

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

January 7, 2016

This meeting of the Santa Fe County/City Buckman Direct Diversion Board meeting was called to order by Commissioner Liz Stefanics, Chair, at approximately 4:42 p.m. in City Hall, City Council Chambers, 200 Lincoln, Santa Fe, New Mexico.

Roll was called and the following members were present:

BDD Board Members Present:

Commissioner Liz Stefanics, Chair
Councilor Joseph Maestas
Commissioner Miguel Chavez

Member(s) Excused:

Councilor Carmichael Dominguez
Ms. Consuelo Bokum

Others Present:

Charles Vokes, BDD Facilities Manager
Nancy Long, BDD Board Consulting Attorney
Mackie Romero, BDD Finance Manager
Randy Sugrue, BDD
Bernardine Padilla, BDD Public Relations Coordinator
Bruce Frederick, Santa Fe County
Michael Kelley, Santa Fe County Public Works
Bill Schneider, City of Santa Fe
David S. Rhodes, DOE EM-LA Field Office
Paul Karas, CDM Smith
Bryan Romero, Las Campanas, HOA
Wendell T. Egelhoff, TCLC
Tony Dawson Las Campanas
Michael P. Walsh, Las Campanas
Mary Erpelding Las Campanas W & S Co-op
Charlie Nylander, Club at Las Campanas
Douglas Sayre, City/County Resident
Will Kessler, CH2M
Shannon Papin, CBP
Cheryl Vokes, Visitor



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BUCKMAN DIRECT DIV MIN
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I Hereby Certify That This Instrument Was Filed for
record On The 8TH Day Of March, 2016 at 09:24:05 AM
and Was Duly Recorded as Instrument # 1786110
of The Records Of Santa Fe County

Witness My Hand And Seal of Office
Geraldine Salazar

Deputy *Laura Hernandez* County Clerk, Santa Fe, NM

SFC CLERK RECORDED 03/08/2016

3. **APPROVAL OF AGENDA**

Staff confirmed that item 11, Consideration and possible approval of Contingency Fund Policy for the BDD, was recommended to be tabled.

Commissioner Chavez moved to approve the agenda as amended. His motion was seconded by Councilor Maestas and passed by unanimous [3-0] voice vote.

5. **APPROVAL OF MINUTES: December 3, 2015**

Councilor Maestas moved for approval and Commissioner Chavez seconded.

Chair Stefanics said she would be voting in favor of the motion even though she was not present at the December meeting.

The motion passed by unanimous [3-0] voice vote.

4. **APPROVAL OF CONSENT AGENDA**

8. **Monthly Update on BDD Operations**

Commissioner Chavez said he had no questions on the update and moved to approve the consent agenda. Councilor Maestas seconded and the motion passed by unanimous [3-0] voice vote.

6. **MATTERS FROM STAFF**

CHARLES VOKES (Facilities Manager): Madam Chair, members of the Board, I have two updates that I would like to give. The first update is on the BDD citizen board member process. The BDD staff is pleased to announce that four applications were received for the BDD citizen board member seat before the advertised deadline of December 18th. Three interviews will be granted and the applications were emailed to the Chair and the Vice Chair for review. The interview committee will consist of the Chair and the Vice Chair, myself, and Ms. Padilla from the BDD staff. The interviews will be held on January 22nd I believe from 1 to 4 p.m. Then based on the applications and the interviews, the recommendations for the new citizen board member and the alternate citizen board member will be listed in the Board agenda for February and made to the Board at that time. Any questions or comments on that?

CHAIR STEFANICS: Board members? Yes.

COUNCILOR MAESTAS: Will we at least get a list of people on the short-list, the full Board?

MR. VOKES: Yes, certainly.

CHAIR STEFANICS: Is there any reason not to announce who applied at this time?

MR. VOKES: I don't have all the applicants. Ms. Padilla, do you remember the names of the applicants that you got besides the three that were granted interviews?

CHAIR STEFANICS: Ms. Long, is there any problem with this?

NANCY LONG (BDD Board Counsel): No, it's a matter of public record, their applications would be and they wouldn't be protected.

CHAIR STEFANICS: Okay, thank you.

BERNARDINE PADILLA (BDD Staff): Doug Sayre, Denise Fort –

MR. VOKES: JC Helms –

MS. PADILLA: JC Helms and Tom Egelhoff.

CHAIR STEFANICS: So we're interviewing three of the four?

MR. VOKES: Yes, that is correct.

COUNCILOR MAESTAS: It's four of the five. I thought you had five applicants.

MR. VOKES: No.

MS. PADILLA: [inaudible]

CHAIR STEFANICS: Could you speak up, Bern, or get right at it. So could you repeat all the names please?

MS. PADILLA: Denise Fort, Doug Sayre, JC Helms, and Tom Egelhoff were the applicants; those were the applications that we received. We had many inquiries but those are the actual applications that came in before the deadline.

CHAIR STEFANICS: Okay. Councilor Maestas, you had the floor; anything else?

COUNCILOR MAESTAS: No, I just wanted to get the names and if you have any CVs or resumes I think it would be nice for the Board to have even though we're not on the –

MS. PADILLA: I will forward those to you and forward the email that I sent to the Chair and the Vice Chair, definitely.

COUNCILOR MAESTAS: Okay, that's all that I had, Madam Chair.

CHAIR STEFANICS: Thank you. Anything, Commissioner Chavez?

COMMISSIONER CHAVEZ: No, that covers it, no.

CHAIR STEFANICS: Anything else, Mr. Vokes.

MR. VOKES: Very quickly, the second update that I'd like to give is that I've received permission to purchase four new pumps for the 1A and 2A pump stations. That process is proceeding. We have the engineering specs and we should get those bids out within the next week or so. My hope is that we have a bid award by the next Board meeting for those four pumps. The amount was approximately \$500,000 for those.

COMMISSIONER CHAVEZ: Question.

CHAIR STEFANICS: Yes, Commissioner.

COMMISSIONER CHAVEZ: So does that cost, the dollar amount, include the pumps and the installation of those pumps?

MR. VOKES: Yes, it does.

COMMISSIONER CHAVEZ: Okay, it's all inclusive.

MR. VOKES: Yes.

COMMISSIONER CHAVEZ: Okay, thank you.

CHAIR STEFANICS: Mr. Vokes, I have a different question. Are you finished with your update?

MR. VOKES: Yes.

CHAIR STEFANICS: Okay, could you give us a personnel status update? Are we fully staffed? How many vacancies do we have?

MR. VOKES: Madam Chair, members of the Board, I looked and we actually did a presentation, I did a presentation, at our last January Board meeting last year. At that time we had six vacancies including two key positions which are the superintendent positions. The other factor in hiring is that the training program that was in place when I arrived was in a draft form and was set up based on the hiring of the new staff before the plant was in operation. The training policy and as I've gone through it, and in attempt to hire positions, I've also discovered that many of the job descriptions were put in place before the plant started operation and they have never been updated. So the process has been complicated by the fact that I'm having to go through updating job descriptions with the City HR Department before I go for hiring.

We've attempted to hire both the superintendent positions. We've advertised that twice and we have not received any qualified candidates. Recently, we advertised our journeyman electrical position. We had four applications or five applications, of those only one took the workkeys. As you know, all the BDD positions have a workkeys requirements and they must pass those before they are moved into the next step of the process. We did interview the one qualified candidate. I did offer him the position. He turned the position down. One of the things that the candidate pointed out to me was that the job description indeed was incorrect. The job description described him working for both the Canyon Road Plant and the BDD. That was an oversight on my part, and I guess the HR Department. That that was not correct. He did express concerns about that and so it has complicated the process.

Unfortunately, I started with six vacancies. I still have six vacancies. We have done an evaluation of the training program. Steve Hoffman who was on the original engineering group that set up the staffing, the position descriptions, he now works for the firm of EMA and he was hired to come in and do an evaluation on both the training and the positions. I received that this month. There are suggestions in there but part of the process is that then I have to take and put everything in place with that. So I'll be working with the City HR Department. It's been my experience that the HR Department also has a lot to do and the process has been slow. I'm trying to ramp that up and get things done as quickly as possible. But, again, part of my concern is that I need to go through probably all of the job descriptions, make sure that they are up to date and then I'm going to have to establish a training program and we're also talking to the HR Department about possibly assisting candidates with workkeys training so that they can pass that test. There are some people that aren't good about just going on line and learning how to do something; they need an instructor in front of them. So I'm exploring alternatives with the City HR Department. But unfortunately, we have not been very successful in attracting new people to the BDD. Why that is; I don't know. But I will be seeking assistance from our support entity, the City HR Department in figuring that out. So that's where we are right now.

I may mention that I do want to create a new position which is an assistant to our financial manager. Recently, as you all know or possible know, Councilor Maestas knows, the City has a new finance director. He's implemented some new controls and policies that require extra work and so one of the things that I want to do is to be able to make sure that we can get through the procurement process and also have a backup for

Mackie in the process and do some succession planning also. My goal is to have a training plan and proposal in place to present to the Board either next month or by March at the latest so that you understand the direction we're trying to go and then I will seek suggestions or direction from the Board on that. So, I appreciate that.

CHAIR STEFANICS: Thank you for that. So it sounds like you want to add a purchasing director or manager in your staff.

MR. VOKES: Yes, it will be a financial analyst or a procurement analyst. Someone that, again, can help with the purchasing process and also, do some additional reporting. It would be nice if we had someone, for example, the price of oil right now is extremely cheap and generally that drives the price of chemicals. And, so, if we had someone in place that could look at that and go out and seek information from other cities; what are they paying? And is this a good time to renew our contracts for chemicals and lock them in place now based on the price of oil.

So those are just a few of the job responsibilities and duties that I see this position doing. It may be possible to take one of the existing vacant positions and shift it to that so that we're not actually adding staff we're just simply reallocating our resources.

CHAIR STEFANICS: Thank you. Questions, comments, yes, Councilor Maestas.

COUNCILOR MAESTAS: Just on the personnel side; do you have any latitude to offer any bonuses or incentives to hire folks or are we completely bound to the City's personnel rules?

MR. VOKES: As a support entity we are very bound to the City's policies and procedures and their salary ranges. Again, I can request studies to see if those position ranges are still appropriate. There are also union rules in place as far as how much we can pay. And, again, those are things I want to look at and explore with the City and see how much latitude we have. If at some point I feel like I'm continuing not to be successful in attracting the right people to the BDD, then I will bring that to the Board for you all to examine and see if there's like a Plan B that we can explore with that.

COUNCILOR MAESTAS: Okay.

COMMISSIONER CHAVEZ: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner.

COMMISSIONER CHAVEZ: I'm thinking back to the SWMA model that we have that is a blend, not really City or County employees. And I think the concept that you bring up, Councilor Maestas, could we look at industry standards and compare those to what the pay scale would be for employees now and use the industry standards as an argument as an incentive to fill these positions? I think we ought to be able to have that sort of latitude. I don't know what the differences would be but I think that's one area that we should be able to consider.

I know in the case of SWMA the argument was made that those group of employees, in fact, their pay scale is a little higher than their counterparts in the City because we're using industry comparables. They're in separate bargaining units but still it has worked out. So I think we can apply that model here.

COUNCILOR MAESTAS: I think what we did in SWMA was we hired a consultant to do a compensation study and they basically looked at other governments as benchmark governments and looked at similar positions and then they identified these

industry pay-bands and then compared the actual salaries of staff in the pay-bands and with the goal of trying to achieve more parity with these other benchmark cities. But I think SWMA has a lot more latitude to amend the salaries than Buckman. But, maybe, it is something we can explore. I thought we were discussing maybe developing our own personnel rules and regulations. I don't know where that is right now and I don't want to start a big discussion about that but I think that if these positions remain unfilled for some time then we may have to look at that.

MR. VOKES: Certainly, Madam Chair and members of the Board that is my plan; to look at shifting the resources, look at the job descriptions, interact with the City rules and see what we can do. And, again, if we continue not to be successful then I think we need to do something different. And, again, we're still at the same place that we were when I got here and it's not through lack of trying and advertising and looking at things – but for whatever reason.

I believe that Buckman is the place to work in the southwest as far as the technology involved. I believe the benefits are good. There's something we're missing and something that we're not doing to attract the right talent. And, so, again, taking the training study, the evaluation, and putting that into place, putting those changes into place, I think that will help. But, again, until we get to that point and it does require a lot of my effort and a lot of the HR staff effort to make changes to the system. But I will continue to explore those.

COUNCILOR MAESTAS: Madam Chair, I know that the entity support contract expired and we extended it, and I think that's probably the contract that binds us to the City's HR Rules, but maybe in the next generation of the entity support contract we can look at the HR portion to see if perhaps we can exclude that and come up with our own HR regulations and fashion the future entity support contract with that exception. So, I'm just saying that maybe that could be a mechanism for us to address this and maybe the right mechanism would be the entity support contract.

MR. VOKES: Certainly, thank you.

CHAIR STEFANICS: Thank you. And as I've always said, I'd like to see us investigate the regional approach and do something like SWMA, but I understand that we're a couple of steps away from that.

7. REPORT ON JANUARY 5, 2016 FISCAL SERVICES AUDIT COMMITTEE (FSAC)

MACKIE ROMERO (BDD Finance Manager): Madam Chair, members of the Board, a FSAC meeting was held and in attendance was myself, Commissioner Chavez and Carole Jaramillo from the County Finance. We did discuss agenda action item number 10 and action item number 11 which now has been pulled. Since item 10 is an action item, we did discuss it. Any questions?

CHAIR STEFANICS: Any questions? Thank you very much.

MS. ROMERO: Thank you.

DISCUSSION AND ACTION

9. Consideration and possible action on Resolution 2016-1, Determining Reasonable Notice for the Public Meetings of the Buckman Direct Diversion Board

CHAIR STEFANICS: Ms. Long.

MS. LONG: Yes, Madam Chair and members of the Board, as the Board knows it must determine annually according to state law what constitutes notice for its public meetings. This year's presented Open Meetings Act Resolution in your packet is just the same as it was last year. As pointed out in my memo, the only deviation in the resolution from state law is a requirement that if you are going to attend by telephone, state law does allow attendance by telephone under certain circumstances, the Board has the additional restriction that you may not attend by telephone unless a quorum is needed. So I kept that provision the same in this year's resolution. It seems to have worked well. We don't have many requests for attendance by telephone. The Board is not really set up for that because as you know, if you're going to attend by telephone, everyone in the room needs to be able to hear you clearly and all the Board members need to be able to hear the individual who is participating clearly. So we have kept the resolution the same as you've been operating under for the last couple of years.

CHAIR STEFANICS: Thank you. Could you go over, Ms. Long, any special meetings because I could foresee that if at a meeting where we did not have a quorum we might need to call a special meeting to get some business done.

MS. LONG: Yes, Madam Chair. Your resolution and state law allows for special meetings to be called by the Chair or any two members of the Board. And that must be noticed 72 hours, along with an agenda for the meeting; the notice can contain the agenda so you don't have to have two separate notices. It can be a sole-purpose sort of special meeting that would be contained in that notice. But you can have special meetings at the call of the Chair or two members of the Board at any time.

CHAIR STEFANICS: Thank you. Questions, comments. Yes, Councilor Maestas.

COUNCILOR MAESTAS: Are we supposed to put the location? Where is the location of our regular meetings because I know we have been alternating and I'm thinking maybe we should mention explicitly that meetings will be held here at Santa Fe City Hall and at the County Commission Chambers. But does the location have to be in the Open Meeting Notice?

MS. LONG: It does not have to be in the resolution but it does have to be in the notice of the meeting that goes out along with the agenda. We could add something that says they are usually at City Hall but we have deviated from that on occasion.

COUNCILOR MAESTAS: I would say if we didn't deviate it wouldn't be a problem for me but since we do, it may be good to put that in here.

MS. LONG: As for regular meetings, special meetings you never know where those could be held.

COUNCILOR MAESTAS: Yes, regular meetings.

MS. LONG: We could add that they would be held at either place. We have to do this annually anyway so obviously we're not putting this in stone for the rest of the Board's existence, but we could add that in.

COUNCILOR MAESTAS: Or maybe that could be the first, the number one, under the "now therefore be it hereby resolved," is just put meeting locations and then it would apply to everything below it.

MS. LONG: Madam Chair, Councilor Maestas, perhaps under number one, page two, Regular Meetings, where we indicate that meetings are held each month unless otherwise specified on the first Thursday of the month. So I think the otherwise specified could also qualify the location of the meeting and we could put it in there.

COUNCILOR MAESTAS: Okay.

MS. LONG: And then I will also note that I have corrected the name of the Chair. We had all of last year's resolution here in your packet including Councilor Maestas as the chair. So my copy now has the correct chair name if you notice that. But I'll make that revision and then if you'd like to adopt it with that change then we'll present it for signature.

CHAIR STEFANICS: Any other comments?

COUNCILOR MAESTAS: Only for approval with that change.

COMMISSIONER CHAVEZ: I'll second that motion.

The motion passed by unanimous [3-0] voice vote.

CHAIR STEFANICS: Okay, if we can have that with the change and then I can sign it.

10. Request for approval of payment to the Bureau of Land Management in the amount of \$71,033.57 for our land lease agreement 01/01/2016-12/31/2016

MS. ROMERO: Madam Chair, members of the Board, Buckman Direct Diversion currently has two right-of-way grant agreements with the Bureau of Land Management. The first agreement is for the Buckman Water Treatment Plant and the solar site which includes an annual fee of \$63,000 for use of 31.07 acres of public land. Our second agreement is for Booster Station 2A solar site which includes an annual rental of \$8,033.57 for use of 4.75 acres of public land. The annual fees for both of these agreements are included in our Fiscal Year 15/16 adopted budget and will continue to be part of our annual budget request. Do you have any questions?

CHAIR STEFANICS: Questions, comments on this item. Is there a motion?

COMMISSIONER CHAVEZ: Move for approval

COUNCILOR MAESTAS: I'll second that. Just under discussion, it would be good to have the agreements in the packet just so we can –

MS. ROMERO: Okay.

COUNCILOR MAESTAS: It's not that I like a lot of paper, but I like to have context and to see the whole agreement.

MS. ROMERO: Okay, I will make sure to include that next time. Thank you.

COUNCILOR MAESTAS: Thank you.

CHAIR STEFANICS: So, this was the item we needed to make sure we got done so we would not have a late payment fee on this item.

MS. ROMERO: Correct.

CHAIR STEFANICS: So we have a motion and we have a second. All those in favor.

The motion passed by unanimous [3-0] voice vote.

CHAIR STEFANICS: That request for approval of payment has been passed. Thank you very much.

MATTERS FROM THE PUBLIC

CHAIR STEFANICS: Is there anyone in the public that has a comment or a statement that they would like to make? If so, we invite you to come forward please. And if you would introduce yourself for the record, we would be happy to hear what you have to say.

TONY DAWSON: Yes, Madam Chair, my name is Tony Dawson. I am the general manager and chief operating officer at Las Campanas for the Club at Las Campanas. I just want to express that I'm new at the Club, I've been there about nine months and the relationship that we have with the BDD and the water co-op is being productively constructed this year so I just want to represent the Club and let you know that we're here and we appreciate the relationship. Thank you.

CHAIR STEFANICS: Thank you. Tell us your name again.

MR. DAWSON: Tony Dawson.

CHAIR STEFANICS: Tony Dawson. Thank you so much for being here this evening.

Is there anyone else who would like to make a comment or a statement. Okay, matters from the public is closed.

MATTERS FROM THE BOARD

New Year cheers were expressed.

EXECUTIVE SESSION

In accordance with the New Mexico Open Meetings Act NMSA 1978, Section 10-15-1(H)(7), discussion pending threatened or pending litigation in which the BDDB is, or may become, a participant, including without limitation: discussion regarding diversion structure issues

CHAIR STEFANICS: We are now at that moment where we are going to go into executive session, if we have a motion. That would be in accordance with the New Mexico Open Meetings Act we would like to have discussion regarding threatened

or pending litigation in which the BDD Board is, or may become, a participant, including without limitation discussion regarding diversion structures. Is there a motion?

Commissioner Chavez moved to go into executive session to discuss the matter delineated by the Chair. His motion was seconded by Councilor Maestas. The motion to go into executive session pursuant to NMSA Section 10-15-1-H (7) to discuss the matters delineated above passed by unanimous roll call vote as follows:

Chair Stefanics	Aye
Councilor Maestas	Aye
Commissioner Chavez	Aye
Board Member Bokum	Absent
Councilor Dominguez	Absent

[The Board met in closed session from 5:10 to 5:58.]

Councilor Maestas moved to come out of executive session having only discussed the matter described in the agenda. Commissioner Chavez seconded and the motion carried unanimously.

NEXT MEETING: Thursday February 4, 2016 @4:00 P.M.

ADJOURNMENT

Having completed the agenda, Chair Stefanics declared this meeting adjourned at approximately 6:00 p.m.

Approved by:



Liz Stefanics, Board Chair

Respectfully submitted:


Karen Farrell, Wordswork




GERALDINE SALAZAR
SANTA FE COUNTY CLERK

ATTEST TO:

YOLANDA Y. VIGIL
SANTA FE CITY CLERK