





Buckman Direct Diversion

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*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 7, 2016  
**To:** Buckman Direct Diversion Board  
**From:** Randy Sugrue, Interim Operations Superintendent  
**Subject:** Update on BDD Operations for the Month of December 2015

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**ITEM:**

1. This memorandum is to update the Buckman Direct Diversion (BDD) Board on BDD operations during the month of December 2015. The BDD diversions and deliveries have averaged, in Million Gallons Daily (MGD) as follows:
  - a. Raw water diversions: 3.75 MGD Average
  - b. Finished Drinking water deliveries through Booster Station 4A: 2.32 MGD Average
  - c. Finished Drinking water deliveries through Booster Station 5A: 1.2 MGD Average
  - d. Raw water delivery to Las Campanas at BS2A: .947 MG Total.
2. The BDD is providing approximately 47 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, 2015.
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
<b>TOTAL</b>	<b>5,194.863</b>	<b>1,343.411</b>	<b>14.997</b>	<b>3,836.455</b>	<b>3,662.551</b>	<b>173.904</b>	<b>34.687</b>

**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
<b>TOTAL</b>	<b>1,343.411</b>	<b>14.997</b>	<b>3,629.424</b>	<b>172.344</b>	<b>5,160.177</b>

**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
<b>TOTAL</b>	<b>4,926.12</b>	<b>46.93</b>	<b>4,893.03</b>	<b>4,542.84</b>	<b>359.82</b>	<b>1,494.66</b>	<b>0.00</b>	<b>6,387.69</b>	<b>0.00</b>	<b>0.00</b>

**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
<b>TOTAL</b>	<b>4,926.12</b>	<b>4,573.19</b>	<b>0.00</b>	<b>353.55</b>

**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
<b>TOTAL</b>	<b>5195.42</b>	<b>49.29</b>	<b>5138.67</b>	<b>4647.73</b>	<b>304.07</b>	<b>705.09</b>	<b>0.00</b>	<b>5656.89</b>	<b>114.64</b>	<b>72.23</b>

**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
<b>TOTAL</b>	<b>5195.42</b>	<b>4822.62</b>	<b>0.00</b>	<b>372.79</b>

**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
<b>TOTALS</b>	<b>5449.67</b>	<b>51.53</b>	<b>5396.51</b>	<b>5306.90</b>	<b>1112.67</b>	<b>0.00</b>	<b>6419.57</b>	<b>89.61</b>

**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
<b>TOTALS</b>	<b>5449.67</b>	<b>0.00</b>	<b>48.63</b>	<b>0.00</b>	<b>0.00</b>	<b>5401.04</b>	<b>0.00</b>

*Note: Grey fields indicate revisions to previous monthly report*

## **Drought, Monsoon/El Nino, and ESA Update**

**Drought conditions have eased this year due to the reappearance of a strong El Nino. NOAA's latest update (12/21/15) 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 through December 1<sup>st</sup> of this year; however, there were no deliveries in August through November. 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.**

### **City of Santa Fe SJCP Reservoir Storage as of December 15, 2015:**

#### **Heron:**

**4,855 AF (2015 SJCP must be vacated by December 31, 2015 unless BoR waiver is approved to extend the deadline into 2016. BoR has recently granted a waiver to the City through September of 2016.)**

#### **El Vado:**

**4,604 AF (Temporary storage, will be moved to Abiquiu as part of environmental winter flow releases)**

#### **Abiquiu:**

**6,752 AF SJCP carry-over from previous years, no time limit to vacate due to storage agreement with ABCWUA**

#### **TOTAL:**

**16,211 AF**







Buckman Direct Diversion

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*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 January 7, 2016 Board Meeting

To: Buckman Direct Diversion Board

From: Nancy R. Long

RE: **Adoption of Annual Open Meetings Act Resolution; 2016-1**

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### **ITEM AND ISSUE:**

Adoption and approval of the Annual (2016) Open Meetings Act Resolution

### **BACKGROUND AND SUMMARY:**

As the Board is aware, public bodies are required by the New Mexico Open Meetings Act to annually address the issue of what determines reasonable notice for its public meetings in compliance with the Act.

In 2013, and carried forward in the 2014 and 2015 Resolutions, the Board imposed an additional requirement not required by the Act that in order for a Board member to attend a board meeting by telephone, that board member must be needed to meet Board quorum requirements.

### **RECOMMENDATION**

Independent counsel recommends adoption by the Board of the Resolution Determining Reasonable Notice for Public Meetings of the Buckman Direct Diversion Board; Rescinding Resolution No. 2015-1, subject to revisions the Board may wish to make, if any.



1                                   **THE BUCKMAN DIRECT DIVERSION BOARD**

2   **RESOLUTION NO. 2016-1**

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4

5                                   **A RESOLUTION DETERMINING REASONABLE NOTICE FOR**

6                                   **PUBLIC MEETINGS OF THE BUCKMAN DIRECT DIVERSION BOARD;**

7   **RESCINDING RESOLUTION NO. 2015-1**

8

9

10                   **WHEREAS**, Section 10-15-1 (B), NMSA 1978 of the “Open Meetings Act” (hereinafter

11 referred to as “the Act”) provides that “... meetings of a quorum of members of any board,

12 commission ... or other policymaking body ... held for the purpose of formulating public policy,

13 including the development of personnel policy, rules, regulations or ordinances, discussing

14 public business or taking any action within the authority of or the delegated authority of any

15 board, commission or other policymaking body are declared to be public meetings open to the

16 public at all times, except as otherwise provided in the Constitution of New Mexico or the Open

17 Meetings Act.”; and

18                   **WHEREAS**, Section 10-15-1 (D) of the Act further provides that “(a)ny meetings at

19 which the discussion or adoption of any proposed resolution, rule, regulation or formal action

20 occurs and at which a majority or quorum of the body is in attendance, and any closed meetings,

21 shall be held only after reasonable notice to the public.”; and

22                   **WHEREAS**, the Act further requires a public body to determine in a public meeting at

23 least annually what notice is reasonable when applied to that body; and

1           **WHEREAS**, Santa Fe County and the City of Santa Fe are parties to that certain Joint  
2 Powers Agreement between the City of Santa Fe and the County of Santa Fe governing the  
3 Buckman Direct Diversion Project, dated March 7, 2005; and

4           **WHEREAS**, the Buckman Direct Diversion Board (the “Board”) desires to determine  
5 herein what constitutes reasonable notice to the public of its meetings as required by the Act, and  
6 to otherwise specify important elements of its continuing compliance with the Act.

7  
8           **NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE BUCKMAN**  
9 **DIRECT DIVERSION BOARD, AS FOLLOWS:**

10           1.     **Regular Meetings.** Unless otherwise specified, regular meetings of the Board  
11 shall be held each month on the first Thursday of the month. Notice of any regular meeting shall  
12 be provided to those broadcast stations licensed by the Federal Communications Commission  
13 and newspapers of general circulation that have made written request for such notice ten (10)  
14 days before such meeting.

15           2.     **Special Meetings.** A special meeting of the Board may be called by the Chair or  
16 by any two members of the Board upon three (3) days’ notice at such time and place as the Chair  
17 or the two members deem appropriate. Notice of special meetings shall be met by posting notice  
18 of the date, time and place in a conspicuous and appropriate place at the Santa Fe County  
19 Administrative building, at Santa Fe City Hall and on the Board’s, Santa Fe County’s and City’s  
20 internet websites ([www.bddproject.org](http://www.bddproject.org), [www.santafecounty.org](http://www.santafecounty.org) and [www.santafenm.gov](http://www.santafenm.gov)) at  
21 least seventy-two (72) hours prior to a special meeting. Notice of a special meeting shall also be  
22 provided to those broadcast stations licensed by the Federal Communications Commission and  
23 newspapers of general circulation that have made written request for such notice.

1           3.       **Emergency Meetings.** An emergency meeting of the Board may be called by the  
2 Chair or by any two members of the Board to consider unforeseen circumstances that, if not  
3 addressed immediately, will likely result in injury or damage to persons or property or  
4 substantial financial loss. An emergency meeting may be conducted at a time and place as the  
5 Chair or the two members deem appropriate. If possible, given the emergency circumstances,  
6 notice of an emergency meeting shall be posted in a conspicuous and appropriate place at the  
7 Santa Fe County Administrative Building and at Santa Fe City Hall at least twenty-four (24)  
8 hours prior to the meeting. If twenty-four (24) hours advance notice cannot be given, notice  
9 shall be posted as soon as possible under the emergency circumstances in existence. Notice of  
10 an emergency meeting shall also be provided to broadcast stations licensed by the Federal  
11 Communications Commission and newspapers of general circulation that have made written  
12 request for such notice. Within ten (10) days of taking action on an emergency matter, the Board  
13 shall report to the attorney general's office the action taken and the circumstances creating the  
14 emergency.

15           4.       **Agendas.** Any notice for meetings of the Board shall include an agenda  
16 containing a list of specific items of business to be discussed or transacted at the meeting, or  
17 information on how the public may obtain a copy of an agenda. At least seventy-two (72) hours  
18 prior to a regular or special meeting, the final agenda shall be posted in a conspicuous and  
19 appropriate place at the Santa Fe County Administrative Building, at Santa Fe City Hall, and on  
20 the Board's, Santa Fe County's and the City's internet web sites ([www.bddproject.org](http://www.bddproject.org),  
21 [www.santafecounty.org](http://www.santafecounty.org) and [www.santafenm.gov](http://www.santafenm.gov)).

22           5.       **Recessed Meetings.** The Board may recess and reconvene a meeting to a later  
23 day, if, prior to recessing, the Board specifies the date, time and place for continuation of the

1 meeting, and, immediately following the recessed meeting, posts notice of the date, time and  
2 place for the reconvened meeting on or near the door of the place where the original meeting was  
3 held. Only matters appearing on the agenda of the original meeting may be discussed at the  
4 reconvened meeting unless notice of the reconvened meeting is provided as otherwise set forth  
5 herein.

6         **6. Participation by Conference Telephone.** Members of the Board may participate  
7 in a meeting of the Board by means of conference telephone or other similar communications  
8 equipment when it is difficult or impossible for the member to attend the meeting in person and  
9 only when necessary to meet the quorum requirements for the meeting. At least one member of  
10 the Board must be physically present at the noticed location for the meeting.

11         **7. Closed Meetings.** A meeting may be closed in the following manner:

12             a. If the Board is in an open meeting when a closed meeting is desired and  
13 authorized by the Open Meetings Act, then the closed meeting shall be approved on motion by a  
14 majority of a quorum of the Board and the authority for the closure shall be stated in the motion.  
15 The votes of the members on the motion shall be recorded in the minutes.

16             b. If the Board is not in a public meeting and a closed meeting is desired and  
17 authorized, public notice of the closed meeting, appropriate under the circumstances, shall be  
18 given stating the authority for the closure.

19             c. Following completion of any closed meeting, the minutes of the open  
20 meeting that was closed, or the minutes of the next open meeting if the closed meeting was  
21 separately scheduled, shall state that the matters discussed in the closed meeting were limited  
22 only to those specified in the motion or notice for closure.

23         **8. Definition: "Meeting."** For purposes of this Resolution, the term "meeting" shall

1 be defined as a meeting of a quorum of the members of the Board held for the purpose of  
2 formulating public policy, including the development of personnel policy, rules, regulations or  
3 ordinances, discussing public business, or taking any action within the authority of or the  
4 delegated authority of the Board.

5 9. Resolution No. 2015-1 is hereby rescinded.

6 **PASSED, APPROVED AND ADOPTED this 7th day of January 2016.**

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9 **BUCKMAN DIRECT DIVERSION BOARD:**

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13  
14 \_\_\_\_\_  
15 Joseph M. Maestas, BDDDB Chair

16 **ATTEST:**

17  
18  
19  
20  
21 \_\_\_\_\_  
22 City Clerk

23 **APPROVED AS TO FORM:**

24  
25  
26  
27 \_\_\_\_\_  
28 NANCY R. LONG, Board Counsel





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.*

## Memo

**DATE:** January 7, 2016  
**TO:** Buckman Direct Diversion Board  
**FROM:** Mackie Romero, BDD Financial Manager *MR*

### **ITEM AND ISSUE:**

Request approval of payment to the Bureau of Land Management in the amount of \$71,033.57 for right of way rental agreements 01/01/2016-12/31/2016.

### **BACKGROUND AND SUMMARY:**

The Buckman Direct Diversion currently has two right-of-way (ROW) grant agreements with the Bureau of Land Management. The agreement for the Buckman Water Treatment Plant and the Solar Site includes an annual rental fee of \$63,000 for use of 31.07 acres of public land. BDD also has an agreement for the Booster Station 2A Solar Site, which includes an annual rental fee of \$8,033.57 for use of 4.75 acres of public land.

### **DISCUSSION:**

The annual fees for both agreements are included in our FY15/16 adopted budget and will continue to be part of our annual budget request.

### **ACTION REQUESTED:**

Staff recommends approval for payment to the Bureau of Land Management.

<u>Fund Source</u>	<u>Business Unit/Line Item/Description</u>	<u>Amount</u>
FY 2015/2016	7280000.562250.782110 Land/Building Rental	\$63,000.00
FY 2015/2016	7280000.562250.782210 Land/Building Rental	\$8,033.57

Approved by BDDDB January 7, 2016

\_\_\_\_\_  
Commissioner Liz Stefanics, BDDDB Chair







To: BDD Board Members

From: Nancy R. Long, BDDDB Counsel

For: January 7, 2016 Board Meeting

**RE: Creation of Contingency Fund**

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**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 contained in the regular budget items nor covered by other established funds. Staff has identified a source of funds from credits existing from the former pre-bill process. This amount is approximately 2.2 Million Dollars and will constitute the initial funding for the Contingency Fund.

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%

Adjustments will be made to reflect the overpayments and underpayments to the fund since the pre-bill process was based upon different percentage amounts.

**RECOMMENDATION:**

It is recommended that the Board adopt the Contingency Fund Policy, attached hereto, to provide funding for litigation and other possible contingencies facing the Board.



**Buckman Direct Diversion Project**

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

## **Buckman Direct Diversion Board Contingency Fund Policy**

In alignment with the BDD Project intergovernmental agreements and in order to secure resources for contingencies occurring outside of what was anticipated in terms of BDDDB operations, including, but not limited to, the BDDDB's participation in litigation, which do not constitute an emergency pursuant to the Emergency Reserve Fund Policy, the BDDDB has established a Contingency Fund in the initial amount of Two Million Two Hundred Thousand Dollars (\$2,200,000.00).

The Contingency Fund is and will continue to 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 Two Million Two Hundred Thousand Dollars (\$2,200,000.00) ("Initial Fund"), which is the amount held by the BDDDB representing the BDD partners' credits as a result of the former pre-billing process. 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%

The Initial Fund was contributed based upon a different percentage formula, so adjustments will be made in billed amounts for the Contingency Fund to credit, or increase contributions for amounts paid into the Initial Fund that vary from the funding formula provided above.

### Purpose

The Contingency Fund shall be designated as a restricted special revenue fund. All contributions shall be accounted for as a revenue source to support expenditures as it relates to the BDDDB's participation in litigation.





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### 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.

