

MS. LONG: We would have to come back with an amendment if it was during that period of time that the work was to be performed that's covered by this term. So before February of 2013 and there was additional work that needed to be done the term would cover it but presumably all these funds would be spent so we'd come back with an amendment to increase the amount, the compensation. And it would come here.

COUNCILOR DOMINGUEZ: Okay. So next fire season if there's a need to communicate we have to basically rebid.

MS. LONG: You'd have to go out to bid because it will have been more than four years under this particular professional services agreement.

CHAIR CALVERT: Any other questions? What's the pleasure?

COMMISSIONER HOLIAN: Mr. Chair, I move for approval.

COUNCILOR DOMINGUEZ: I'll second.

CHAIR CALVERT: Okay. it's been moved and seconded. Any further discussion?

COMMISSIONER STEFANICS: Mr. Chair, I'm supportive of this amendment. I would just like to see – if staff could just shoot me the original scope of work. I don't need the whole contract; I just need that page that would be scope of work. Thanks very much.

The motion passed by unanimous [5-0] voice vote.

INFORMATIONAL ITEMS

11. Staffing Update

MR. MULVEY: Yes, Mr. Chair, this is a staffing update. We've currently had a few people separate from City service at the Buckman Direct Diversion project, so we currently have openings for a charge operator, BDD operator and advanced water treatment operator. Those positions are currently being advertised. In addition to that, we

have a budget analyst position that we're getting ready to advertise, which, as you recall, was approved in the 2012/13 BDD budget, and we also had our planner/scheduler recently separate from City service.

So we have six unfilled positions that we need to fill. We've carried a seventh position since the project start up for an advanced water treatment plan operator. Currently that position is on hold. We will probably wait another six months to a year to determine if that position needs to be filled or if it would be better reclassified to fill another need.

So that's the update of our vacancies. And then we've gone ahead and just put a description in for each one of these positions just as a reminder of what they do and what kind of functions they serve at the project.

CHAIR CALVERT: Okay.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR CALVERT: Yes.

COMMISSIONER STEFANICS: In the – when we started we sent many water operators to the Santa Fe Community College for training. I believe we absorbed that cost. Is that correct?

MR. MULVEY: That's correct.

COMMISSIONER STEFANICS: So are any of these positions contingent upon or eligible for that training?

MR. MULVEY: Yes. The charge operator, the BDD operator and the AWT are eligible for that training.

COMMISSIONER STEFANICS: The charge, the BDD and –

MR. MULVEY: Advanced water treatment plant operator – AWT.

CHAIR CALVERT: 4, 5, and 6.

COMMISSIONER STEFANICS: Okay. So I'm sure I would find this online, but the minimum qualifications to even apply then? If we're going to send them to training, would be high school? College? What?

MR. MULVEY: Through the Chair, yes. That depends on the job description. Obviously, the qualifications for charge operator are higher than for BDD operator. I don't have those right in front of me but typically they require a certain level of education. Definitely high school. Some community college. A certain amount of years of experience in the field. I'd be happy to get you a memo within a couple of days that clarifies that and outlines the specifics.

COMMISSIONER STEFANICS: Well, if you could send that to me as well, electronically, I'd appreciate it. Thanks.

CHAIR CALVERT: Other questions? I guess I have just a couple. One, I've got to ask this. Since we only have 34 and these are seven of the 34, that's a fair percentage. But it's not affecting our operations in any way?

MR. MULVEY: Mr. Chair, it's not in the short term. Our chief operator, Gary Durrant is here and he will tell you that he's very anxious to get especially these three water plant operator positions filled. We're covering it now with overtime.

CHAIR CALVERT: That's what I was going to say, how is this affecting the overtime budget? That was my next question.

MR. MULVEY: It's affecting it. I don't have the exact number with me right now.

CHAIR CALVERT: Are we covering it with vacancy savings?

MR. MULVEY: Yes. That's a good point. There's definitely vacancy savings.

CHAIR CALVERT: Okay. And I guess my other question was is there a particular reason for some of these separations? Is there anything we need to know about?

MR. MULVEY: That's a great question. The planner/scheduler left for a better opportunity out of state, as well as two of the water treatment plant operators. The safety officer left to start her own business. And that pretty much covers it.

CHAIR CALVERT: Well, I think some of that was what we might have guessed and feared is that we train these people – we had numerous discussions on commitments and time of service and stuff like that. We train these people only to have them snatched up and offered a better job somewhere else. So that's just the way things are now. I guess we feel we got our training and money out of it.

COMMISSIONER STEFANICS: On this point, Mr. Chair. I thought we had attached conditions for that free education and training.

MR. MULVEY: Yes. Through the Chair, that is correct. There was a contract that was implemented that was intended to recover costs for training in the event that operators left within a certain amount of time. I can tell you that this is an issue that we've struggled with a lot. The term provisions of that contract, I believe, are very problematic to enforce. For example, one of the employees resigned in lieu of termination. He resigned voluntarily but would not have been separated voluntarily had he not done that. The contract is very silent on that particular issue.

There are certain, what I would call those kind of inconsistencies that we really need to look at to determine whether or not we can continue to do this. I believe the contract was a very good thing, and I know just from talking to some of the employees out there they are interested in moving on to higher paying jobs but that contract is one of the things that's keeping them around. So it's been successful.

But I really feel that we need to sit down and look at – the devil's in the details and we need to look at some of those details to determine the enforceability of this contract, and we're going to continue to do that.

COMMISSIONER STEFANICS: This can be a condition of employment though. The state does it and several other governmental entities do this. I don't know if we have in there participation in the workplace for six months or a year afterwards, but if we're going to offer training to new people then I think that our contract should be revised for anybody new coming on, not necessarily for the past, but if you've already identified issues then that's a red flag for us to clean up before we hire new people.

MR. MULVEY: Yes, and just as a personal thought on that, the staffing model and the training program made a lot of sense when we were starting the plant up. We were bringing in 33 people into a brand new facility. Now we have a facility that's up and running. We have a lot of experienced people onsite, and some of the expense that we may have incurred training people may not be as necessary now, because we can integrate people in, they can work side by side with experienced, knowledgeable people about this particular plant, and so the money that we spend to provide that same type of training that we did before may not be as critical if we look at our business model.

So we're in the process right now of evaluating, okay, how much training do we really need to provide new people coming in, and how does that play into any new contracts that we write.

COMMISSIONER STEFANICS: So, Mr. Chair, though, and Mr. Mulvey, these four positions, these last four – 4, 5, 6, 7 – are those – those are the ones you indicated might be appropriate for training.

MR. MULVEY: That is correct.

COMMISSIONER STEFANICS: Now, are any of these – it seems to be from their title – senior positions?

MR. MULVEY: Well, yes, depending on how you define senior. The safety officer and the budget analyst are what I would consider part of the professional staff at the BDD. The charge operator is a senior operator position, and the BDD operator and the advanced water treatment operator are subordinate positions.

COMMISSIONER STEFANICS: Well, where I'm going with this conversation, Mr. Chair, Mr. Mulvey, is right now, County employees and City employees, through their professional organizations, are encouraged to go through the New Mexico State University College to become certified in certain areas. And if we already have a water-training program in connection with Santa Fe Community College, I am not in favor of minimizing our requirements or our training, because we are encouraging all of our staff to acquire these certifications through these outside trainings. Do you see where I'm going with this?

MR. MULVEY: I understand. When I talk about re-evaluating the training that we put BDD operators through, I'm not implying that we're going to reduce the qualifications for any of these positions. The positions will still require a certain level of operator certification and that is something that the operators can obtain or maybe already have obtained before they sent in their applications. So this in no way diminishes the professional requirements necessary to obtain these jobs and to be successful in them. It simply talks about the extent, the depth and the breadth of the training that we would provide as part of our business model to bring staff up to the level that we believe is necessary to operate the advanced systems.

COMMISSIONER STEFANICS: Okay, so now you just raised another question in my mind, Mr. Chair, is everyone has to have a water operator license before they come to the application phase?

GARY DURRANT (BDD Staff): [from the audience.] Yes.

MR. MULVEY: Yes. Depending on the position they come in to, they're required to have a certain level of state certification. Through the training programs that we implemented they were able to obtain additional certification and qualify for higher level certifications if they completed a test, but in order to qualify for these positions they have to have a certain level of certification at the time of hire.

COMMISSIONER STEFANICS: Okay. So my questions – you're getting to where I'm going with this whole line of thinking is, these are not entry-level positions.

CHAIR CALVERT: Any of them? BDD operator?

MR. MULVEY: No, they're not. The BDD operator is the lowest level operator position. That's what we would consider the apprentice position, if you want to use that term, but they are still skilled positions. They're required to have a certain level of ability and demonstrated skill before they are hired in these jobs.

CHAIR CALVERT: Right. But when we – if I may – when we hired some of these people for the initial staffing they didn't necessarily have that?

MR. MULVEY: I don't know that that's true. I'd have to check that.

CHAIR CALVERT: I thought we trained some of these people to help get – I don't know.

COMMISSIONER STEFANICS: Well, Mr. Chair, right on that topic, that's why we set up this educational program. We were going to send people out of state, or use out of state people and what we wanted is we wanted a program at the Santa Fe Community College that then could educate people forever in our community to take over some of these positions. So we did have people who were not skilled going through that. We paid for it.

MR. MULVEY: Yes. I understand that.

CHAIR CALVERT: If I may, I would suggest that we bring this back as a separate item for the next meeting/discussion in terms of what our current training and our contractual requirements are, and just have an overall discussion before we get moving forward too much more in hiring these positions. Because I can also imagine that we might see some – hopefully – a lot of times when you have these kinds of situations and people want to move up through the existing chair, right? So we might have people that are operators or whatever that might want to move up and be one of these other positions, right?

And so that's – and then we're going to create – then we'll be back to having more of the entry level positions open and then in training and in getting those people from where, hopefully, in the local community. I agree with Commissioner Stefanics; we made a conscious decision not to start with contract employees but with our own employees and we made significant efforts with the Community College to make that happen. So I think maybe if we bring this back – this is an update but maybe next meeting it will be more of a discussion and action item as to how we proceed in the future, where we've been and where we're going and how we want to get there. Yes.

MEMBER BOKUM: If we wait a month to do this, which I think is great that we do it. How is that going to affect hiring? Does that give you heartburn to know – are we saying that we don't want to hire anybody for a month?

CHAIR CALVERT: No. I think they – I understand the question but I think they'll continue with the process. I don't know. I doubt that they'd be done in a month with hiring but I don't know. You tell me how time sensitive this is.

MR. MULVEY: It's possible we could have somebody on within a month. The jobs are advertised right now.

CHAIR CALVERT: But they would be qualified people, right?

MR. MULVEY: Yes.

CHAIR CALVERT: I don't know. I think that's okay. I look at this and I see 34 authorized positions down seven, that makes me a little nervous. So I would err on the side of getting them filled, but we can still move forward with what our ideal process is in the meantime, and if some of them are not hired by the time we complete that process then that's fine. Yes, Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I was just wondering if you've done any analysis on the salaries that are associated with these positions.

Because the question crossed my mind: Are people leaving because they can get higher salaries for doing the same thing out of state?

MR. MULVEY: Commissioner Holian, just based on the knowledge I have of the reason these employees left is that's why they left. They left for higher salaries out of state. I've spoken to our HR representative about our overall staffing structure and pay structure and that really falls under the purview of the HR Department. I think they recognize a need to look at this, but I'm not aware of any efforts going on currently to do that.

CHAIR CALVERT: Well, can we light a fire?

MR. MULVEY: If that's the board's wishes I'd be happy to.

CHAIR CALVERT: Yes. I don't know. If they don't feel the need we certainly do because again, we don't want to be the training ground and then having people moving on to other positions. Now, some of these people that are moving on, I'm wondering if they were looking at some of these higher positions and the salaries, or were they going to advanced positions at higher salaries. In other words, were they laterals at a greater salary or were they advancing at a higher salary than the advancement would be under our structure?

MR. MULVEY: That's hard to say. I know that some, or at least one of the employees went to work for a power company in Arizona. The planner/scheduler went to work for Intel in Arizona doing planning and scheduling at a much higher salary. I'm not sure the specifics on all of them.

CHAIR CALVERT: Okay. So when you say HR, is that the City's HR? Is that the agent for this project?

MR. MULVEY: Yes, the City's HR Department.

CHAIR CALVERT: Okay. So I would definitely ask them – you wanted to weigh in on that, did you? Because then we're going to get into your area, right?

BRIAN SNYDER: Mr. Chair and Commissioners and Councilors, I'm not from HR; I'm from the Public Utilities with the City. However, this is a complex challenge that we have. If you recall, when we went to hire BDD staff one of the challenges we had was, okay, we're asking for more skill sets when we hire, therefore we need to compensate them more than currently the City is. So we built the structure around our current City structure and we elevated it a level for each of the comparable positions.

CHAIR CALVERT: Because the Buckman facility is more advanced.

MR. SNYDER: Because the Buckman facility is more advanced. As it compares to the County, I know in speaking to Patricio that we also have that challenge that the City utility often pays more than the County utility, or has in the past, so we have tried to figure out a way to compensate fairly within our existing City and County structures. To elevate the pay even more than we currently are, that's definitely something we could look into, but it creates a ripple effect and a challenge throughout both the City and the County's Utilities Departments because we have skilled operators in both the City and the County that are both water and wastewater certified, and asking them to do a little bit less technical work at their current facility than we are at BDD, but paying them two, maybe three tiers less is a challenge. But looking at the big picture we will look at that.

CHAIR CALVERT: Well, but on the other hand, if we increase – just hypothetically if we increase the salary at Buckman slightly more, it gives everybody

incentives to – if they're qualified they can apply for those, right? It gives people a chance for advancement within the existing system, as opposed to trying to hire people from outside all the time. So, I mean I think we also look for that opportunity within our salary structures to allow people to advance within the system.

MR. SNYDER: Mr. Chair, to that point, you are correct. Our plan with BDD is to grow your own and the example of the charge operator an the AWT operator, if I had a crystal ball I would speculate most likely those positions will be filled internally. If there's somebody set up that's worked through the process, built those skill sets in the last year and a half we've been operating I fully expect those to be filled internally. The BDD operator is classified almost an apprentice type. It's an entry level. So most likely that position will not be filled internally within BDD, but that doesn't mean it may not be filled internally from either the City's water operations or the County's water operations. That very well could happen.

One of the challenges is, and we talked about this in great depth when we looked at filling these positions is the bottom line. There's not many certified water operators within New Mexico. So it's a big challenge for us to definitely keep them here. We talked about the contract earlier. It's a good tool for us, but we have to realize that as we tweak something here it definitely has a ripple effect throughout the whole City structure and the County structure that we've tried to already manage. So I just wanted to point that out.

CHAIR CALVERT: And to the extent that BDD operator is entry level and we may or may not get somebody within the existing employment structures, that's all the more reason I think, the discussion we had earlier, trying to grow them locally as well. And through some of the programs we had developed at the beginning of this process. So I think that's some of the things we want to continue to discuss and talk about at the next meeting. But hopefully, you can have some discussion with HR in the meantime and they'll be able to weigh in and we'll have that as part of the discussion for the next meeting.

COUNCILOR DOMINGUEZ: Mr. Chair, I have a question. Again, just for my information and I hate to be not as informed as maybe I could be, being relatively new to the committee. Are these positions part of the bargaining unit?

MR. MULVEY: Through the Chair, the charge operator and BDD operator and the advance water treatment plant operator are in the AFSCME bargaining unit.

CHAIR CALVERT: The operational people.

MR. MULVEY: Yes.

COUNCILOR DOMINGUEZ: The City's collective bargaining unit.

MR. MULVEY: I'm sorry. Yes.

COUNCILOR DOMINGUEZ: So some of the stuff is negotiated through the collective bargaining process and agreement. Correct? And how much of a challenge does that – that may not be a fair question. I won't ask that part of the question.

MR. MULVEY: Mr. Chair, Councilor Domínguez, the pay isn't necessarily negotiated through the bargaining process. However, I envision, similar to what we did back when we were setting up the structures is any adjustment to our current structure we would definitely involve the union in meetings and ultimately a sign-off. Not necessarily negotiation, it's getting an understanding of what the needs are and ultimately

have the union buy into it and union leadership buy into it and sign off on it. It's not formal negotiations.

COUNCILOR DOMINGUEZ: But there is a formal negotiation between the employee and BDD, right? Because I heard many times about contracts being negotiated. So does each employee have an individual contract, separate from the bargaining unit?

MR. MULVEY: That's correct. The employees were asked to sign an individual contract at the time of hire at the BDD, and that was, as Councilor Calvert brought out, intended to mitigate the risk of putting the employees through the training program. But that's separate and apart from the union contract of course.

COUNCILOR DOMINGUEZ: So this might be a question more for City management/administration. Maybe you can answer, Brian. So is there ever any conflict between the two contracts? And I'm asking because we're in some sort of negotiation right now.

COMMISSIONER STEFANICS: Could I piggyback onto your question, Councilor?

COUNCILOR DOMINGUEZ: Sure.

COMMISSIONER STEFANICS: Aren't the BDD individuals employees of the BDD?

MR. MULVEY: They're employees of the City.

COMMISSIONER STEFANICS: Okay. So the contract is not for employment. Otherwise they would be contractors.

MR. MULVEY: No, that's correct. It was a condition of employment to work at the BDD –

CHAIR CALVERT: A retention type contract.

MR. MULVEY: Yes.

COMMISSIONER STEFANICS: Okay. So the retention type contract is not – okay, where I'm going with this is IRS rules. So they're really an employee and the contract is for other provisions.

MR. MULVEY: That's correct.

COMMISSIONER STEFANICS: So I wanted to clarify that. They're not a contractor; they are an employee. Okay. Thank you.

COUNCILOR DOMINGUEZ: That actually clears it up for me a little bit.

CHAIR CALVERT: In terms of involving the unit, if we're talking about increasing the salary for some of these positions, I doubt they're going to object.

COUNCILOR DOMINGUEZ: That may be true but the City has its utility to keep in mind as well.

CHAIR CALVERT: I understand that, but this is a unique position and these positions are already at a higher salary level than the City facility, any of the City's facilities or the County's, so you already have a difference in pay to begin with.

COUNCILOR DOMINGUEZ: Right. Right. No, I understand that. I just wanted to educate myself a little bit more about how some of that works. So, Thank you, Mr. Chair.

CHAIR CALVERT: Okay. Is everybody thoroughly – had their questions and concerns and hopefully we'll have this as a discussion item next meeting.

MATTERS FROM THE PUBLIC

CHAIR CALVERT: Does anyone from the public wish to address the board. Please come down and do so.

DAVID BACON: Mr. Chair, I have some invitations to hand out. [*Exhibit 3*] This is an event. It's self-explanatory. I just wanted to point out on the agenda that there are a few items that I think should be highlighted. Both Dr. Arjun Makhijani and Dr. Michael Barcelona at the Thursday morning event community center here at the convention. And the on Friday at Northern College, the presentation by the Santa Clara Forestry – I think that will be a very important presentation that someone from the board should be present for.

The pink sheet is a history of the work that CCW has done. The pink sheet is a good historical overview of how this came to be and the group involved.

JONI ARENDS: So, as you know, my name is Joni Arends and I'm with Concerned Citizens for Nuclear Safety. We have been involved and been founding members of the Communities for Clean Water since before 2006. The groups came together, the New Mexico Safety Association, the Honor our Pueblo Existence, and Amigos Bravos came together to be a coordinating body for the other groups that are listed that were plaintiffs in the Clean Water Act lawsuit against the laboratory for violations of the stormwater regulations. And as a result of that litigation the EPA issues what Pete Maggiore has called one of the most aggressive permits in the nation for stormwater management.

Although we were talking originally about 1,300 sites that would be covered under the permit the EPA decided that there would be 405 sites with the highest potential to release contaminants during storm events. And so this isn't all the sites. The permit does not cover all of the sites; it only covers 405, which is still a huge number of sites. EPA has designated 60 of those sites as high priority sites, 30 of them are in Los Alamos Pueblo Canyon.

One of the reasons they're named high priority sites is because they have PCBs, polychlorinated biphenyls. And the reason they're of concern is that at one site the level was 42,000 times the human health standards. So these aren't light facilities. These are not light dumps. None of these sites are lined so all the contamination is moving off site, whether it's ground water or through surface water, towards the Rio Grande.

So one of the reasons that we came together to put this conference together is some data that the New Mexico Environment Department/DOE Oversight Bureau put together in 2008 showing that the highest flows through the canyons, and specifically through LA Pueblo was the second year after the fire. So I just want to highlight this, that there's going to be more public concern this summer because we have data that says that the highest flows through LA Pueblo were the highest after the second year.

And just to give you some perspective, one storm in early August 2001 was at 18,000 cubic feet per second. Before the fire the levels were less than ten. There was one storm that was at 12 cubic feet per second. So we're talking about storm events that are 180 times the normal, what was measure prior to the Cerro Grande Fire.

So we want to really encourage you to come to the conference on the 26th and the 27th. There won't be any repetition in the presentations and it will be an opportunity for

learning. So I'd like to pass this – Mr. Chair, may I pass out this one sheet from the New Mexico Environment Department? [Exhibit 4] Thank you.

CHAIR CALVERT: Thank you.

MS. ARENDS: And if I may add, given the discussion about the number of openings for employees, we want to make sure that the Buckman Direct Diversion project is off during times of high turbidity. In our analysis of the data we found a couple of situations where it was on when there was high turbidity in the river. And we want the Buckman board to be extra vigilant this summer and be proactive, to use the precautionary principle, to shut off the system if necessary.

I want to reference the article in the New Mexican yesterday, the interview with Rick Carpenter, talking about the need for more integrated – the possibility of a more integrated use of all the different water sources this summer because of the low levels in the reservoir as well as low levels in the river and the need to turn on the wells again. Unfortunately, the article did not say how much the levels in the wells had risen as a result of resting them. That would have been something very important for the public to know. We just need to be extra vigilant this summer so that no contaminants get into the Buckman system. Thank you.

CHAIR CALVERT: Thank you. Anybody else?

ANNA HANSEN: Hello. My name is Anna Hansen. I live in Santa Fe. I just wanted to say a few things about the conference that we have organized. I've been working on it, one of the conference organizers. I apologize for any mistakes in this draft invitation that you got. I did it today. So I apologize. But also we've invited Mr. Mulvey to possibly be on the panel. We've talked to other people. We haven't sent out all the formal education and confirmed all the people that will be on the panel on the morning of the 26th but we are talking about it. The Mayor gave us the community conference center to hold this community forum. This is a forum that we hope will be able to address many other issues throughout the community and that we will hold other water community forums in this manner. So I just wanted to give a little bit more of an overview. Okay. Thank you.

CHAIR CALVERT: Anybody else? Okay.

MATTERS FROM THE BOARD

BOARD MEMBER BOKUM: I just wanted to report that I had a conversation with somebody who had been out to do a tour of the water treatment plant and they were very impressed. They were particularly impressed with the staff, which was Bob, Erika and Rick, and it was just really nice for me to hear how somebody who went out there who didn't know a whole lot about the project was thrilled. It was really wonderful to hear that. And staff was great. That was very nice to hear.

CHAIR CALVERT: It is good to hear.

COMMISSIONER STEFANICS: Mr. Chair, on that point, I do think that the people who are attached to any tours are very important, and if it can't be you, Mr. Mulvey, you might want to really identify who has the appropriate enthusiasm. We recently had a large interstate conference here and it got mixed reviews. So based upon Board Member Bokum's comments, the presenter really does make a difference. I know you'll want to put our best face on it. Thanks.

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Approved by:


Chris Calvert, Chair

Debbie Doyle, Wordswork

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YOLANDA SIQUEIROS

SANTA FE CITY CLERK

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STATE OF NEW MEXICO) ss

BUCKMAN DIRECT DIV MIN
PAGES: 19

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Valerie Espinoza
County Clerk, Santa Fe, NM





CITY CLERK'S OFFICE

DATE 6/26/12 TIME 1:55pm
BY [Signature]



AGENDA

THE CITY OF SANTA FE
And
SANTA FE COUNTY

BUCKMAN DIRECT DIVERSION BOARD MEETING

THURSDAY, JULY 5, 2012
4:00 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 JUNE 7, 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 to purchase Water Treatment Plant chemicals in an amount not to exceed \$523,006.00. (Gary Durrant)

SFC CLERK RECORDED 10/17/2012

8. Request for approval to conduct design-build procurement of integrated solar development services for the Buckman Direct Diversion Booster Station 2A Solar Project. (Dale Lyons)
9. Discussion and request for direction on an amendment to the BDD Project FOPA following the sale of Las Campanas, LP assets. (Bob Mulvey)
10. Request for approval of Amendment No. 5 for Pitcher Komer, LLC for the amount of \$6,500.00 exclusive of NMGRT. (Bob Mulvey)

INFORMATIONAL ITEMS:

11. Staffing Update. (Bob Mulvey)

MATTERS FROM THE PUBLIC

MATTERS FROM THE BOARD

NEXT MEETING: THURSDAY, AUGUST 2, 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.