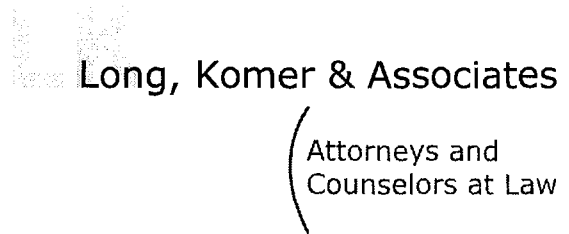


Nancy R. Long
Mark E. Komer

Little V. West
Justin W. Miller



To: Buckman Direct Division Board

From: Nancy R. Long

Date: For April 3, 2014 Board Meeting

RE: Election of Chair and Vice Chair

This matter was postponed from the February Board meeting to occur after the City election and after City appointments were made to the Board.

The Joint Powers Agreement between the City and the County establishing the Buckman Direct Diversion Board provides that the Board shall annually elect a Chairperson and a Chairperson Pro-Tempore.

The Rules of Order for the Board provide further that: “[d]uring the first meeting of each calendar year, or sooner if required, a Chair and Chair Pro-Tempore of the Board shall be elected. The Chair position shall rotate between a City and County member each year. The Chair Pro-Tempore shall be elected from the opposite entity.” The Board did not meet in January of this year so this meeting is the first meeting of the calendar year for the Board.

Since the Chair in 2013 was a County Commission member, the Chair in 2014 shall be a member of the City Council and the Vice-Chair shall be a County Commission member.

DRAFT

subject to approval

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

February 6, 2014

This meeting of the Santa Fe County/City Buckman Direct Diversion Board meeting was called to order by Acting Chair, Chris Calvert, at approximately 4:32 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

Member(s) Excused:

Commissioner Miguel Chavez

Others Present:

Nancy Long, BDD Board Consulting Attorney
Shannon Jones, Interim BDD Facility Manager
Stephanie Lopez, Staff Liaison
Rick Carpenter, City Water Resources and Conservation Manager
Claudia Borchert, County Utilities Director
Adam Leigland, County Public Works Director
Teresa Martinez, County Finance Director
Erick LaMonda, BDD Staff
Kyle Harwood, BDD Board Counsel
Mackie Romero, BDD Staff
Jeff Mousseau, LANL
Cheryl Rodriguez, LANL

3. APPROVAL OF AGENDA

[Exhibit 1: Agenda]

CHAIR CALVERT: Are there any changes from staff?

SHANNON JONES (Interim Director): Mr. Chair, there are no changes from staff.

COMMISSIONER STEFANICS: I'll move for approval.

MEMBER BOKUM: I had a few things.

COMMISSIONER STEFANICS: Then I'll withdraw my motion.

CHAIR CALVERT: You can second it for purposes of discussion.

MEMBER BOKUM: First of all, on #11, I'd just like to say congratulations.

CHAIR CALVERT: That will be presented, because it's an informational item. We will be hearing that.

MEMBER BOKUM: Okay. Then under the Consent Agenda I would like to ask a question on #14.

CHAIR CALVERT: Okay. We'll get to the Consent Agenda –

MEMBER BOKUM: Oh, you said the agenda.

CHAIR CALVERT: Yes. We're on the overall agenda.

MEMBER BOKUM: Okay.

COMMISSIONER STEFANICS: #4 is approval of the Consent.

MEMBER BOKUM: Okay. Sorry. I've been over at the legislature. I'm a little –

CHAIR CALVERT: That's okay. That could definitely be confusing.

COMMISSIONER STEFANICS: So, Mr. Chair, I will move for approval of the agenda.

MEMBER BOKUM: I will second.

The motion passed by unanimous [4-0] voice vote.

4. APPROVAL OF CONSENT AGENDA

MEMBER BOKUM: I would like to remove #14, I would like to ask one question.

CHAIR CALVERT: Fourteen. Okay, item 14. Is there any other?

COUNCILOR DOMINGUEZ: I would move for approval as amended.

COMMISSIONER STEFANICS: Second.

CHAIR CALVERT: Okay. Any further discussion?

The motion passed by unanimous [4-0] voice vote.

CONSENT AGENDA

- 12. Update on 2nd Quarter Financial Statement**
- 13. Update and discussion of BDD operations**
- 14. Drought, Monsoon and Water Resource Management Update ISOLATED FOR DISCUSSION**
- 15. Request for approval of Amendment No. 1 to the Professional Services Agreement between Padilla Industries and the Buckman Direct Diversion Board for expanded fencing and gates associated with on-going BDD project habitat restoration work for the amount of \$87,424.00, inclusive of NMGR**
- 16. Request for approval of Amendment No. 5 to the Professional Services Agreement between Harwood Consulting LLP and the Buckman Direct Diversion Board for the amount of \$60,000.00, exclusive of NMGR**
- 17. Request for approval of Amendment No. 3 to the Professional Services Agreement between Alpha Southwest, Inc. and the Buckman Direct Diversion Board for the amount of \$50,000.00 exclusive of NMGR**

18. **Request for approval to release an RFP to develop the Capital Asset Management Plan**
19. **Request for approval to purchase parts and supplies from Boyer and Seeley Pumps to repair Raw Water Pump Stations 1A and 2A in the amount of \$135,600.00**

5. **APPROVAL OF MINUTES: December 12, 2013**

CHAIR CALVERT: Any corrections from staff:

STEPHANIE LOPEZ (Staff Liaison): No corrections.

CHAIR CALVERT: Okay. What's the wishes of the committee?

MEMBER BOKUM: I would like to ask for one change.

CHAIR CALVERT: Okay.

MEMBER BOKUM: It's on page 10. It's the third dash down. "Ms. Bokum said that was before her time." I know I mumble. I don't believe I said that. It wasn't before my time and it doesn't reflect reality, so maybe just omit it. If that's okay.

CHAIR CALVERT: Any other changes? Okay. So if I could have a motion.

MEMBER BOKUM: Move to approve.

CHAIR CALVERT: As amended?

MEMBER BOKUM: As amended.

COUNCILOR DOMINGUEZ: Second.

CHAIR CALVERT: Okay. Any further discussion?

The motion passed by unanimous [3-0] voice vote with Commissioner Stefanics abstaining.

6. **MATTERS FROM STAFF**

MR. JONES: Mr. Chair, members of the Board, I do have things I'd like to bring up. The first one is to notify the Board that construction has begun on the 2A solar panel project and right now on the schedule it's looking at a completion date of October 31st. Secondly, if it pleases the Board, I'm prepared to give a staffing update.

CHAIR CALVERT: Please

COUNCILOR DOMINGUEZ: Mr. Chair, real quick, did you say October 31st?

MR. JONES: Yes. Okay, I want to start with I did receive a letter of resignation today from one of our charge operators who will be relocating to California, and while that's unfortunate I would like to look at the positive side, that we have filled three positions. We made an offer and the person accepted for regulatory compliance. We made an offer and the individual accepted for public relations coordinator, and we made an offer and the individual accepted for safety officer and training administrator. So those three, they all have the same recommended start date of March 3rd.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR CALVERT: Yes.

COMMISSIONER STEFANICS: Could you identify those people by name please?

MR. JONES: Mr. Chair, Commissioner Stefanics, let me try to do that. For regulatory compliance, the woman's name is Daniella Bulman. For public relations coordinator, that woman's name is Alana Moriarty. And for safety officer training administrator, the gentleman's name is Cesar Garcia.

COMMISSIONER STEFANICS: Thank you.

MR. JONES: That's it for Matters from the Staff.

CHAIR CALVERT: Great. Thank you.

7. REPORT ON FEBRUARY 4, 2014 FISCAL SERVICES AUDIT COMMITTEE MEETING

CHAIR CALVERT: At that meeting Commissioner Chavez and I were present along with staff, Shannon and Maggie and we discussed – we basically reviewed most of the items on the Consent Agenda that had any kind of fiscal impact, so that would have been 12, 13, 15, 16, 17, and 19, are the ones that we discussed at that meeting. And we're just checking to see if we thought the information was complete or if staff needed to do any further – provide any further information or feedback in the future. So do you have anything to add to that, Shannon?

MR. JONES: Mr. Chair, members of the Board, no. I think that's complete. Thank you.

CHAIR CALVERT: Any questions?

INFORMATIONAL ITEMS

8. 2014 Fiscal Services and Audit Committee Schedule

CHAIR CALVERT: I'm going to suggest – I think we discussed this too. I'm going to suggest that everybody can take a look at it now but since you will have new people coming onto this Board shortly and everybody may need to check their schedules anyway, that we just take this under advisement for right now and I guess maybe we can do it on a month-to-month basis until we get to, say, April and then at the April meeting I think we can do for the rest of the year. Does that sound like a reasonable plan?

So we're not approving anything anyway, but it is information that this isn't finalized and I think we can bring it back at the April meeting for approval, I think that would be the best course of action.

9. Update on Early Notification System

MR. JONES: Mr. Chair, members of the Board, as reflected in the memo on December 12th, the Board did pass a resolution requesting Los Alamos National Lab and their site office work with BDD staff on extending the duration of the current MOU. So we have been talks with Los Alamos National Lab and I believe we also have someone here from Los Alamos National Lab, Mr. Mousseau, is going to come. We did ask him to come and present on six talking points that we thought were relevant.

CHAIR CALVERT: Welcome. And if you'd just give your name for the record.

JEFF MOUSSEAU: My name is Jeff Mousseau. I'm the associate director of environmental programs at the laboratory, and it's my pleasure to brief you today. Mr. Maggiore who is usually here with me has taken ill so this is his second day. I talked to him this morning and he didn't sound good, so I think we can all be pleased that he took a day off to be sick. I've got an update here; I'll just pass this out. *[Exhibit 2]*

So Councilor Calvert, distinguished Board, there's a couple things in front of you. One is just a briefing that I'll walk through fairly quickly this afternoon. The other one is a map, kind of as a refresher of where the gauge stations are and so as we go through that you can refer to that to see the locations. When we were here last time we talked about moving forward with replacing E109.9 with E050 and E060 stations and adding one other station, E062 as a kind of a backup or a contingency for verification. And at that time we had talked about putting in place the flow detection systems, the camera systems, and making them have equal capability to what we had at E109.

So kind of where we are, since we started that in September after the flood event and got that up and going with the flow detection, we do have the cameras installed now at E050 and E060 stations. Those cameras are taking a photo once every hour. Those photos are uploaded onto a secure website for the Buckman Diversion and that really started viewing on the 27th of January. We're working with Shannon's folks now and we're putting place the capability for the five-minute image collection. We began work on that February 4th and hope to have that in place shortly.

Both of those stations, E050 and E060, are in a winterized status, meaning that they still – we still have the cameras working. They provide the flow detection, but we're not doing the sample collection during the freezing seasons. We really do that June through October. And then the handout just shows the locations. One other thing we did on E062 where we don't have the – there's pictures of each of those down in the bottom of the 11x17 handout and certainly you can see the flow detection there at 50 and at 60. At E062 we don't have that but that is, again, that's a verification that you can see flow, and that's down after the confluence of the two canyons. And so we do have a camera working at that location also today.

So that's kind of where we are on the stations. The amendments and the extension request as Shannon talked about, we are working together with them. We held a technical meeting in November. We've got another meeting scheduled, a technical working meeting scheduled for February 11th, so next week, and I think that's going well. The request is to be discussed at DOE headquarters for the extension in the upcoming months and we're basically continuing to work on the technical papers, technical issues and get this up and running in preparation for the monsoon season this year.

We had originally scheduled – I think twice now we've scheduled a tour to go look out at the stations and by other events that's been overtaken. We would continue to encourage a tour to come up and look at those. One idea that we had was perhaps even at the next Buckman Board meeting we'd be happy to host at Los Alamos so we could have the meeting, we could look at the stations, things like that if that would work out for you, Councilor, we'd offer that.

CHAIR CALVERT: On that, I will just offer that that's probably not a good month, simply because there's going to be transition on this Board because of the

City election in March, so I think that we might as well wait until you have the new people on before we schedule that.

MR. MOUSSEAU: Okay. That's a good idea. Just a couple of other pieces of information. DOE Los Alamos has a new field manager, put a new field manager in place, Kimberly Davis Lebak started January 27th. It's interesting to me because she has a real interest in environmental and really her first day on the job was out looking at some of the work that we've done with environmental. We will provide her a briefing if Pete hasn't already done this of kind of what our obligations to Buckman and give her a good idea of exactly what that is. She came to Los Alamos from Livermore National Laboratory where she was acting manager and the deputy site manager also at Sandi National Laboratory. So she has experience in New Mexico which is a good thing, along with her environmental experience. And then as it says she was at headquarters for a while as well as Pantex and I think she had started at Savannah River project.

Federal budget update – pretty good news from where we've been at the last couple years at \$173 million, so the new congressional number now is \$225 million. It's interesting to note that's \$5 million above the president's request and we think a lot of that has to do with some of the progress that's been made on cleanup, the good relations we have with stakeholders and regulators, and the support we got from everybody, really, for trying to get that budget increase so we could get some more cleanup done. So that's really good going into this year. In March we'll know the pass-back number from the president and so we'll know what the 15 number is. We've got our fingers crossed it's roughly the same as our 14 budget.

And then I talked about the upcoming technical meeting next week, and then considering the week of the 17th of March for the next biannual MOU technical meeting. That's all I have to present today. Thank you very much.

CHAIR CALVERT: Thank you. Does anybody have any questions? Yes, Councilor Dominguez.

COUNCILOR DOMINGUEZ: Thank you, Mr. Chair. I didn't catch that last part that you said about March. You want to have another technical meeting in February but also in March.

MR. MOUSSEAU: That's correct. It's called the biannual MOU technical meeting and that's the one that's scheduled I think right now for March 17th.

COUNCILOR DOMINGUEZ: Okay. So do we have an anticipated date when this MOU might be finalized and ready to, I guess take action on? It sounds like, if I'm reading this correctly, that you want to wait till after the 14 monsoon to make any changes to it as a result of what happened in 2013. Am I reading that correctly?

MR. MOUSSEAU: I believe that's correct. As I talked about this with Pete a little bit he had started the process with headquarters and I was unsure how long that was going to take to get that through the various departments that need to look at that. I can get you a better answer.

COUNCILOR DOMINGUEZ: Staff, do you have anything you want to add?

MR. JONES: Mr. Chair, Councilor Dominguez, while we are looking at making the modifications, the existing MOU doesn't actually expire until 2015, so we are looking at that early, trying to take a pro-active approach. So the MOU does continue to 2015. The technical meetings that we're having is really still looking at our existing

MOU and the appendixes to it and how we modify our current operation to better acquire the data that we're trying to get. The biannual technical meeting is just to also set up an MOU where we're required to meet twice a year to discuss that.

COUNCILOR DOMINGUEZ: But we're not going to wait until 2015 to amend it, right?

CHAIR CALVERT: Hopefully not.

MR. JONES: Mr. Chair, Councilor Dominguez, I think as soon as we can get a resolution and be able to bring that back we would move forward.

COUNCILOR DOMINGUEZ: So the intention is to amend it as soon as everyone feels comfortable with the agreement.

MR. JONES: Mr. Chair, Councilor Dominguez, that's correct.

COUNCILOR DOMINGUEZ: Comfortable to present the agreement, maybe not with the terms of the agreement. Okay.

CHAIR CALVERT: Let me just ask on that point, is that your understanding?

MR. MOUSSEAU: It would certainly be our intent to get this in place well in front of the existing one today.

COUNCILOR DOMINGUEZ: I had one other question but I can't find it here. That's it for now.

CHAIR CALVERT: Okay. Anybody else? So, the only question I have at this point, and it has to do with amendments to the MOU and the extension request. What are you looking at in terms of, if anything, an extension to the existing MOU? What is LANL's thinking on this at the present, if you would?

MR. MOUSSEAU: Cheryl.

CHERYL RODRIGUEZ: Hi, I'm Cheryl Rodriguez with the Department of Energy Environmental Projects Office. And regarding the extension to the MOU, Pete actually went back to headquarters last week, was it? And he said it was the most expensive breakfast he's had because they closed down headquarters. So his intent was to go over the request, the resolution back then and he didn't. So hopefully, like we said in here, within the next couple months – hopefully it won't even be that long before he can broach it with headquarters, and I know the formal letter was going to be sent for the resolution. I'm not sure if we've gotten it, but either way I think Pete already sent the resolution back to headquarters.

So as far as a timeframe for that, I think as soon as Pete gets the go ahead to begin working on an extension or discussions of such then we would start that. But the amendments to the MOU, it was established that we have a technical appendix and twice a year we get together and we go over the technical aspects of what we do under there. So this biannual meeting is that.

CHAIR CALVERT: Okay. I just wanted to – I guess make a request. In our previous meeting I think I stated that I would like to see that extension be at least five years because that was the length of the original MOU and we're basically starting over as we've had the new site. However, I did say at least five. So if it's at all possible I would prefer something like ten and I'll tell you why. One, we didn't foresee this circumstance. I know this was more of a jurisdictional thing than anything. But with climate change and more – what should I say? dramatic weather phenomena to come, probably, we can build this and think that this is going to be good and the right thing but

I'd certainly like to hedge and give ourselves, both of us more time to make sure that this will be a robust facility and will be a lasting one. And so I would again encourage as I said a minimum of five but hopefully something more like ten so if we get into another situation like this we don't have to stop in the middle to renegotiate again and all that. And like I said, with climate change I'm sure we're going to have more dramatic weather phenomena and so we're going to need to be able to see that this is a sustainable facility into the future.

MR. MOUSSEAU: So, Councilor Calvert, we will take that back and at our next briefing we'll go over kind of exactly where we are on that extension and how long we're looking at and things like that and we will absolutely carry this message of at least five years and preferably long that that back.

CHAIR CALVERT: Okay. And was there something – you said you needed some documentation you needed from the staff?

MS. RODRIGUEZ: Oh, I think it was just a formal transmittal of the resolution.

CHAIR CALVERT: Okay, Shannon, have we done that? Do they have a copy of the resolution that we passed?

MR. JONES: Mr. Chair, they do have a copy of the resolution and the letter that she spoke of, we are executing as we speak.

CHAIR CALVERT: Okay. All right. Thank you. Thank you very much. Appreciate it.

10. Update on recently filed WildEarth Guardians Notice of Intent to Sue regarding the Rio Grande Silvery Minnow

MR. JONES: Mr. Chair, members of the Board, while we have been monitoring these issues, I have asked Kyle Harwood to come and provide the latest update to the Board.

KYLE HARWOOD: Good evening, Mr. Chair and Board members. There is late breaking news on this topic. *[Exhibits 3 and 4]*

CHAIR CALVERT: So that means paper. You're going to walk us through it, right?

MR. HARWOOD: So at the time we prepared the packet, as the packet describes, we wanted to just bring an informational update on the matter we are monitoring. It is a matter of some significance and appears to be getting more significant as the weeks go by. As you I think know and we reported about last year, the environmental group WildEarth Guardians filed a notice of intent to sue over essentially failures to follow the Endangered Species Act. They never pulled the trigger, so to speak, on that threatened lawsuit last year, however, this year –

CHAIR CALVERT: Has it expired then?

MR. HARWOOD: Well, the way the citizen supervision is set up they must provide this notice of intent to sue to provide the 60-day sort of breathing, cooling off and negotiation period, and then they may file their lawsuit after that 60-day period has run. They never did last year.

CHAIR CALVERT: Is there a deadline by which they must file the lawsuit?

MR. HARWOOD: No. They don't ever have to file their lawsuit. It's not that they then have to file it.

CHAIR CALVERT: Well, I know, but I mean is there a period by which is they're going to they have to?

MR. HARWOOD: I think people defending against a suit like this, if it did drag on for months or longer would start to argue that the issue is stale, but that becomes a matter of argument at that point.

CHAIR CALVERT: Okay.

MR. HARWOOD: So as the memo in your packet describes, they first filed a notice of intent to sue the Army Corps of Engineers withdrew from the consultation process around the minnow last fall, and I can give a little more background if you'd like on that. Then just after the new year, I think it was the 9th of – I'm sorry. That was on the 9th and then a couple days later they filed one against Colorado for Colorado's activities that adversely affect the minnow, and that's a whole new front in the silvery minnow, Rio Grande management dispute, because Colorado, of course is taking the position that their water use is governed by the Rio Grande Compact and that protects them from this sort of thing. This holding Colorado accountable for their changes to the flow in the critical reach of the minnow has been something that a lot of folks have talked about. We haven't actually seen an environmental group present the attack, so to speak, in this way in New Mexico before. So those are the two notices of intent to sue that you see in your packet.

And then the two that I've handed out today are both filed two days ago on February 4th. One is naming the US Fish and Wildlife Service for their failures to follow their own rules, in a nutshell, and also one filed against the US Bureau of Reclamation. And the one against the US Bureau of Reclamation is particularly important because in the first round of minnow fights, which are now 12 years ago the attack on the Bureau of Reclamation also picked up the San Juan/Chama contracts, because the Bureau of Reclamation administers those.

We've had – things have changed in the intervening 12 years, including the collaborative program and their efforts to come up with system-wide solutions for the silvery minnow but as is evidenced by the current interagency fighting that is going on, particularly between the Bureau of Reclamation and the Corps, who are the two main agencies involved with the collaborative program, the picture does not look good. There's one thing, just adding to what you might ask Rick about in his drought and monsoon memo, there's an interesting graph on page 5 of the Fish and Wildlife Service notice of intent to sue and you can see here part of the reason why WildEarth Guardians is so concerned for the future of the minnow. The purple line is the 2014 snowpack. It picks of the January and February – you can see we started out at the beginning of this year kind of middle of the way between last year's horrible situation and our sort of normally dismal situation. We started off in the middle between those and we have just gone straight down with the February 1 forecast to as bad as we were last year at this time.

And the angle of that line is not very encouraging. Now we have had a storm since the February 1 forecast. So these letters have a lot of factual information in them and they have a lot of citations to regulations and to federal environmental laws. I think I'll stop here for now with just letting you know, informing you these are obviously starting to define the boundaries of what is looking like it's going to shape up to be a very

important year for the Rio Grande. And one other fact I'll just remind us all of in case I failed to mention it earlier, the 2003 biological opinion expired last year and the agency has attempted to extend it by what's called re-initiation, and we're in a little bit of a gray zone right now with continuing coverage, and that is for the river activities, management activities generally. The Buckman Direct Diversion project has its own biological opinion, as does the Albuquerque diversion, standalone biological opinions, which we're obviously very protective of, and how these attacks, frankly, on all of these agencies, what this ultimately means for our projects and environmental permits we don't know yet, is the short answer.

So I'll stop there unless there's other questions or you have any direction for staff.

CHAIR CALVERT: Were there any questions?

COUNCILOR DOMINGUEZ: Could you send me a copy?

MR. HARWOOD: I'd be happy to send these to you. Yes, sir. I'll send it to –

CHAIR CALVERT: Yes, just send it to all of us, including Commissioner Chavez.

MR. HARWOOD: Yes, sir.

CHAIR CALVERT: Also, dare I characterize this as somewhat the legal shotgun approach? Naming as many people as possible, hoping that at least one of them will –

MR. HARWOOD: Yes. If we really want to use that analogy I would say this is pulling the shotgun out of the scabbard. It is not firing it yet.

CHAIR CALVERT: Not yet, no, but –

MR. HARWOOD: We could continue that analogy. But yes.

CHAIR CALVERT: Okay. Do you see any one of these as more – like the one with the Bureau of Reclamation, do you see that as potentially more serious for us than, say, some of the others? Or is there any way to know at this point?

MR. HARWOOD: I think the one against Colorado is the most creative one and it will be very interesting to see how a judge reconciles that claim. There's been a lot of talk, as I said about holding our neighbor to the north partially accountable for the influence they have on flows in New Mexico. I think probably the biggest concern is in the Fish and Wildlife NOI where they start to mention related non-federal parties, and that could mean anything from the Interstate Stream Commission, the Middle Rio Grande Conservancy District, Albuquerque Bernalillo County Water Utility Authority and other entities. We have kept a middle profile. Rick and I have gone to different meetings and listened and participated but we haven't had the same profile, as say the Albuquerque Bernalillo County Water Utility Authority or the Middle Rio Grande Conservancy District, so we don't know how this is going to unfold.

CHAIR CALVERT: Are you saying you don't know – would it bring in those others, would it bring in this project as well?

MR. HARWOOD: There are scenarios where environmental permits could be a topic of conversation and I think if we want to go into more detail I know it's always – I guess my recommendation is to go into more detail, I guess I'd recommend an executive session, although I'm not entirely clear, without talking to Nancy about whether we clearly have the grounds to do an executive session but I think that when we start talking in more detail about our exposure we should probably consider that.

CHAIR CALVERT: Okay. Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, thank you. And thank you, Kyle, for that. So right now, we're an observer, not a party?

MR. HARWOOD: We are not – we have not been named by any of these and in the collaborative program we are an observer, not a party.

COMMISSIONER STEFANICS: Thank you.

CHAIR CALVERT: So at this time we will take all this information under advisement and we'll see if we need to schedule such an executive session in the future.

MR. HARWOOD: Okay. Thank you.

11. Presentation of New Mexico Water and Wastewater Association Max N. Summerlot Award and Good Housekeeping Awards

MR. JONES: Mr. Chair, members of the Board, I'm actually pleased tonight to introduce one of our charge operators, Erick LaMonda. Erick is not only one of our charge operators but he's also – was one of the original members of our start-up team. So he's been with us from the beginning and Erick recently represented the BDD Board in Las Cruces where the New Mexico Water/Wastewater Association presented these awards, and so I will now turn that over to Erick LaMonda.

ERICK LAMONDA (Charge Operator): Mr. Chair, members of the Board, good afternoon. I would like to take a moment to thank you the Board for allowing me to speak on behalf of my colleagues. I recently had the opportunity to accept two awards that show the true fluidity of the well-oiled machine that BDD has become. The first award is the Good Housekeeping Award. The Good Housekeeping Award, this award defines true discipline and structure, followed by the Max Summerlot Award.

The Max Summerlot Award solidifies our position as a powerful, unified entity. The hard work and heartfelt dedication of the employees shows daily. As a result we received these accolades. I believe this solidifies the reason BDD employees are held to a higher standard. I feel this is only the horizon of many opportunities for both the facility and individual employees to be recognized. You the Board, in addition to our upper management's support and continued leadership is reflected in these awards. Because of your support and leadership we could not be more honored than to receive the highest, most prestigious award, the Max Summerlot Award.

This award alternates between water and wastewater each year. It is given to the system that demonstrates excellence in operations, maintenance, management, safety and professionalism of the system. We have defined these attributes and feel honored to aim for these awards and many more available in the future. Once again, I would like to thank you for your time and I will stand for any questions.

CHAIR CALVERT: I'd like to thank you for all of your hand work, for making this presentation both at the award ceremony and here, and hopefully, you'll take that back to all of your associates and fellow employees that we appreciate your hard work and dedication and we too look forward to more of these in the future. And maybe you could just bring those up and we can pass them down. Anybody else? Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I would like to thank all the staff, but we also have some staff and assistants from the past that were very

instrumental in getting us to this point and I think that everyone needs to be recognized for leading up to our accomplishments. And thank you very much.

MR. LAMONDA: Thank you.

CHAIR CALVERT: Yes.

MEMBER BOKUM: I finally want to add my heartfelt congratulations. It's really wonderful to have been a part of this Board and have it start from scratch and have it run so beautifully and it wouldn't do that without the staff. So thank you so much.

MR. LAMONDA: Thank you.

COUNCILOR DOMINGUEZ: Just very quickly, I think it's all been said. Thank you very much for all your hard work. I didn't even know that these awards exist, so there we go. Thank you.

CHAIR CALVERT: Shannon, anything you want to add?

MR. JONES: Mr. Chair, members of the Board, no, I think that's good. And thank you, Erick.

CHAIR CALVERT: Yes, I concur with Commissioner Stefanics. There's been a lot of staff that was involved up to this point and also various other Commissioners and Councilors that served on this Board and we thank all of them for their hard work and appreciate all their efforts, even if they're not as actively involved as they once were. Thanks.

14. Drought, Monsoon and Water Resource Management Update.

RICK CARPENTER (Project Manager): Thank you, Mr. Chair and members of the Board and thank you for the kind words. Board Member Bokum, do you have any specific questions or need for clarification or some additional information that you'd like?

MEMBER BOKUM: Yes, I just had one question. At the very last part of the report you talk about a January 15th meeting, and I wonder what happened at that meeting.

MR. CARPENTER: I'm sorry. I did not hear your question.

MEMBER BOKUM: On the third page, under San Juan Basin, you talk about the Bureau of Reclamation calling a meeting of the San Juan contractors for January 15th, and I was wondering what happened at that meeting.

MR. CARPENTER: Yes, I was there. Kyle Harwood was there. It was kind of an interesting meeting. They do this about this time every year and then they follow up as they have a little more certainty in their projects and the data's coming in. I thought at the meeting that the Bureau of Reclamation was being pretty optimistic; the numbers that they were putting forth were looking a little better than I thought that they would put forth. Since then we have a lot change and a lot of data has come in since then. I think if they were going to revise those numbers today they would revise them downward and that's what I would expect at the next meeting.

Also, at that time, you'll see in that last paragraph, they are saying that Heron Reservoir is at 35 percent capacity. It's now at about 28 or 29 percent. And it's not empty but it's pretty close and unless we get some very significant snowfall over the next few weeks it's just not going to come up a whole lot. The good news on that that's different from last year is that the soil moisture is much higher than last year, so if we do have

even moderate runoff it should reach it into the reservoirs. So we'll be happy to report back to the Board when BOR schedules a follow-up meeting.

CHAIR CALVERT: Any questions? It's Consent Agenda so we do need action to accept the report.

MEMBER BOKUM: Move to accept the report.

COMMISSIONER STEFANICS: Second.

CHAIR CALVERT: Any further discussion?

The motion passed by unanimous [4-0] voice vote.

DISCUSSION AND ACTION ITEMS

20. Election of Chair and Vice-Chair of the Buckman Direct Diversion Board

CHAIR CALVERT: I don't know if we really want to do this at this point, election of chair and vice chair. What are the feelings of the Board on this matter?

NANCY LONG: Mr. Chair, it is – our rules call for the election of the chair and vice chair the first meeting of the year or sooner, as it says. I think in past years we have delayed this, a couple of times that I remember, depending on appointments to the Board, and as you pointed out, with the City March elections, we won't know who the City Councilors appointed to this Board will be until the organizational meeting of the Council, which is anticipated to be March 12th, as I understand it. Now, the election is March 4th. Our scheduled meeting is March 6th, two days later, but the new Councilors would not take office until the 10th. So if we did have a meeting in March, Councilor Calvert could continue to chair that as the vice chair. And the next year is a rotation so that the chair will be from the City, vice chair from the County, since Commissioner Holian chaired last year. So you may want to delay this really until April.

COMMISSIONER STEFANICS: Mr. Chair, I would be fine doing it either way. If we went and moved ahead tonight to elect you as our chair we just would know that there would be change come April.

MS. LONG: Another election.

COMMISSIONER STEFANICS: Right. But I'll go either way.

COUNCILOR DOMINGUEZ: I think it would be beneficial if – I think we should just wait. As long as the current – as long as you want to continue to be the vice chair for the next couple meetings.

CHAIR CALVERT: Well, one more meeting. That's fine. I don't have any stake one way or the other, obviously, but I'll be glad to continue to run the meetings if we'll defer titles until April, if that's okay. I think I'm the acting vice chair right now.

MEMBER BOKUM: So I'll move that you continue to be the acting vice chair or the acting chair since we don't have a chair, through the March meeting and that we'll make a decision in April when we know who the full Board will be. Also, I would like to move that we change the rules so that we don't have to do this every time, and I suppose that would be a future item.

CHAIR CALVERT: Why don't we separate those two?

MEMBER BOKUM: Yes. Shall I start with the first? I'll make a motion – what I just said. That Chris will continue to chair the meetings through March and that we'll elect new officers in April.

CHAIR CALVERT: Okay. That's the motion?

MEMBER BOKUM: That's the motion.

COUNCILOR DOMINGUEZ: I'll second for discussion I guess, just in terms of procedure. Is that okay with you, Nancy?

MS. LONG: Yes. I think that gets us to the same place. I don't think you have to have a motion. I think the officers continue in their office until the next election.

CHAIR CALVERT: Until the don't.

MS. LONG: Until they don't. Our rules don't specifically say that. We may want to. But I think this clarifies it for the Board and it's certainly appropriate for this item as noticed on the agenda so you could do it.

CHAIR CALVERT: So with that motion, is there any further discussion?

The motion passed by unanimous [4-0] voice vote.

MEMBER BOKUM: So then I would like to propose that –

CHAIR CALVERT: On a future agenda?

MEMBER BOKUM: One a future agenda, probably April or May, that we considering changing the rules so that we don't have this problem.

CHAIR CALVERT: So that's just direction to staff to perhaps bring that forward.

MS. LONG: Yes. We haven't looked at our rules in several years, so it would be a good time to look at all of our governing rules. And maybe we could just bring back some proposals. So having a different time period, maybe for election, you're thinking?

CHAIR CALVERT: Well, I think we've always had this a little bit because the County does theirs at the beginning of the year and the City, if there's changes, they occur in March. So April will be – we'll make sure that we would have all of that taken care of until –

MS. LONG: That makes sense to me because I think a couple of times I know we've had to have several elections and not just because people have resigned or we had election issues. So I think that's a good idea to address that timing issue in the rules.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR CALVERT: Yes.

COMMISSIONER STEFANICS: Nancy, the other way too might be to handle it as – with language “by April” of each year, so that there is – if there is a continuation by everybody then it might not be a big issue but if there's going to be change then you could put in “by”.

COUNCILOR DOMINGUEZ: So, Mr. Chair, just to chime in a little bit, I think it would be beneficial to actually review those rules after the new group comes in, because I know that – I'm not sure how much they've changed over the existence of this Board but it seems as though we're not in the midst of negotiations between the two governing bodies and some of the other things that maybe have called for meetings to happen more often. But just generally speaking, it might be a good thing to look at all those rules. We've changed the time of our meetings that start, so I think it should be official.

MS. LONG: It's a good idea. And I have a couple of notes from past meetings on recommendations I would have for changing the rules.

CHAIR CALVERT: Okay. Thank you.

21. Request for consideration and possible action of Resolution No. 2014-1, determining reasonable notice for Public Meetings of the Buckman Direct Diversion Board

MS. LONG: Mr. Chair and members of the Board, as you all know we're required by state law to annually pass what is known as an Open Meetings Act Resolution. Typically you do that the first meeting of the year. We didn't meet in January so it's appropriate to consider that Open Meetings Act Resolution at this meeting. Last year, as my memo points out, we actually passed two resolutions. Nothing prevents you from passing more than one. That was because of the legislative changes that went into effect after the 2013 legislative session addressing time for agendas to be made available, 72 hours instead of 24, and posting action and notifying the Attorney General's Office of any emergency meetings and action taken at emergency meetings.

So we made those adjustments. We had two resolutions last year. So the resolution presented to you has been reviewed by staff for notice requirements and is acceptable and outlines the process that we use for notifying of our meetings, and also contains the changes that we made last year. Now, I wanted to point out that I think it was at the second – consideration of the second resolution that we passed, there was discussion about participation of members by telephone. The law allows that so long as you have enabling legislation, so long as your resolution says members can participate by telephone, they can when it is difficult or impossible for them to attend the meeting.

This Board decided they wanted to further restrict that and allow telephone participation only – well, you would have to comply with the law when that member cannot attend the meeting, where it would be difficult or impossible, and also, only if needed for a quorum. Otherwise, participation was decided to be not allowed by the Board. So that's the way I presented this resolution. But I did want to point out that deviation from what is allowed by state law and remind you of that discussion we had last year.

CHAIR CALVERT: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, thank you. Nancy, is there any – I've been scanning this so I'm not finding it. Is there anything that says that members of both bodies and the public must be present to establish a quorum? Could it be all City and the member of the public without a County member or vice versa?

MS. LONG: That requirement is in our rules, not in the Open Meetings Act resolution.

MEMBER BOKUM: Mr. Chair, just to clarify, it's only that we have to have at least one City Councilor and one County Commissioner. It doesn't affect the public member's participation.

MS. LONG: That is correct. That's absolutely correct.

CHAIR CALVERT: But we do have to have three.

MEMBER BOKUM: You have to have three and at least one –

CHAIR CALVERT: One from the County and one from the City.

MS. LONG: A third could be the non-citizen member, County Commissioner, City Councilor.

COMMISSIONER STEFANICS: So, Mr. Chair, when you go back to looking at the rules, two years ago when I was on this body, or a year ago-plus, I had requested that we look at an alternate to the public member and I still would like to recommend that if we're going to be looking at rule changes.

MS. LONG: I believe, Commissioner Stefanics, we did look at that and decided it would require an amendment to the joint powers agreement, so it would very difficult to do, but I will certainly look at that again in conjunction with the rule review and give you our conclusions.

COMMISSIONER STEFANICS: Thank you.

CHAIR CALVERT: So, on the matter before us, this resolution. What's the pleasure of the committee?

COMMISSIONER STEFANICS: I would move for approval.

COUNCILOR DOMINGUEZ: Second.

CHAIR CALVERT: Is there any further discussion?

The motion passed by unanimous [4-0] voice vote.

22. Request for approval of process for selecting Buckman Direct Diversion Project Manager

ADAM LEIGLAND (County Public Works Director): Good afternoon, Mr. Chair, members of the Board. The JPA creates the office of the project manager, and the project manager is an entity that manages essentially the day-to-day operations, the back office if you will, the day-to-day operations of the BDD. That's spelled out in the JPA and there was the creation of a second agreement called the Project Management Fiscal Services Agreement. Paragraph 13 of the JPA specifies that in December of 2015, the Project Management Fiscal Services Agreement expires and the BDD Board will have the opportunity to turn to a new contract or a new agreement with another entity, and the JPA says that the choice of agencies are the City Water Utility, the County Water Utility, or a regional entity.

So to prepare for this selection, in July of last year this Board asked the BDD staff to convene a committee to create an evaluation process. In August, Shannon came to you with the composition of that committee, which was approved by the Board. And then since then, since August we've been meeting every month to come up with a selection process. And I just want to stress that it was just to create the process and what we're looking for tonight is approval of that process and maybe some direction on how that process is implemented.

So the memo in front of you describes that process and I'll just reiterate it a little bit. The first step is just first of all establish what the project manager does. So we've called out and parsed out all the existing documents and came up with a list of 51 individual acts that would then be subsequently grouped for ease into six larger categories, and those categories are described in the memo and also in the large process description.

The second step in this process is to rank the ability of each of the possible successor agencies to do that. So for instance, one of the categories is financial support. The City and the County and whatever the regional entity is, they would have differing abilities to provide that financial support. So we need to evaluate each of their abilities to meet these tasks. And then once you prioritize the tasks and evaluate the abilities to do it you can combine those into an objectively ranked ranking of those possible successor agencies.

One of the weaknesses we've found in the JPA language is this concept of a regional entity. We said that's too vague. How can we evaluate that as an agency? So we came up with this idea of creating what we call notional agencies or straw men. So you create a notional entity and then you just evaluate it, knowing that that might not be what the regional entity ultimately looks like if that's what's selected but just as a tool for evaluating. In order to come up with these notional entities we looked around at the region and compared them to existing regional entities. So if we look you look on the memo you'll see that we called one the modified status quo, and that's essentially the BDD Board as it is now with a little bit of tweaking, and then one, a second notional entity, I think it's closer to the Solid Waste Management Authority.

And so we would propose we would evaluate those as what the JPA calls a regional entity. And both those entities are described in more detail in the process. And so we're looking for – if there are any questions about this process I can answer them.

Also then, in the course of coming up with this process the committee identified some changes that we think should be down regardless of whatever else happens, and if you look at the very last page of the packet material in Attachment E you'll see four recommendations that we think should happen, and one of them may seem kind of trivial, but we believe that the current project manager should be changed because it causes a great deal of confusion. People confuse the project manager, which is an agency, with the BDD facility manager who is a person. So we wanted to somehow clear that up. We've talked about internally some possible names but whatever happens we believe that the next entity should be called something different.

The Project Management and Fiscal Services Agreement expires in December but we think that if a transition has to occur it should occur on a fiscal year, either July of 2015 or July of 2016, just to ease that transition process. We think that whatever else happens the BDD Board should come up with some personnel policies. And then finally, just now that the JPA and the other agreements are aging, just as this Board mentioned about some of the rules, we think we should evaluate the Project Management and Fiscal Services Agreement, and maybe the FOPA and some other things and evaluate some structurals and kind of learn from our experience and maybe bring back some changes to that.

So in addition to approving the selection process we've presented to you we'd also like you to approve these four recommendations to be implemented in this transition process. With that, Mr. Chair, I'll stand for any questions.

CHAIR CALVERT: Okay. I guess I'll start off, Adam. What I would say is I've got some questions but since I just got this document on Monday because that's when I got back from vacation, I haven't had a chance to look at it in the depth that I would like to, so I would – I appreciate all the work you guys have done and it's probably fine the way it is but personally, I would like to have a little more time with this. I did

look at the timeline. I don't think, say, actually voting on this at the next meeting would affect the timeline any. So I'm just saying for me, my personal preference would be to have more time with this. Quite honestly, some of these original agreements are not as clear in my recollection as they should be but I was hot and heavy on them in 2006 when I first came on the Board but now some of them, my memory on details is not clear. And so I would also like an opportunity to be able to go back through those as well.

So I'm just stating that. If everybody, if the other people want to move ahead tonight, that's fine. I'm just stating where I stand personally, then I'll open it up to the rest. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. First of all, Adam, is this time-sensitive?

MR. LEIGLAND: Mr. Chair, Commissioner Stefanics, we outlined a schedule in here – I think we're okay. We could probably – we tried to build in a very good schedule and we have plenty of time – well, we have some time before December 2015, but I don't think it's time-sensitive.

COMMISSIONER STEFANICS: Well, the reason I ask is I already know I will be in Washington, DC at the next meeting, so I won't be present, and I wanted to weigh in. I appreciate and would support Attachment E, the recommendations that are there. So if the chair has some concerns about some of the old documents needing changes it looks like some of those would still have to go to both governing bodies if we changed them. Is that correct, Nancy?

MS. LONG: Yes, Commissioner, it is correct. You would have to go through that process.

COMMISSIONER STEFANICS: Well, Mr. Chair, I'll wait to hear what my other colleagues have to say. Thanks.

CHAIR CALVERT: Yes, Member Bokum.

MEMBER BOKUM: I guess my first question is a timing question. The agreement says that the timeframe to consider making the change is by the – it would be sort of aimed at the end of next year but is that mandatory? Do we have to make the decision by December 2015 or is that just sort of a goal? How mandatory is the language I guess is –

MR. LEIGLAND: Mr. Chair, Member Bokum, the JPA says on December 1, 2015, the BDD Board will choose this, so I would – I guess I'll defer to counsel but I would interpret that as –

MEMBER BOKUM: Pretty solid.

MR. LEIGLAND: Yes.

CHAIR CALVERT: Yes, I will just point out, in terms of the timeline, which is on page 16, it lists like – it has a milestone at 4/14, finalize selection process and identify PM evaluation team. So I'm guessing that that allows for more consideration of this evaluation process. Do you have any –

MEMBER BOKUM: I'm finding this hard. There's the actual content and then, for instance, I have a concern because the County has convened a Water Advisory Board and they're supposed to look at the regionalization and not just – in a much broader way than is reflected in the Level 1 regionalization and the Level 2. They're talking about a real regional entity that deals with water and wastewater. I don't know how smart it is to, on the one hand, be considering making a major change like this and

then sort of doing a change pursuant to this, if we're just going to turn around and do something else. So that concerns me some. It seems like maybe if we're really considering something major, just maintain the status quo might be advisable. So instead of having to deal with all the changes that might be disruptive and the consequences of those, maybe it's just better to maintain the status quo so if we're really considering something major we can focus on that. So that's just one concern, since the County started that conversation.

And then when I went through I had a fair number of questions. And then I think it is totally appropriate for us to go back and look at the JPA and the FOPA and the other agreements. I think we've probably learned a whole lot in the last however many years it's been, and we very well may want to change those. So if that's true, I'm not sure how far down we should go in this process. If we are going to start looking at them and if we do think there are some changes then we could change. We could put off this decision for a year or two. So I guess I'm feeling some discomfort with adopting it tonight and I really appreciate when you came to us and said if we're going to do something by the end of 2015 we better get started on it and you were right. Only I think the work that you did only shows actually it's a bigger deal and it raises more issues than we maybe anticipated.

So I'm feeling a little uncomfortable at this point. Because I think I would like to go through a more reasoned process where first we look at the JPA and the FOPA see what all that raises, then be able to come back to this and then if we are going to be considering a regional authority, either one, two, or what I think as a third possibility, that could affect what we decide. So, I'm sorry but – because you've put a lot of work into it and it's clearly very thoughtful but it just sort of raised a lot of flags for me.

MR. LEIGLAND: Mr. Chair, I'll just point out that Paragraph 13 of the JPA which is what says the PMFS will expire, it also says that the new PMFS contract can essentially have any term that is chosen. So it could be a possibility, if you want to maintain the status quo for some period of time you could just negotiate or enter into a new PMFS but make it last only a year or two and then get it to December 2016 or something like that.

CHAIR CALVERT: I'm sorry. Were you done?

MEMBER BOKUM: I'll pass for a while. I may pass permanently.

COUNCILOR DOMINGUEZ: I guess, Mr. Chair, I'm just wondering how comfortable you are with Attachment E and the process itself.

CHAIR CALVERT: Well, I don't necessarily have a problem with Attachment E, although #2 concerns me in that on page 16 you show a timeline and on 4/15 a milestone that says execute agreements and implement transition plan. What I don't see is the final date. So I don't know if you're shooting for 6/15 or 12/15 or what date with that transition plan are you shooting for. Because your second recommendation – if we're shooting for 12/15 but your Attachment E, second recommendation is transition on a fiscal year period, 12/15 doesn't work. So I'm a little – how you reconcile that. I know you mention two possibilities to do that but I'm trying to also reconcile that with the timeline and what that's trying to tell me.

MR. JONES: Mr. Chair, members of the Board, we didn't want to make the assumption that though we were making a recommendation on the fiscal year that that would go either way. So while this is a draft transition plan as you can see – and also the

timeline talks about the development of the transition plan. So if those times were to change that's when that should occur. So as we did the draft we didn't want to make assumptions that our recommendations would be heard. So I think just to add, Attachment E, while a series of recommendations necessarily for the Board, but these would be recommendations for the actual selection committee who's doing the work and developing it, that these would be recommendations that they would consider and present – recommendations back to the Board for final approval.

CHAIR CALVERT: Well, I think – go ahead.

COUNCILOR DOMINGUEZ: Mr. Chair, so what I'm hearing staff say is that, well certainly I think that it's important for us to get the ball rolling, if you will, but it doesn't sound like staff is too concerned about – it doesn't sound like they're thinking that we're going to get too far ahead of the process before we can kind of open up all the other stuff. So I'm kind of inclined to go with what Commissioner Stefanics I think was almost recommending was that we kind of go that direction and looking at Attachment E and allowing that process to start. Did I hear that correctly, Commissioner?

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR CALVERT: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: Yes, that is what I was suggesting. I also would like to comment that the water task force at the County has a time limit. It's not a forever and it's not going to drag on because we don't let things drag on without getting upset. So we in fact had a conversation with Adam and others a month or so ago saying we'd like to see a report sooner rather than later. I don't believe continuing a status quo is something that allows change to occur within our organization and this same conversation started while I was still on the BDD. So it's been over a year since it was brought up. It could have been two years for all I know. So this is not a new concept and the staff, all of the staff, have put some time and work into this. I don't think we have to approve everything tonight but I do think we should take seriously moving step by step. And if we want to break it down into little pieces I think that's fine. But to say, oh, we're just going to wait another year or two I don't think is acceptable.

CHAIR CALVERT: Member Bokum.

MEMBER BOKUM: First of all, just for a point of information, the task force is only meeting quarterly, and I don't see the task force having developed any cohesion yet, although they are aware that there's a time limit. I think there's a very clear intent to try and do something sooner. My use of the word status quo was maybe not quite reflective of what I meant. I think if we need it we should take a couple of extra months to make this decision. It sounds like there's sufficient language that we could work our way around the December 2015 deadline by coming to an agreement that the "status quo" would last three, five, six months while we continue the process. I really like Liz' idea of trying to figure out, at least work through approving steps at some point and maybe we could do that at the next meeting. I won't be here in March either, so for what it's worth.

CHAIR CALVERT: Okay. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. And I guess I'd like to ask Shannon and Adam and whoever else has been involved in trying to screen applicants for the position of the operations manager, how much – let me rephrase it.

CHAIR CALVERT: Are you talking about the facility manager?

COMMISSIONER STEFANICS: The facility manager. How important this will be to a person before they are selected. If an applicant comes along are they going to want to see what they're going to be operating under?

MR. LEIGLAND: Mr. Chair, Commissioner Stefanics, actually, I think that's a great point because it could potentially change quite a bit. For instance, one of the – in the notional regional entities that we created we posited a structure closer to the Solid Waste Management Authority where the facility manager reports directly to the Board. I think that would definitely change the character of that position, so I maybe have to look at the acting manager to see what his opinions are but I think that's a great point.

COMMISSIONER STEFANICS: Well, Mr. Chair, the reason I bring that up is we have gone through different operations managers and facility managers, and I'd like to get this secured but I'd like to make sure that what we have in place is something that whoever is offered the position is going to know what their future is going to hold, and not have another turnover in another six months or a year. That's all I'm saying. And I think our staff are doing a great job right now, and thank you, Shannon for spending time with me and getting me up to speed, but I think it's only fair for whoever is applying to know what they're going to be dealing with. Thank you.

CHAIR CALVERT: Okay. So we've got a time deadline here because the Planning Commission meets at 6:00 in this room, so what's the pleasure?

MEMBER BOKUM: Mr. Chair, I just want to point out another complicating factor which is I think it's hard for this group to make a decision when we're going to have two new members in April that won't have – that probably should be part of this decision making process, because they're the ones that are going to be here to follow through.

COMMISSIONER STEFANICS: So Mr. Chair, we could actually start tearing it apart, piece by piece, and bringing forward portions of this that we want to review and actually make recommendations for changes to so that the working group can go back and say, okay, this is an easy thing to change or this is massive, so that we can at least get going. Three out of the five of us will be remaining.

CHAIR CALVERT: We don't know that.

COMMISSIONER STEFANICS: No, I'm talking about Commissioner Chavez, myself and Board Member Bokum.

CHAIR CALVERT: Right. You're right.

COMMISSIONER STEFANICS: And I'm going to assume positive things here, but I am saying there are three of us that are constant, so we could have a great conversation. You all have the background and you've been here many, many years. You've been here a long time and we could continue to have a productive conversation about this.

CHAIR CALVERT: Well, I guess here would be my recommendation, and everybody can weigh in on it. I guess what I would say is I'll be glad to give this a – what? – conceptual approval at this point and then have the formal approval at the April meeting when you have the full Board here. So that way staff can continue working down this path, and even if something changes it probably won't change that much but it will allow them to continue to work. But I think one of the other things that comes up in my mind is identifying these people that are going to be doing this evaluation. Because when you talk about the people ranking these entities' abilities – I'm trying to understand. Yes,

if we have somebody from the City they can speak to that but how is the County going to know – if they're ranking that same entity, how do they know the ability of that body to do it?

So I'm a little unclear exactly how that's going to work. Each will know their own strengths or abilities but they won't necessarily know the others'.

MR. LEIGLAND: Mr. Chair, yes. It will have to come down to really a discussion of the subject matter experts and maybe it will come down to arm-wrestling. Me doing a footrace with Nick or something like that. Because we're looking just for a relative ranking. I think it will just have to be a frank discussion and say, this is how we do it. This is how we do it, sort of thing.

CHAIR CALVERT: All right. So that would be my recommendation at this point and given the time is we conceptually approve this at this point and formally adopt it, I guess if you will at the April meeting when you have the full team that will be moving it forward. Does that sound reasonable?

COUNCILOR DOMINGUEZ: I was going to say, for me it sounds reasonable as long as staff feels that's enough direction to kind of get things –

CHAIR CALVERT: Keep things moving. Because I think one of the things, and if it kept moving, because that 4/14 timeline says part of that is not only adoption of the process but approval of those individuals, right? So I think that's something you're going to have to be working on as well, right?

MR. LEIGLAND: Mr. Chair, I think that one thing that could come out of tonight is just an appointment of the selection committee and I think we're anticipating it would be the same committee that put together the process, so it would be the same individuals.

CHAIR CALVERT: The selection committee that did the –

MR. LEIGLAND: The implementation committee would be the same committed that would process –

CHAIR CALVERT: Are they going to be the evaluators as well?

MR. LEIGLAND: Those would be the ones that would implement any process, so one thing that could come would just be the creation of that committee. And then we could be looking at some of the members. We could just meet to maybe figure out how to answer the question you have about ranking the relative abilities, for instance, and maybe that's just a matter of how we do that.

COUNCILOR DOMINGUEZ: So, Mr. Chair, I guess the question is, is conceptual approval – does that give – does staff feel comfortable that that's enough?

MR. LEIGLAND: Well, conceptual approval, but if there are no changes yet – if you want us to start marching down this – we would – I think the steps that we could undertake that could await other changes would be just as I said, appointment of the committee if you will. I think we're recommending they be the same committee that has gotten us this far. And then maybe coming up with a way to answer the chair's question about the abilities, because that might just have to be a process. We didn't anticipate having that get approved today.

CHAIR CALVERT: That was included in the – I understand there's going to be, what did you call it? The implementation, but it wasn't clear to me that they were going to be the same ones that were going to be doing the evaluation.

MR. LEIGLAND: Well, Mr. Chair, they don't have to be. It could be anybody. It doesn't even have to be – it could be the Board, if they –

CHAIR CALVERT: Well, no, I don't think that's going to work. I mean we will eventually weigh in, right? I think we will be the ultimate arbiter of that but I don't think that probably scheduling-wise it's going to work to accomplish what you want to do. But I do think that – I guess that's one of the questions I had or one of the things I want to reflect on is who should be on this evaluation team, and I've read through this. Maybe it would be the same people that have been on there so far but maybe we need some other skills or something on that. One that comes to mind is like a procurement manager or something like that. When you talk about the process and the waiting and all that, that's something that they know well how to do and I'm not sure I see that necessarily. I'm not saying it's not on the team currently but not specifically. So that's just a for instance.

COMMISSIONER STEFANICS: Mr. Chair, I move that the team, the committee that's been working on this be the initial team to continue its work with room for additional recommendations by this Board.

COUNCILOR DOMINGUEZ: I'll second that because I think staff would appreciate some action from the Board. So I'll second that.

MEMBER BOKUM: I think I'm comfortable with that. I would just like to suggest that we all read this carefully and give you all questions and concerns that we have, so that you can take those into account sooner rather than later. And on Councilor Calvert's question, one thought I had was shouldn't the City Manager and the County Manager be part of this, because they need to take into account how this fits into their whole operation.

CHAIR CALVERT: I'm sure they would love that addition to their schedule.

COMMISSIONER STEFANICS: They may not even be here.

MEMBER BOKUM: Okay, so that presupposes it's a bad idea, which it may be. I don't know. But if I were one of the two managers I'd have concerns about – that's a pretty big change if we're going to change and –

CHAIR CALVERT: Well, I do think it's a good idea, like you said, I would like to have more time with this. I appreciate all the work that's gone in and I will certainly give staff my questions and concerns and I hope the rest of the Board will pass that along to Commissioner Chavez as well. Take some time to look through this. If nothing else it's a good review of all these documents that we're supposed to be abiding by and sometimes, like mine, your memory isn't as good as it once was, so it's good to refresh your memory. And that will be good for the new members as they come on as well, is to get that refresher because to them it will be new.

So we have a motion and a second. Is there any further discussion?

The motion passed by unanimous [4-0] voice vote.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR CALVERT: Yes.

COMMISSIONER STEFANICS: I would propose that we have this discussion again, continue this discussion at least on our April agenda.

CHAIR CALVERT: Right. I will – I appreciate the fact that you won't be here and neither will Member Bokum and we won't decide anything but we might have another iteration of it March, even. So Commissioner Chavez will be here. Whoever else. And so we can continue to refine this as we go and it will probably be a regular item on the agenda henceforth. Is that –

MR. LEIGLAND: Yes. I think we have enough direction.

CHAIR CALVERT: All right. Thank you very much. Sorry you didn't get exactly what you wanted but we're getting there.

MATTERS FROM THE PUBLIC

None were offered.

MATTERS FROM THE BOARD

None were offered.

NEXT MEETING: Thursday, March 6, 2014 @ 4:30 pm, County Chambers

ADJOURNMENT

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

Approved by:

Chris Calvert, Acting Chair

Respectfully submitted:

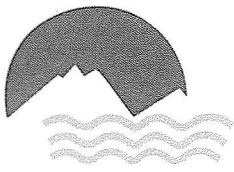

Debbie Doyle, Wordswork

ATTEST BY:

GERALDINE SALAZAR
SANTA FE COUNTY CLERK

ATTEST TO:

YOLANDA VIGIL
SANTA FE CITY CLERK



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.

Memo

Date: March 19, 2014

To: Buckman Direct Diversion Board

From: Shannon Jones, BDD Interim Facility Manager and Maintenance Superintendent

ITEM AND ISSUE:

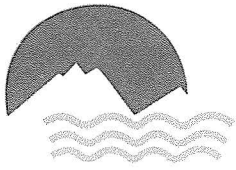
Informational update on the renewal process for the Buckman Direct Diversion's National Pollutant Discharge Elimination System (NPDES) permit.

BACKGROUND AND SUMMARY:

On December 1, 2008, the United States' Environmental Protection Agency (EPA) issued the Buckman Direct Diversion (BDD) a NPDES permit (#NM0030848) authorizing the BDD to discharge water into the Rio Grande. This permit was set to expire on November 30, 2013. Since December 1, 2008, the BDD has successfully operated under the permit and six (6) month prior to the expiration of this permit the BDD submitted an application for renewal. On November 18, 2013 the EPA notified the BDD that the permit was still being written and issued the BDD an "Administrative Continuous". The continuous allowed the BDD to operate under the terms and conditions of the original permit until a new permit is issued.

The BDD has maintained all compliance with the NPDES permit, including executing a contract with SWCA Environmental Consultants in the amount of \$49,621 plus NMGR to continue the Geomorphic and Biological Surveys required under the original permit. For the past four (4) month, staff has worked with both the EPA and New Mexico Environmental Department (NMED) to develop the new permit. BDD staff will continue to meet with both the EPA and the NMED to finalize the new NPDES permit. BDD staff anticipates that a "draft permit" for review and comments will be released in May 2014.





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.

Date: March 24, 2014
To: Buckman Direct Diversion Board
From: Gary C. Durrant, Chief Operator BDD *GD*
Re: Update on BDD Operations for the month of March 2014

1. This memo is intended to update the BDD Board on BDD operations during the month of March. BDD diversions and deliveries have averaged, in Million Gallons Daily (MGD) as follows:
 - a) Raw water diversions: 5.00 MGD Average
 - b) Finished Drinking water deliveries through Booster Station 4A: 3.151 MGD Average
 - c) Finished Drinking water deliveries through Booster Station 5A: 1.403 MGD Average
 - d) Raw water delivery to Las Campanas at BS2A: 6.582 MG Total.
2. The BDD is currently providing approximately 65 percent of the water supply to the City and County for the month.
3. On Peak Pumping: The BDD has been able to reduce this to 0.91 hours this month.
4. Please see the following pages from the Monthly report to the Office of the State Engineer (OSE) for accurate information for the month of February 2014 about and year to date.
5. Please note all prior years are also included for reference.



**Monthly Diversions under SP-2847-E, SP-4842, and SP-2847-N-A
February 2014**

BDD Diversion of San Juan-Chama Water	af	mg
Total SJC water arrived at the BDD diversion site	339.99	110.79
Total SJC diverted at BDD	339.99	110.79
Total SJC available for offsetting depletions under RG-20516.	0	0.00

Total BDD water diverted from all water rights	af	mg
BDD Current Monthly Total	352.93	115.00
<i>SJC Diversion under Permit SP-2847-E</i>	<i>339.99</i>	<i>110.79</i>
<i>City of Santa Fe</i>	<i>339.99</i>	<i>110.79</i>
<i>Santa Fe County</i>	<i>0.00</i>	<i>0.00</i>
<i>SJC Diversion under SP-2847-N-A (CLCI)</i>	<i>0.00</i>	<i>0.00</i>
<i>Rio Grande native water rights (SP-4842;SFCountry)</i>	<i>12.94</i>	<i>4.22</i>

Metered Diversions under Permit SP-2847-E and SP-4842					
Meter Serial Number	OSE Meter Number	Current Month Meter Reading	Previous Month Meter Reading	Diversion by Meter	
				ac-ft	mg
CC004816000-Diversion	14113	1963.761	1921.478	129.76	42.28
CC004916000-Diversion	14114	1990.325	1951.382	119.51	38.94
CC004A16000-Diversion	14115	1973.670	1933.774	122.44	39.90
CC000A16000-Return	14255	198.367	192.248	18.78	6.12
Total Metered Diversions				352.93	115.00

Buckman Direct Diversion Monthly SJC and Native Diversions

February 2014

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	383.34	3.74	390.33	390.33	0.00	12.68	0	403.01	0	0
FEB	347.93	3.26	339.99	339.99	0.00	12.94	0	352.93	0	0
MAR										
APR										
MAY										
JUN										
JUL										
AUG										
SEP										
OCT										
NOV										
DEC										
TOTAL	731.27	7.00	730.32	730.32	0.00	25.62	0.00	755.94	0.00	0.00

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

Month	ABIQUIU			
	Total Release (AF)	City of Santa Fe (AF)	Santa Fe County (AF)	Club at Las Campanas (AF)
JAN	383.34	383.34	0	0
FEB	347.93	347.93	0	0
MAR	0.00	0.00	0	0
APR	0.00	0.00	0	0
MAY	0.00	0.00	0	0
JUN	0.00	0.00	0	0.00
JUL	0.00	0.00	0	0.00
AUG	0.00	0.00	0	0.00
SEP	0.00	0.00	0	0.00
OCT	0.00	0.00	0	0.00
NOV	0.00	0.00	0	0.00
DEC	0.00	0.00	0	0.00
TOTAL	731.27	731.27	0.00	0.00

Buckman Direct Diversion Monthly SJC and Native Diversions

December 2013

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

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

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

Buckman Direct Diversion Monthly SJC and Native Diversions

December 2012

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

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

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

Note: Grey fields indicate revisions to previous monthly report

Buckman Direct Diversion End of Month Report

December 2011

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	247.17	4.94	242.23	221.46	37.55	0.00	259.98	20.77
FEB	320.95	6.42	314.53	269.13	36.61	0.00	305.74	45.86
MAR	352.04	7.04	345.00	335.37	46.09	0.00	381.46	9.62
APR	585.11	11.70	573.40	573.40	56.64	0.00	630.04	0.00
MAY	568.22	11.36	556.86	440.02	49.23	0.00	488.87	116.84
JUN	765.87	15.32	750.55	655.89	80.66	0.00	736.55	94.67
JUL	641.81	12.84	628.97	407.40	49.86	0.00	457.26	221.58
AUG	182.98	2.07	168.97	86.23	0.00	0.00	86.23	82.75
SEP	568.78	6.83	537.05	515.86	0.00	0.00	515.86	21.19
OCT	555.90	4.85	570.81	555.66	0.00	0.00	555.66	15.16
NOV	431.29	3.93	433.26	433.26	14.60	0.00	447.86	0.00
DEC	437.57	3.90	429.46	450.42	0.00	0.00	450.42	-20.96
TOTALS	5657.68	91.21	5551.11	4944.10	371.25	0.00	5315.94	607.47

January 1, 2011: 1050.8 acre-feet of native Rio Grande water rights in SP-4842; not all are available for diversion- some transfers include leaseback provisions.

As of May 30, 2011: 330 ac-ft under SP-4842 A

Correction to Oct Total of SJC Available at BDD. The incorrect value used calculated the SJC released from upstream reservoirs, not that amount that arrived at BDD for diversion.

Source of SJC Releases for BDD diversion in reporting month. Includes conveyance losses.

Month	Total Release (AF)	Conveyance Losses (AF)	HERON		EL VADO		ABIQUIU	
			CITY	COUNTY	CITY	COUNTY	CITY	COUNTY
JAN	247.17	4.94	247.17	0.00	0.00	0.00	0.00	0.00
FEB	320.95	6.42	320.95	0.00	0.00	0.00	0.00	0.00
MAR	352.04	7.04	352.04	0.00	0.00	0.00	0.00	0.00
APR	585.11	11.70	585.11	0.00	0.00	0.00	0.00	0.00
MAY	568.22	11.36	568.22	0.00	0.00	0.00	0.00	0.00
JUN	765.87	15.32	765.87	0.00	0.00	0.00	0.00	0.00
JUL	641.81	12.84	641.81	0.00	0.00	0.00	0.00	0.00
AUG	182.98	2.07	0.00	43.56	0.00	0.00	133.47	5.95
SEP	568.78	6.83	0.00	150.50	0.00	0.00	418.28	0.00
OCT	555.90	4.85	0.00	0.00	0.00	0.00	555.90	0.00
NOV	431.29	3.93	0.00	0.00	0.00	0.00	431.29	0.00
DEC	437.57	3.90	0.00	0.00	0.00	0.00	437.57	0.00
TOTALS	5657.68	91.21	3481.16	194.06	0.00	0.00	1976.51	5.95

MEMORANDUM

TO: City of Santa Fe Public Utilities Committee
City of Santa Fe Water Conservation Committee
Buckman Direct Diversion Board

FROM: Rick Carpenter, Water Resources and Conservation Manager *RC*

VIA: Nick Schiavo, Acting Public Utilities Department and Water Division *NS*
Director

DATE: March 24, 2014

SUBJECT: 31st Monthly Update on Drought and Water Resource Management

CURRENT UPDATE – GENERAL WATER RESOURCE MANGEMENT

As the Committee/Board is aware, our region is still suffering through a severe drought. Our region has gone through three consecutive years of record drought and heat. It is now apparent that we are in a fourth consecutive year of severe drought and abnormal heat which will present significant challenges to all water purveyors, utilities, and irrigators going forward into the rest of this year. Weather prediction models indicate that, at least through the early part of this summer, if not longer, drought conditions in the southwest (especially Arizona and New Mexico) should be neutral to below average precipitation (snow) and above average temperatures, therefore, overall drought conditions will likely still persist at least through July. Fire season is also expected to be very challenging which could have significant water quality implications for the BDD water treatment plant and/or Canyon Road water treatment plant. Runoff into regional river basins and reservoirs is expected to be slightly below normal to significantly below normal. However, some computer models are starting to suggest the possibility that “El Nino” conditions may be setting up in the Pacific Ocean. This could signal the possibility of increased regional precipitation in late summer and heading into Fall/Winter.

This current drought is extreme, but what sets it apart from previous extreme droughts is that, the region will enter into summer without very much carry-over water from the previous year in regional reservoirs – they are at low levels (except for the local McClure reservoir in Santa Fe). For example, Heron reservoir (San Juan-Chama Project water) is currently at about 29% of capacity. However, early runoff forecasts from the San Juan watershed seem to indicate substantial accumulation into Heron from this year’s snow pack.

It is worth noting, however, the City of Santa Fe has invested in a robust and diverse portfolio of four distinct water supply sources that allows for flexibility in meeting demand: Buckman well

field, City well field, Canyon Road Water Treatment Plant on the Upper Santa Fe River, and the Buckman Direct Diversion on the Rio Grande. Supply from these groundwater and surface water sources are expected to be adequate in meeting local demands through the coming high-demand season.

LOCAL CONDITIONS

Source of Supply Utilization Summary

February 2014

City Wells	27.71mg	85.06af
Buckman Wells	0.00mg	0.00af
CRWTP	37.03mg	113.66af
BRWTP	108.48mg	332.91af
<i>Other Wells(Osage, MRC, etc)</i>	<i>0.02mg</i>	<i>0.07af</i>

Upper Santa Fe River/CRWTP

	Total Combined Reservoir Level	Santa Fe Snow Gage	Reservoir Inflow
March 24, 2014	62.5%	34.0 inches	1.74 MGD
5-Year Average for This Date (2009 – 2013)	49.11%	34.0 inches	1.69 MGD

Heading into September, water resource managers for the City were expecting the Canyon Road Water Treatment Plant to experience significant supply shortfalls later this year and into next year – due in part to severely reduced inflows resulting from the drought, but also due to the planned construction projects inside of the reservoir footprints. However, as of March 21st, and due to the heavy rains in mid-September and some minor winter snow storms, total combined storage in Nichols and McClure reservoirs is up to 62.5% (or about 2,500 acre-feet of storage). Flows into Nichols are being by-passed due to construction on the new intake facility. Inflows are expected to continue for the near future and so McClure has been releasing a small amount of water to balance with inflows, and also to allow for production at the water treatment plant.

Buckman Regional Water Treatment Plant

Flows in the Rio Grande are relatively low but the BDD Project is able to divert water. Turbidity and suspended solids are very low and raw water quality is good. Demand in the system has been low, requiring only 4 to 5 mgd from the BDD Project.

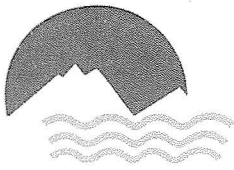
REGIONAL CONDITIONS

Rio Grande Basin

Surface flows in the Rio Grande and its tributaries have been well below normal, storage levels in regional reservoirs are very low currently. The September rains helped river flows and regional reservoirs are receiving needed inflow, but normal to above snow pack is still needed from early Spring or reservoir levels will still be critically low heading into next irrigation season. Recent weather forecast models seem to be suggesting that snow pack and runoff for the rest of this winter may be disappointing in the Rio Grande watershed. Native flows in the Rio Grande will likely be low to very low.

San Juan Basin

It should be stressed that, conditions could significantly worsen for San Juan Chama Project deliveries next year, if the drought persists, due to a lack of carry-over storage in Heron Reservoir and other reservoirs in the system. Heron Reservoir is currently at a historic low level of 29% of capacity for this time of year. It is still too early in the year to quantify with a lot of confidence, but the Bureau of Reclamation has recently indicated that it is very likely that SJCP deliveries this year will be at or near 100% due to good snow pack in the San Juan watershed. The Bureau of Reclamation will provide an update (quantified percentage) in April with regard to the projected runoff available to San Juan-Chama contractors this coming year.



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.

Memo

Date: March 10, 2014

To: Buckman Direct Diversion Board

From: Shannon Jones, BDD Interim Facility Manager and Maintenance Superintendent *sf*

ITEM AND ISSUE:

Request approval of Amendment 1 to PSA # 13-0598 with Hall Environmental Analysis Laboratory to increase the contract amount from \$50,000 plus NMGR to \$70,000 plus NMGR.

BACKGROUND AND SUMMARY:

On July 11, 2013, the Buckman Direct Diversion (BDD) entered in a Professional Service Contract with Hall Environmental Analysis Laboratory to provide water quality and process control analysis services. PSA # 13-0598 was executed in the amount of \$50,000 plus NMGR, the terms of the contract are through June 30, 2014. The procurement method was utilizing an existing New Mexico State Price Agreement.

Discussion

The Buckman Direct Diversion requires services from a certified laboratory to analyze and report results for both regulatory requirements and process analysis for quality assurance and fact based decision making. The BDD averages \$4,500 per month in analysis of drinking water and solid disposal. In FY 2013/2014, the BDD has seen an increase in the month average. This increase is due primarily to the "National Pollutant Discharge Elimination System (NPDES) Permit Administrative Continuous". During this Administrative Continuous, The Environmental Protection Agency (EPA) has requested that the BDD conduct a series of test on the discharge from the Sediment Return Facility (SRF) to the Rio Grande Rivers. This series includes collecting twelve (12) samples to be tested for Polychlorinated Biphenyls (PCB) and Toxaphene.



Evaluation and Projection for FY 2013/2014

Project	Program	Current Expenditures	Projected Expenditures	Total Expenditures
Aqueous Samples	Safe Drinking Water Act	13,990.89	\$4,663.63	\$18,655.00
Solid Samples	Solid Disposal Plan	\$18,958.26	\$6,333.33	\$25,292.00
Acute Daphnia Pulex	Bio-Essay (NPDES)	\$1,172.77	\$1,714.24	\$2,887.00
Additional Sampling	Request by EPA	\$3,792.28	\$20,000.00	23,792.28
	Total	\$37,914.20	\$32,711.20	\$70,626

ACTION REQUESTED:

Staff recommends approval of amendment #1 to Professional Services Agreement with Hall Environmental Analysis Laboratory in the amount not to exceed \$20,000.00 plus NMGR.T.

Financial Implications

Cost:	\$20,000 plus NMGR.T
Savings:	Cost avoidance related non-sampling or permit violations
Long Term Cost:	N/A

<u>Fund Source</u>	<u>Business Unit/Line Item</u>	<u>Amount</u>
FY 2013/2014	Prof. Services/#7280000.510300.930020	\$21,513.58

**BUCKMAN DIRECT DIVERSION BOARD
AMENDMENT No.1 TO
PROFESSIONAL SERVICES AGREEMENT
WITH HALL ENVIRONMENTAL ANALYSIS LABORATORY**

This AMENDMENT No.1 (the "Amendment") is made to the PROFESSIONAL SERVICES AGREEMENT, dated June 27, 2013 (the "Agreement"), between the Buckman Direct Diversion Board (the "BDDDB") and Hall Environmental Analysis Laboratory (the "Contractor"). The date of this Amendment shall be the date when it is executed by the BDDDB.

RECITALS

A. Under the terms of the Agreement, Contractor has agreed to provide professional services to the BDDDB:

B. Pursuant to Article 16 of the Agreement, and for good and valuable consideration, the receipt and sufficiency of which are acknowledged by the parties, the BDDDB and the Contractor agree as follows:

1. COMPENSATION.

Article 3, paragraph A of the Agreement is amended to increase the amount of compensation by a total of twenty thousand dollars (\$20,000) plus gross receipts tax, so that Article 3, paragraph A reads in its entirety as follows:

A. The BDDDB shall pay to the Contractor in full payment for services rendered a sum up to and not to exceed seventy thousand dollars (\$70,000), plus applicable gross receipts taxes

2. AGREEMENT IN FULL FORCE.

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

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

**BUCKMAN DIRECT
DIVERSION BOARD**

By: _____
Chairperson
Date: _____

ATTEST:

Geraldine Salazar, County Clerk

CONTRACTOR:

By: _____
Name: _____
Title: _____
Date: _____

NM Taxation & Revenue
CRS # 02201606006
City of Santa Fe Business
Registration # 1100106045

APPROVED AS TO FORM:


Nancy R. Long, BDDB Counsel

APPROVED:

Marcos A. Tapia, City Finance Director

72410.510300
Business Unit/Line Item

ATTEST:

Yolanda Y. Vigil, City Clerk
File Date: _____



Buckman Direct Diversion Board
Summary of Contracts, Agreements, & Amendments

Section to be completed by department for each contract or contract amendment

1 **FOR: ORIGINAL CONTRACT** ☐ or **CONTRACT AMENDMENT** ☒

2 Name of Contractor Hall Environmental Analysis Laboratory

3 Complete information requested

☒ Plus GRT

☐ Inclusive of GRT

Original Contract Amount: \$50,000.00

Termination Date: 6/30/14

☐ Approved by BDDDB

Date: _____

☒

or by BDD Facilities Manager

Date: _____

June 27, 2013

Contract is for: Lab analysis

Amendment # 1 to the Original Contract# 13-0598

Increase/(Decrease) Amount \$ 20000

Extend Termination Date to: na

☒ Approved by BDDDB

Date: pending

☐ or by Project Manager

Date: _____

Amendment is for: Increase compensation

4 **History of Contract & Amendments:** (option: attach spreadsheet if multiple amendments)

☒ Plus GRT

☐ Inclusive of GRT

Amount \$ 50,000.00 of original Contract# 13-0598 Termination Date: 6/30/2014

Reason: lab

Amount \$ 20,000.00 amendment # 1 Termination Date: na

Reason: increase comp

Amount \$ _____ amendment # _____ Termination Date: _____

Reason: _____

Amount \$ _____ amendment # _____ Termination Date: _____

Reason: _____

Total of Original Contract plus all amendments: \$ 70,000



Buckman Direct Diversion Board
Summary of Contracts, Agreements, & Amendments

5 Procurement Method of Original Contract: (complete one of the lines)

RFP# _____ Date: _____

RFQ ☐ _____ Date: _____

Sole Source ☒ _____ Date: July 1, 2013

Other _____

6 Procurement History: 1 year contract
example: (First year of 4 year contract)

7 Funding Source: _____ **BU/Line Item:** 72410.5103

8 Any out-of-the ordinary or unusual issues or concerns:
none

(Memo may be attached to explain detail.)

9 Staff Contact who completed this form: Maya Martinez

Phone # 955-4271

10 Certificate of Insurance attached. (if original Contract) ☐

Submit to City Attorney for review/signature

Forward to Finance Director for review/signature

Return to originating Department for Committee(s) review or forward to City Manager for review and approval (depending on dollar level).

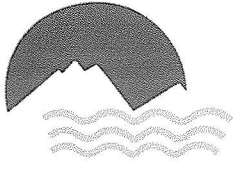
To be recorded by City Clerk:

Contract # _____

Date of contract Executed (i.e., signed by all parties): _____

Note: If further information needs to be included, attach a separate memo.

Comments:



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.

MEMORANDUM

Date: March 19, 2014

To: Buckman Direct Diversion Board

Via: Nick Schiavo, Acting Water Division and PUD Director
Shannon Jones, Acting BDD Facility Manager

From: Rick Carpenter, BDD Project Manager *RC*

Subject: **Request Approval of Contract Amendment Nos. 2 and 3 with Bradbury Stamm Construction, Inc., in the Amounts of \$60,633.62 (Increase) and \$<81,288.00> (deduction) respectively, (excluding NMGRT), for Unanticipated Efforts Associated with the BDD Booster Station 2A Solar Project**

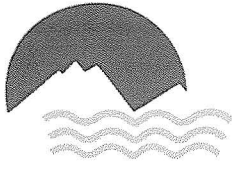
BACKGROUND

The BDD Project was tasked with developing sources of “green” power in lieu of taking all of its electric power from the PNM grid system. Accordingly, the Project developed a 1MW solar power facility that is a dedicated power source to the BDD water treatment plant. Additionally, the Project is currently developing a second solar power project, which will supply 1.5 MW of power to BDD Booster Station 2A. This project is being funded with NMFA grant funds.

Contract Amendment No. 2

At the request of the project team, additional tasks were added to the scope of work for the contractor. These items include monitoring, additional outlets and inverters, block walls, and related ancillary costs. These requests were made to improve O&M efficiency and to mitigate the effects of vandalism. The total cost of this contract amendment is \$60,633.62, excluding NMGRT).





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.

Contract Amendment No.3

The BDD Board approved Amendment No 1 several months ago in an effort to make the project more efficient. One aspect of this improved efficiency was a reduction in size of the overall project footprint on-site. This resulted in a reduction in the amount of fencing, wiring, survey work, site clearing, and SWPPP maintenance. This reduction has resulted in a deductive change order in the amount of \$<81,288.00>, excluding NMGR.T.

Net Savings

The net change (i.e., *the difference between amendment No.2 and No. 3*) is a savings of \$20,654.38 .

RECOMMENDATION

Staff recommends approval of the contract amendment Nos. 2 and 3.



**BUCKMAN DIRECT DIVERSION BOARD
AMENDMENT No.2
TO THE AGREEMENT
WITH BRADBURY STAMM CONSTRUCTION**

This AMENDMENT No. 2 (the "Amendment") is made to the AGREEMENT BETWEEN OWNER AND CONTRACTOR, dated March 7, 2013 (the "Agreement"), between the Buckman Direct Diversion Board (the "BDDDB") and Bradbury Stamm Construction (the "Contractor"). The date of this Amendment shall be the date when it is executed by the BDDDB Chair.

RECITALS

A. Under the terms of the Agreement, Contractor has agreed to provide construction services to the BDDDB.

B. Pursuant to Article 9.21 of the Agreement, the parties may, by mutual consent, amend the Agreement.

C. The parties wish to amend Articles 2 and 4 of the Agreement as provided herein.

1. THE WORK:

Article 2 of the Agreement is amended so that the Agreement includes the work as provided in Change Order #2, marked as Exhibit "B" attached hereto.

2. CONTRACT SUM.

Article 4, of the Agreement is amended to decrease the contract sum by a total of eight one thousand two hundred eighty eight dollars (\$-81,288.00).

3. AGREEMENT IN FULL FORCE.

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

IN WITNESS WHEREOF, the parties have executed this Amendment No.2 to the Agreement between Owner and Contractor as of the dates set forth below.

**BUCKMAN DIRECT
DIVERSION BOARD:**

By: _____
BDD Chair

Date: _____

**BRADBURY STAMM
CONSTRUCTION, INC.**

By: _____
Robert Wing

Title: _____

ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:



Nancy Long, BDDDB Independent Counsel

APPROVED:

MARCOS A. TAPIA, FINANCE DIRECTOR

CHANGE ORDER REQUEST

Page 1

Bradbury Stamm Construction, Inc.
1303. - Buckman Photovoltaic

DATE: 3/04/2014

PCO#: 2

To: Rick Carpenter
City of Santa Fe

Santa Fe, NM 87504

Phone: 505-955-4204

Fax: 505-471-3119

Email: rrcarpenter@ci.santa-fe.nm.us

CC:

From: Robert Wing
Bradbury Stamm Construction, Inc.
7110 2nd St NW
Albuquerque, NM 87107

Phone: 505-490-9003

Fax:

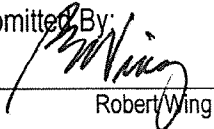
Email: rwing@bradburystamm.com

Below is the detail for our proposal to complete the following changes in contract work:

- Pending Change Order: Reduced Array Footprint
 - Reduced fencing around 4.75 acres from 8.3 acres (\$29,890)
 - Reduced medium voltage wiring, conduit and security system (\$25,348)
 - Reduced survey work (\$3,750)
 - Reduced site clearing (\$10,000)
 - Reduced Trenching (\$11,000)
 - Reduced SWPPP maintenance (\$1,300)
- Total Deduct \$81,288.00

PCO Item	Status	Change (in Days)	Quantity	UM	Unit Price	Amount
1 : Reduced Footprint and Scope	Required			LS		\$-81,288.00
Original Contract Sum \$4,307,148.70						
Net Change By Change Orders \$137,800.00						
Contract Sum To Date \$4,444,948.70						
Change By This Change Order \$-81,288.00						
Current Contract Sum \$4,363,660.70						

Submitted By:


Robert Wing

3/04/2014

Date

Approved By:

Rick Carpenter
City of Santa Fe

Date

**BUCKMAN DIRECT DIVERSION BOARD
AMENDMENT No. 3
TO THE AGREEMENT
WITH BRADBURY STAMM CONSTRUCTION**

This AMENDMENT No. 3 (the "Amendment") is made to the AGREEMENT BETWEEN OWNER AND CONTRACTOR, dated March 7, 2013 (the "Agreement"), between the Buckman Direct Diversion Board (the "BDDDB") and Bradbury Stamm Construction (the "Contractor"). The date of this Amendment shall be the date when it is executed by the BDDDB Chair.

RECITALS

A. Under the terms of the Agreement, Contractor has agreed to provide construction services to the BDDDB:

B. Pursuant to Article 9.21 of the Agreement, the parties may, by mutual consent, amend the Agreement.

C. The parties wish to amend Articles 2 and 4 of the Agreement as provided herein.

1. THE WORK:

Article 2 of the Agreement is amended so that the Agreement includes the work as provided in Change Order #3, marked as Exhibit "C" attached hereto.

2. CONTRACT SUM.

Article 4, of the Agreement is amended to increase the contract sum by a total of sixty thousand six hundred thirty three and 62/100's (\$60,633.62).

3. AGREEMENT IN FULL FORCE.

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

IN WITNESS WHEREOF, the parties have executed this Amendment No.3 to the Agreement between Owner and Contractor as of the dates set forth below.

**BUCKMAN DIRECT
DIVERSION BOARD:**

By: _____
BDD Chair

Date: _____

**BRADBURY STAMM
CONSTRUCTION, INC.**

By: _____
Robert Wing

Title: _____

ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:



Nancy Long, BDDDB Independent Counsel

APPROVED:

MARCOS A. TAPIA, FINANCE DIRECTOR

CHANGE ORDER REQUEST

Page 1

Bradbury Stamm Construction, Inc.
1303. - Buckman Photovoltaic

DATE: 3/05/2014

PCO#: 3

To: Rick Carpenter
City of Santa Fe

Santa Fe, NM 87504

Phone: 505-955-4204

Fax: 505-471-3119

Email: rrcarpenter@ci.santa-fe.nm.us

CC:

From: Robert Wing
Bradbury Stamm Construction, Inc.
7110 2nd St NW

Albuquerque, NM 87107

Phone: 505-490-9003

Fax:

Email: rwing@bradburystamm.com

Below is the detail for our proposal to complete the following changes in contract work:

Pending Change Order: For Added Combiner Monitoring, Fence Grounding, CMU Screens Walls & Outlets

-Combiner Monitoring \$24,456.00

-Two 120v Outlets At Inverters \$4,480.00

-Two CMU screen walls 75' x 10' each \$22,750

-O & P @15% \$17,752.90

-Insurance \$594.39

-Bond \$600.33

Total \$60,633.62

PCO Item	Status	Change (in Days)	Quantity	UM	Unit Price	Amount
3 : Monitoring, Grounding, CMU Screens & Outlets	Required	0		LS		\$60,633.62
Original Contract Sum \$4,307,148.70						
Net Change By Change Orders \$56,512.00						
Contract Sum To Date \$4,363,660.70						
Change By This Change Order \$60,633.62						
Current Contract Sum \$4,425,294.32						

Submitted By:

Approved By:

Robert Wing

3/10/2014

Date

Rick Carpenter
City of Santa Fe

Date



Buckman Direct Diversion Board Summary of Contracts, Agreements, & Amendments

Section to be completed by department for each contract or contract amendment

1 **FOR:** ORIGINAL CONTRACT ☐ or CONTRACT AMENDMENT ☒

2 Name of Contractor Bradbury Stamm

3 Complete information requested

☒ Plus GRT

☐ Inclusive of GRT

Original Contract Amount: \$4,420,210.00

Termination Date: November 30, 2013

☒ Approved by BDDDB Date: March 7, 2013

☐ or by BDD Facilities Manager Date: _____

Contract is for:

Amendment # 3 to the Original Contract# 13-0201

Increase/(Decrease) Amount \$ 60,633.62

Extend Termination Date to: NA

☒ Approved by BDDDB Date: pending

☐ or by Project Manager Date: _____

Amendment is for: Increase scope and comp

4 **History of Contract & Amendments:** (option: attach spreadsheet if multiple amendments)

☒ Plus GRT

☐ Inclusive of GRT

Amount \$ 4,420,210.00 of original Contract# 130201 Termination Date: 11/30/2013

Reason: Megawat Solar

Amount \$ 137,800.00 amendment # 1 Termination Date: 09/30/2014

Reason: comp and scope

Amount \$ -81,288.00 amendment # 2 Termination Date: na

Reason: Decrease comp

Amount \$ 60,633.62 amendment # 3 Termination Date: _____

Reason: Increase comp

Total of Original Contract plus all amendments: \$ 4,537,356



Buckman Direct Diversion Board
Summary of Contracts, Agreements, & Amendments

5 Procurement Method of Original Contract: (complete one of the lines)

RFP# 13/08/P Date: February 28, 2013

RFQ ☐ _____ Date: _____

Sole Source ☒ _____ Date: Pending

Other _____

6 Procurement History: 1 year contract
example: (First year of 4 year contract)

7 Funding Source: _____ **BU/Line Item:** 72412.57297

8 Any out-of-the ordinary or unusual issues or concerns:
none
(Memo may be attached to explain detail.)

9 Staff Contact who completed this form: Maya Martinez

Phone # 955-4271

10 Certificate of Insurance attached. (if original Contract) ☐

Submit to City Attorney for review/signature

Forward to Finance Director for review/signature

Return to originating Department for Committee(s) review or forward to City Manager for review and approval (depending on dollar level).

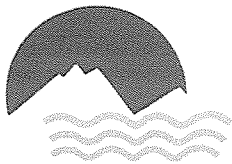
To be recorded by City Clerk:

Contract # _____

Date of contract Executed (i.e., signed by all parties): _____

Note: If further information needs to be included, attach a separate memo.

Comments:



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.

MEMORANDUM

Date: March 19, 2014

To: Buckman Direct Diversion Board

Via: Nick Schiavo, Acting Water Division and PUD Director
Shannon Jones, Acting BDD Facility Manager

From: Rick Carpenter, BDD Project Manager *RC*

Subject: **Request Approval of Contract Amendment No.1 with Smith Engineering Co., in the Amount of \$35,100 (plus NMGR) for Unanticipated Extended Construction Management Efforts for the BDD Booster Station 2A Solar Project**

BACKGROUND

The BDD Project was tasked with developing sources of “green” power in lieu of taking all of its electric power from the PNM grid system. Accordingly, the Project developed a 1MW solar power facility that is a dedicated power source to the BDD water treatment plant. Additionally, the Project is currently developing a second solar power project, which will supply 1.5 MW of power to the BDD Booster Station 2A. However, construction of this facility was delayed to allow for time for PNM approval of the design and interconnect. This resulted in an extension of the project schedule by approximately 30 days. The purpose of this contract amendment is to cover the additional costs incurred by Smith Engineering, as the construction manager, for this extended period of time.

RECOMMENDATION

Funding for this requested contract amendment will be covered by the existing NMFA grant funds for the overall project. Staff recommends approval of the contract amendment.



**BUCKMAN DIRECT DIVERSION BOARD
AMENDMENT No.1 TO
PROFESSIONAL SERVICES AGREEMENT
WITH SMITH ENGINEERING COMPANY**

This AMENDMENT No.1 (the "Amendment") is made to the PROFESSIONAL SERVICES AGREEMENT, dated May 20, 2013 (the "Agreement"), between the Buckman Direct Diversion Board (the "BDDDB") and Smith Engineering Company (the "Contractor"). The date of this Amendment shall be the date when it is executed by the BDDDB.

RECITALS

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

B. Pursuant to Article 18 of the Agreement, and for good and valuable consideration, the receipt and sufficiency of which are acknowledged by the parties, the BDDDB and the Contractor agree as follows:

1. COMPENSATION.

Article 3, paragraph A of the Agreement is amended to increase the amount of compensation by a total of thirty five thousand one hundred dollars (\$35,100.00) plus gross receipts tax, so that Article 3, paragraph A reads in its entirety as follows:

A. The BDDDB shall pay to the Contractor in full payment for services rendered a sum up to and not to exceed two hundred twelve thousand one hundred dollars (\$212,100.00), plus applicable gross receipts taxes

2. TERM.

Article 5 of the Agreement is amended to extend the term of the Agreement, so that Article 5 is replaced to read in its entirety as follows:

This Agreement shall terminate on October 31, 2014, unless terminated pursuant to Paragraph 6, infra.

3. AGREEMENT IN FULL FORCE.

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

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

**BUCKMAN DIRECT
DIVERSION BOARD**

By: _____
Chairperson
Date: _____

CONTRACTOR:

By: _____
Name: _____
Title: _____
Date: _____

APPROVED AS TO FORM:


Nancy R. Long BDDDB Counsel

NM Taxation & Revenue
CRS # 02-133963-005
City of Santa Fe Business
Registration No. 13-00009310

APPROVED:

Marcos A. Tapia, City Finance Director

72410.510300
Business Unit/Line Item

ATTEST:

Yolanda Y. Vigil, City Clerk
File Date: _____



Buckman Direct Diversion Board

Summary of Contracts, Agreements, & Amendments

Section to be completed by department for each contract or contract amendment

1 **FOR:** ORIGINAL CONTRACT ☒ or CONTRACT AMENDMENT ☐

2 Name of Contractor Smith Engineering

3 Complete information requested ☒ Plus GRT
☐ Inclusive of GRT

Original Contract Amount: \$177,000.00

Termination Date: December 31, 2013

☐ Approved by BDDDB Date: Pending

☒ or by Project Manager Date:

Contract is for: Solar Facility BDD Booster Station 2A

Amendment # 1 to the Original Contract# 13-0435

Increase/(Decrease) Amount \$ 35100

Extend Termination Date to: October 31, 2014

☒ Approved by BDDDB Date: Pending

☐ or by Project Manager Date:

Amendment is for: Increase Term and comp

4 **History of Contract & Amendments:** (option: attach spreadsheet if multiple amendments) ☒ Plus GRT
☐ Inclusive of GRT

Amount \$ 177,000.00 of original Contract# 130435 Termination Date: 04/01/2014

Reason:

Amount \$ 35,100.00 amendment # 1 Termination Date: 10/31/2014

Reason: comp and term

Amount \$ amendment # Termination Date:

Reason:

Amount \$ amendment # Termination Date:

Reason:

Total of Original Contract plus all amendments: \$ 212,100



Buckman Direct Diversion Board Summary of Contracts, Agreements, & Amendments

5 Procurement Method of Original Contract: (complete one of the lines)

RFP# 13/24/P Date: February 28, 2013

RFQ ☐ _____ Date: _____

Sole Source ☐ _____ Date: _____

Other _____

6 Procurement History: Award of bid
example: (First year of 4 year contract)

7 Funding Source: BDD **BU/Line Item:** 72140

8 Any out-of-the ordinary or unusual issues or concerns:
none
(Memo may be attached to explain detail.)

9 Staff Contact who completed this form: Maya Martinez for Dale Lyons.

Phone # 955-4271

10 Certificate of Insurance attached. (if original Contract) ☐

Submit to City Attorney for review/signature

Forward to Finance Director for review/signature

Return to originating Department for Committee(s) review or forward to City Manager for review and approval (depending on dollar level).

To be recorded by City Clerk:

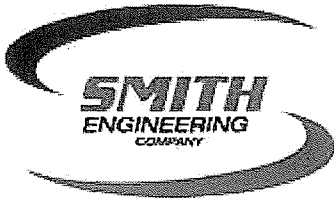
Contract # _____

Date of contract Executed (i.e., signed by all parties): _____

Note: If further information needs to be included, attach a separate memo.

Comments:

m



Solutions for Today... ...Vision for Tomorrow

February 13, 2014

Rick Carpenter/BDDDB
COSF Water Division
PO Box 909
801 W. San Mateo
Santa Fe, New Mexico 87504

**Re: BUCKMAN DIRECT DIVERSION BOOSTER STATION 2A – PV
(TIME EXTENSION: APRIL 01, 2014 – OCTOBER 31, 2014)**

Construction Management/Observation Services

Mr. Carpenter and BDD Board Members

Smith Engineering Company (SMITH) **is pleased to provide COSF/BDDDB** with this proposal for construction management & observation services – TIME EXTENSION for the referenced project.

Team Smith Scope of Work will continue to include: (NOT LIMITED TO)

- Perform "DAILY" construction observations to confirm that the construction generally follows the guidelines set forth within Santa Fe/BDDDB. Standard Specifications for Public Works Construction, the most current edition.
- Submit a Digital Daily Field Report - via E-mail to the Project Team.
- Conduct weekly construction progress meetings.
- Verify that Adequate Density Testing are accomplished our hired Testing Agency for all work phases.
- Review Progress payments & make recommendations.
- Review Submittal Package, make recommendations.
- Prepare final punch lists.
- Verify that punch list item work is completed.
- Prepare Close-out Packages.
- Coordinate w/Contractors, COSF/BDDDB as needed for completion of project.

SMITH will invoice this project monthly, on a (Percent Complete - Lump Sum Basis) for the Construction Management & Observation Services. We are basing our Fee on a – (7 months - 29 Weeks) duration; starting from APRIL 01, 2014 through OCTOBER 31, 2014, on a Full Time basis.

Should the contractor exceed the date of October 31, 2014, Smith Engineering will request additional fee's & continue to track man-hours accordingly.

If you have any questions regarding this proposal, please contact me. We look forward to providing these services for COSF/BDDDB.

Sincerely,
Smith Engineering Company


Jim Spindler
Vice President
Construction Management Services

Date

2201 San Pedro Drive, NE
Building 4, Suite 200

Albuquerque, NM 87110
JimS@smithengineering.pro

Telephone 505/884-0700 Fax 505/884-2376

An Agreement for the Provision of Professional Services

Professional Firm:

Smith Engineering Company (SMITH)
2201 San Pedro Drive NE
Building 4, Suite 200
Albuquerque, NM 87112

Client:

Rick Carpenter/BDDDB
COSF Water Division
PO Box 909
801 W. San Mateo
Santa Fe, New Mexico 87504

PROJECT: BUCKMAN DIRECT DIVERSION BS2A – PV (TIME EXT)

LUMP SUM FEE: Using the procedures set forth under the attached "Term and Conditions", Owner shall pay Engineer a LUMP SUM FEE amount of **\$35,100.00** **monthly** (NOT INCLUDING: applicable gross receipts tax) Thirty-Five Thousand, One Hundred Dollars Monthly. See Attached Spreadsheet.

Accepted this _____ day of 2014.

For:

SMITH ENGINEERING CO.

Signature

JIM SPINELLO

Name

VICE PRESIDENT

Title

For:

COSF/BDDDB

Signature

Name

Title



Solutions for today ... Vision for tomorrow

2/13/2014

CONSTRUCTION MANAGEMENT SERVICES (Time Extension)

BUCKMAN DIRECT DIVERSION BOOSTER STATION 2A

PHOTOVOLTAIC (PV) PROJECT

Construction Time =

7 MONTHS (Approx. 29 Weeks) April - October 2014

Pre-Construction Conference

	Hrly Rate	Est. Hours	Estimated Amount
Construction Project Manager	\$155.00	0	\$0.00
Field Technician	\$100.00	0	\$0.00
Administrative	\$45.00	0	\$0.00
			\$0.00

Submittal Review/Meetings/Coordination/Permits

	Hrly Rate	Est. Hours	Estimated Amount
Construction Project Manager	\$155.00	0	\$0.00
Field Technician	\$100.00	0	\$0.00
			\$0.00

Sub-Total Estimated Cost Pre - Construction Cost

\$0.00

Est. Time Spent During Construction/Weekly Progress Meetings, e.t.c.

	Hrly Rate	Est. Hours	Estimated Amount
Const Project Manager (20hrs/wk)	\$155.00	580	\$89,900.00
Field Technician (30hrs/wk)	\$100.00	870	\$87,000.00
Administrative	\$45.00	0	\$0.00
			\$176,900.00

(40hrs/wk) \$116000

Incidentals - Mileage

	Per Diem	Est. Weeks	Estimated Amount
Const Project Manager	\$150.00	29	\$4,350.00
Field Technician	\$300.00	29	\$8,700.00
			\$13,050.00

Sub Consultants (Team Smith)

	Hrly Rate*10%	Est. Hours	Estimated Amount
DeLapp Engineering (8hrs/wk)	\$159.50	232	\$37,004.00
Alpha SW (3hrs/wk)	\$82.50	75	\$6,187.50
GEO-TEST	\$250.00	50	\$12,500.00
			\$55,691.50

Sub-Total Estimated Cost During - Construction Cost

\$245,641.50

EST. TOTAL - Const. Mgmt./Observ. Services

\$245,641.50

\$241,575.00

EST. MONTHLY TOTAL - Const. Mgmt. Services

\$35,091.64



Buckman Direct Diversion Board

Summary of Contracts, Agreements, & Amendments

Section to be completed by department for each contract or contract amendment

1 **FOR: ORIGINAL CONTRACT** ☒ or **CONTRACT AMENDMENT** ☐

2 Name of Contractor Smith Engineering

3 Complete information requested

☒ Plus GRT

☐ Inclusive of GRT

Original Contract Amount: \$177,000.00

Termination Date: December 31, 2013

☐ Approved by BDDB Date: Pending

☒ or by Project Manager Date:

Contract is for: Solar Facility BDD Booster Station 2A

Amendment # 1 to the Original Contract# 13-0435

Increase/(Decrease) Amount \$ 35100

Extend Termination Date to: October 31, 2014

☒ Approved by BDDB Date: Pending

☐ or by Project Manager Date:

Amendment is for: Increase Term and comp

4 **History of Contract & Amendments:** (option: attach spreadsheet if multiple amendments)

☒ Plus GRT

☐ Inclusive of GF

Amount \$ 177,000.00 of original Contract# 130435 Termination Date: 04/01/2014

Reason:

Amount \$ 35,100.00 amendment # 1 Termination Date: 10/31/2014

Reason: comp and term

Amount \$ amendment # Termination Date:

Reason:

Amount \$ amendment # Termination Date:

Reason:

Total of Original Contract plus all amendments: \$ 212,100



Buckman Direct Diversion Board
Summary of Contracts, Agreements, & Amendments

5 Procurement Method of Original Contract: (complete one of the lines)

RFP# 13/24/P Date: February 28, 2013

RFQ ☐ _____ Date: _____

Sole Source ☐ _____ Date: _____

Other _____

6 Procurement History: Award of bid
example: (First year of 4 year contract)

7 Funding Source: BDD **BU/Line Item:** 72140

8 Any out-of-the ordinary or unusual issues or concerns:
none
(Memo may be attached to explain detail.)

9 Staff Contact who completed this form: Maya Martinez for Dale Lyons.

Phone # 955-4271

10 Certificate of Insurance attached. (if original Contract) ☐

Submit to City Attorney for review/signature

Forward to Finance Director for review/signature

Return to originating Department for Committee(s) review or forward to City Manager for review and approval (depending on dollar level).

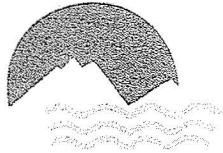
To be recorded by City Clerk:

Contract # _____

Date of contract Executed (i.e., signed by all parties): _____

Note: If further information needs to be included, attach a separate memo.

Comments:



Buckman Direct Diversion Project

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

DATE: January 8, 2014

TO: Buckman Direct Diversion Board

FROM: Stephanie Lopez, Office Manager

ITEM AND ISSUE:

2014 Fiscal Services and Audit Committee Schedule

BACKGROUND AND SUMMARY:

Currently, the FSAC meetings are generally held on the Tuesday before the Buckman Direct Diversion Board meetings. The FSAC meetings are held in the Legal Conference Room at the Santa Fe County Administration Building at 102 Grant on the 2nd floor. The following is the proposed 2014 schedule for the Fiscal Services and Audit Committee meetings:

FSAC	BDDB	BCC
February 4 th	February 6 th	February 11 th & 25 th
March 4 th	March 6 th	March 11 th & 25 th
April 1 st	April 3 rd	April 8 th & 29 th
April 24 th *	May 1 st	May 13 th & 27 th
June 3 rd	June 5 th	June 10 th & 24 th
July 1 st	July 3 rd	July 8 th & 29 th
August 5 th	August 7 th	August 12 th & 26 th
September 4 th *	September 11 th	September 9 th & 30 th
September 25 th *	October 2 nd	October 14 th & 28 th
November 4 th	November 6 th	November 25 th
December 2 nd	December 4 th	December 9 th

This schedule was drafted so as not to conflict with Santa Fe County Commission meetings and miscellaneous City of Santa Fe committee meetings and City Council meetings. The dates marked with an asterisk are the days that do not fall on the Tuesday before BDDB.

RECOMMENDED ACTION:

For your information.



Notice of Santa Fe County Meetings 2014

Regular Board Of County Commissioners Meetings will be held on the following dates in the Commission Chambers, 102 Grant Ave. Santa Fe, NM

Tuesday, January 14, 2014 at 2pm
Tuesday, January 28, 2014 at 1pm

Tuesday, February 11, 2014 at 2pm
Tuesday, February 25, 2014 at 1pm

Tuesday, March 11, 2014 at 2pm
Tuesday, March 25, 2014 at 1pm

Tuesday, April 8, 2014 at 2pm
Tuesday, April 29, 2014 at 1pm

Tuesday, May 13, 2014 at 2pm
Tuesday, May 27, 2014 at 1pm

Tuesday, June 10, 2014 at 2pm
Tuesday, June 24, 2014 at 1pm

Tuesday, July 8, 2014 at 2pm
Tuesday, July 29, 2014 at 1pm

Tuesday, August 12, 2014 at 2pm
Tuesday, August 26, 2014 at 1pm

Tuesday, September 9, 2014 at 2pm
Tuesday, September 30, 2014 at 1pm

Tuesday, October 14, 2014 at 2pm
Tuesday, October 28, 2014 at 1pm

Tuesday, November 25, 2014 at 1pm

Tuesday, December 9, 2014 at 2pm

For more information, copies of the agenda, or auxiliary aids or services, contact (505) 986-6200



Memo

DATE: April 3, 2014
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 \$189,000 for right of way rental 01/01/2012-12/31/2014.

BACKGROUND AND SUMMARY:

The Buckman Direct Diversion currently has a right-of-way (ROW) grant agreement with the Bureau of Land Management for the Buckman Water Treatment Plant and the Solar Site. This agreement includes an annual rental fee of \$63,000 for use of 31.07 acres of public land. In previous years this bill was received by staff and paid through 12/31/2011. On December 18, 2013 we received a bill in the amount of \$189,000 for the period 01/01/2012 thru 12/31/2014. We immediately contacted the Taos Field Office to discuss the nature of the bill and the time frame. They are aware of the untimely billing by their office and agreed to waive any late fees that would have normally been assessed.

DISCUSSION:

Staff has reviewed our current available budget balance for this fiscal year and concludes there is sufficient funding to pay this invoice. The annual rental fee of \$ 63,000 was also included in our FY14/15 approved budget request and will continue to be part of our annual 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 2013/2014	7280000.562250 Land/Building Rental	\$189,000

Approved by BDDDB April 3, 2014

Buckman Direct Diversion
Board Chair



page 2

ATTACHMENTS:

BLM – Bill for Collection

BLM letter dated April 16, 2010

Right of Way Grant NMNM 107524

UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT Bill for Collection	Bill Number: 2014008872 <hr/> Date: 12/09/2013
<p>Make Remittance Payable To DOI/BLM and Mail To: TAOS FIELD OFFICE 226 CRUZ ALTA RD TAOS, NM 87571 (575)758-8851</p> <p>Payor: BUCKMAN DIRECT DIVERSION BOARD PO BOX 909 RICK CARPENTER SANTA FE, NM 87504 US</p>	
Please include bill number on all remittances.	

DATE	DESCRIPTION	AMOUNT
	NMNM 107524 01/01/2012 – 12/31/2014 RIGHT OF WAY RENTAL -- SANTA FE COUNTY <div style="text-align: right;">\$189,000.00</div>	\$189,000.00
	BLM CONTACT: BLM OFFICE, (575)758-8851	
AMOUNT DUE THIS BILL:		\$189,000.00
		DATE DUE: 12/09/2013
<ul style="list-style-type: none"> • BLM Tax ID #84-0437540 • A late payment fee of \$25 or 10% of the unpaid rental whichever is greater not to exceed \$500 per authorization will be assessed if full payment is not received in a BLM office within 15 calendar days of the Due Date per 43 CFR 2806.13(a). Pursuant to 43 CFR 2806.13(c), if BLM does not receive your rent, late payment fee, and any administrative fees within 90 calendar days after the rent was due, BLM may terminate your grant under section 2807.17 of this part and you may not remove any facility or equipment without written permission from BLM (see section 2807.19 of this part). The rent due, late payment fees, and any administrative fees remain a debt that you owe to the United States. • Payment is due immediately upon receipt of this bill; however, payment must be received no later than the due date shown above. • Interest will be assessed at the rate of 1% per year if full payment is not made. • See attached Notice of Actions in Event of Delinquency. • Payment can be made by cash, check, money order or credit card. We accept Visa, Mastercard, Discover, and American Express. If paying by phone, please call the office number listed above. • Credit card payments can only be accepted for amounts of \$49,999.99 or less. • Please return a copy of this Bill for Collection with payment. • If the above name and address is incorrect, please contact the BLM office listed above. 		

This Bill was generated by the automated BLM Collections and Billings System and is a paper representation of a portion of the official electronic record contained therein.



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Taos Field Office
226 Cruz Alta Road
Taos, New Mexico 87571-5983
www.blm.gov/nm



In Reply Refer To:

2800 (F0200)
NMNM107524-03

CERTIFIED MAIL 7009 2250 0002 7848 0792
RETURN RECEIPT REQUESTED

Your Reference:
Right-of-way Application

April 16, 2010

Mr. Rick Carpenter, Project Manager
Buckman Direct Diversion Board
City of Santa Fe
801 San Mateo
Santa Fe, NM 87502

Dear Mr. Carpenter:

The Bureau of Land Management (BLM), Taos Field Office previously sent you two copies of an unsigned right-of-way (ROW) grant (BLM Form 2800-14) for your proposed solar project facility, serial number NM-123784. After further review of your application and the authorized water treatment plant ROW grant, our office made a determination to amend the Buckman Water Treatment Plant (WTP) ROW grant (NM-107524) to include the solar site. We have therefore closed serial number NM-123784. The solar facility will be assigned serial number NM-107524-03.

Rent for use of public lands must be paid in advance of use and prior to initial construction. For the first partial year from April 16, 2010 to September 22, 2010, your rent for only the solar site is estimated to be \$3,483.00. Since the rent is estimated to be greater than \$100 per year, you may pay rent annually or at multi-year intervals of your choice. You may also pay for the entire term of the grant. Also, as part of the ROW amendment, we have enclosed mitigation measures in the form of "Special Stipulations" for your review and signature. Please sign and date both copies, keep one for your records, and return one copy to the address shown above along with the pro-rated rental payment of \$3,483.00. Absent any other unresolved issues, upon our receipt of the signed document and the rental payment, we will issue you a notice to proceed.

Your new annual rental will be \$63,000 which incorporates rental for the use of 31.07 acres of public land for both the water treatment plant and solar site. Previously, you paid advance rental for the WTP up to September 22, 2010. The BLM will bill you later for rental from September

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT

SERIAL NUMBER NMNM 107524

1. A right-of-way is hereby granted pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).
2. Nature of Interest:
 - a. By this instrument, the holder:

Buckman Direct Diversion Board
PO Box 909
Santa Fe, NM 87504

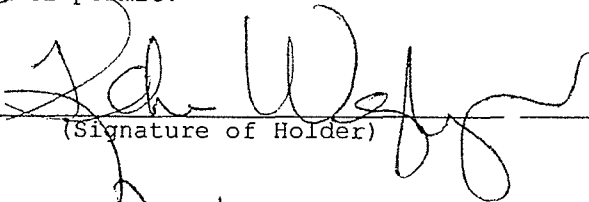
receives a right to construct, operate, maintain, and terminate a(n) water treatment plant located in:

T. 17 N., R. 8 E., NMPM
Sec. 22: within NW $\frac{1}{4}$ NE $\frac{1}{4}$.
 - b. The right-of-way or permit area granted herein is N/A feet wide by N/A feet long, and contains N/A acres, more or less. If a site type facility, the facility contains 22.6 acres.
 - c. This instrument shall terminate on December 31, 2037, 30 years from its effective date unless; prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.
 - d. This instrument may be renewed. If renewed, the right-of-way or permit shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.
 - e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.
3. Rental:

For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.
4. Terms and Conditions:

- a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2800.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within **180** days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer.
- c. Each grant issued for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.
- d. The stipulations, plans, maps, or designs set forth in Exhibit(s) A, dated 8/19/2008 attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
- e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.
- f. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.
- g.

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant or permit.



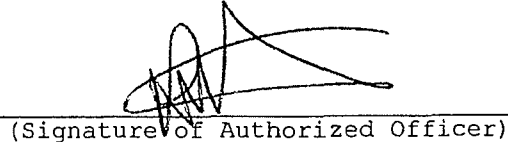
(Signature of Holder)

Bond Chair

(Title)

6/5/08

(Date)



(Signature of Authorized Officer)

Project Manager

(Title)

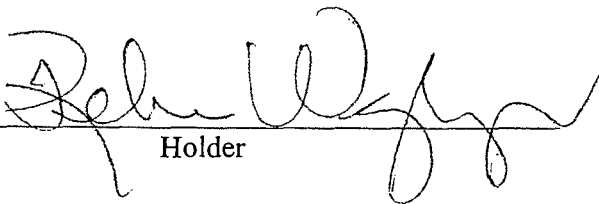
8/22/08

(Effective Date of Grant)

EXHIBIT A
SPECIAL STIPULATIONS
NM-107524

1. No construction activities are permitted until the Buckman Direct Diversion Plan of Development has been reviewed and approved and the holder has been issued a Notice to Proceed. Holder will follow the Buckman Direct Diversion Plan of Development in completing their project.
2. Additional stipulations will be issued with Notice to Proceed.

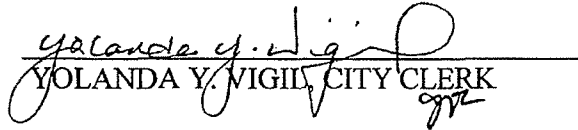
The authorized officer for this project is Francina Martinez, Realty Specialist.

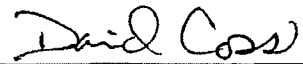

Holder


Date

CITY OF SANTA FE:

ATTEST:


YOLANDA Y. MIGIL, CITY CLERK



DAVID COSS, MAYOR

DATE: 8/19/08

APPROVED AS TO FORM:


FRANK D. KATZ, CITY ATTORNEY

APPROVED:


KATHRYN RAVELING, FINANCE DIRECTOR
David N. Millican

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT

SERIAL NUMBER NMNM 10752401

1. A right-of-way is hereby granted pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).
2. Nature of Interest:
 - a. By this instrument, the holder:

Buckman Direct Diversion Board
PO Box 909
Santa Fe, NM 87504

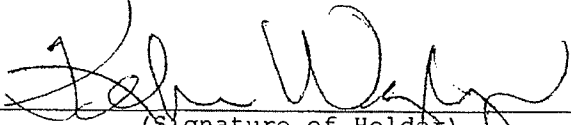
receives a right to construct, operate, maintain, and terminate a(n) temporary use area at the water treatment plant located in:

T. 17 N., R. 8 E., NMPM
Sec. 22: within NW $\frac{1}{4}$ NE $\frac{1}{4}$.
 - b. The right-of-way or permit area granted herein is 130 feet wide by 1,000 feet long and 150 feet wide by 1,120 feet long, and contains 6.84 acres, more or less. If a site type facility, the facility contains N/A acres.
 - c. This instrument shall terminate on _____,
3 years from its effective date unless; prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.
 - d. This instrument may be renewed. If renewed, the right-of-way or permit shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.
 - e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.
3. Rental:

For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.
4. Terms and Conditions:

- a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2800.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within **180** days, or otherwise disposed of as provided in paragraph (4) (d) or as directed by the authorized officer.
- c. Each grant issued for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.
- d. The stipulations, plans, maps, or designs set forth in Exhibit(s) A, dated 9/22/08 attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
- e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.
- f. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.
- g.

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant or permit.


(Signature of Holder)

Board Chair
(Title)

6/5/08
(Date)


(Signature of Authorized Officer)

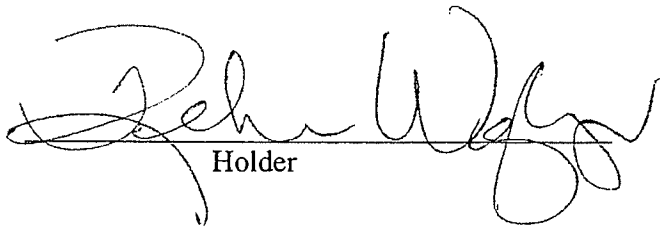
Project Manager
(Title)

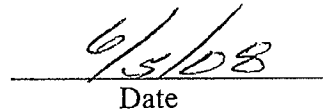
9/22/08
(Effective Date of Grant)

EXHIBIT A
SPECIAL STIPULATIONS
NM-10752401

1. No construction activities are permitted until the Buckman Direct Diversion Plan of Development has been reviewed and approved and the holder has been issued a Notice to Proceed. Holder will follow the Buckman Direct Diversion Plan of Development in completing their project.
2. Additional stipulations will be issued with Notice to Proceed.

The authorized officer for this project is Francina Martinez, Realty Specialist.


Holder


Date

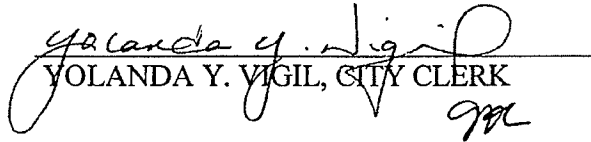
CITY OF SANTA FE:



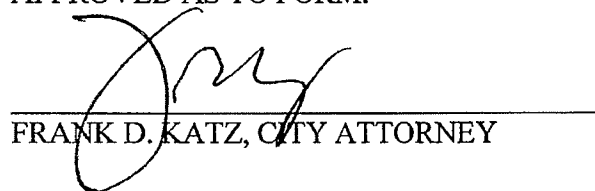
DAVID COSS, MAYOR

DATE: 8/19/08

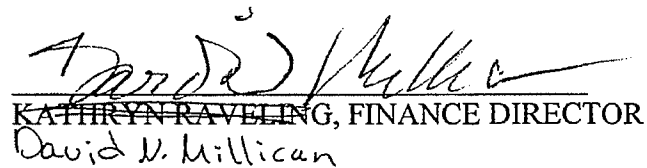
ATTEST:


YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:


FRANK D. KATZ, CITY ATTORNEY

APPROVED:


KATHRYN RAVELING, FINANCE DIRECTOR
David V. Millican



Memo

DATE: April 3, 2014
TO: Buckman Direct Diversion Board
FROM: Mackie Romero, BDD Financial Manager *MR*

ITEM AND ISSUE:

Request approval of a Budget Adjustment to the adopted FY13/14 Operating Budget

BACKGROUND AND SUMMARY:

During the Buckman Direct Diversion's current operating year, several purchases were accounted for in different line items than our uploaded FY13/14 Operating Budget, causing a shortfall in several line items. This was due to inconsistent use of certain line items in the budget development process. Therefore, staff has also evaluated each line item and its purpose to assist in consistent reporting and budget development. This request will also utilize the Buckman Direct Diversion's current vacancy savings to reallocate funding to other line item shortfalls, due to unforeseen expenses. However this request will not increase our overall approved budget.

DISCUSSION:

Staff has reviewed our current available budget balance for the current fiscal year and has prepared budget projections to address all potential shortfalls for sufficient funding by line item.

For presentation purposes we have grouped each line item into major categories for discussion, the actual Budget Adjustment Forms has been attached for individual line item reference.

- Reallocate \$73,700 in Salaries to cover shortfalls in Employee Benefit line items.
- Reduce Salaries and Benefits by \$435,603 (vacancy savings) and Chemicals by \$47,500 to cover projected shortfalls within the following categories:
 - Electricity - increase \$138,000, due to accounting treatment of the PNM Solar Rebates.
 - Solids and Tipping Fees - increase \$44,000 due to an increase in sludge disposal
 - Materials & Supplies - increase \$184,610 due to repairs of system equipment
 - \$116,000 Boiler & Seeley - BDDB approved 02/06/14
 - \$48,667 Hendrick Screen Co.
 - Other Operating Costs - increase \$116,493 due to unforeseen expenses, such as
 - \$189,000 BLM Land Lease Agreement
 - \$240,000 RFP - Capital Asset Management Plan - BDDB Approved 02/06/14



ACTION REQUESTED:

Staff recommends approval of the attached Budget Adjustments Request Forms to move a total of \$489,303 of vacancy savings from Salaries to all other line items for FY13/14.

<u>Fund Source</u>	<u>Budget Adjustment Request (BAR) Form</u>	<u>Increase</u>	<u>Decrease</u>
FY 2013/2014	Budget Adjustment Form #1	\$77,200	(\$77,200)
FY 2013/2014	Budget Adjustment Form #2	\$476,500	(\$476,500)
FY 2013/2014	Budget Adjustment Form #3	\$203,410	(\$203,410)
FY 2013/2014	Budget Adjustment Form #4	\$189,140	(\$189,140)

FY 2013/2014 Total Budget Net Effect \$0

Approved April 3, 2014

Buckman Direct Diversion
Board Chair

ACTION REQUESTED:

- City of Santa Fe Budget Adjustment Request (BAR) Forms
- BDD Category Projections

City of Santa Fe, New Mexico

BUDGET ADJUSTMENT REQUEST (BAR) #1

DEPARTMENT / DIVISION / SECTION / UNIT NAME				DATE	
PUBLIC UTILITIES/BUCKMAN DIRECT DIVERSION PROJECT				03/07/2014	
ITEM DESCRIPTION	BU / LINE ITEM	<--(Finance Dept Use Only)-->		INCREASE	DECREASE
		SUBLEDGER / SUBSIDIARY	DR / (CR)		
Salaries (General)	72410.500110				73,700
FICA	72410.503100			47,000	
Retirement (PERA)	72410.503150			13,000	
Employee Health Care	72410.503200			16,000	
Retiree Health Care	72410.503250				3,500
Worker's Comp	72410.503350			500	
City Share Dental Insurance	72410.503400			700	
JUSTIFICATION: (use additional page if needed) --Attach supporting documentation/memo				TOTAL	\$ 77,200
					\$ 77,200

To reduce salaries and re-allocate funding to cover projected employee benefits through the end of the fiscal year

Prepared By <u>Mackie Romero</u> <u>3/24/14</u> Date _____	CITY COUNCIL APPROVAL City Council Approval Required <input type="checkbox"/>		Budget Officer _____ Date _____
	Division Director _____ Date _____	City Council Approval Date <input type="text"/>	Finance Director _____ Date _____
	Department Director _____ Date _____	Agenda Item #: <input type="text"/>	City Manager _____ Date _____

City of Santa Fe, New Mexico

BUDGET ADJUSTMENT REQUEST (BAR) #2

DEPARTMENT / DIVISION / SECTION / UNIT NAME				DATE	
PUBLIC UTILITIES/BUCKMAN DIRECT DIVERSION PROJECT				03/07/2014	
ITEM DESCRIPTION	BU / LINE ITEM	<--(Finance Dept Use Only)-->		INCREASE	DECREASE
		SUBLEDGER / SUBSIDIARY	DR / (CR)		
Salaries (General)	72410.500110				229,700
Electric	72410.514050			100,000	
Solar Electricity	72410.514055			38,000	
Chemicals	72410.510810				47,500
Landfill Tip Fees	72410.514150			44,000	
Rep and Maint Build/Struct	72410.520100				2,000
Rep and Maint System Equip	72410.520150			290,000	
Rep and Maint Grounds/Rd	72410.520200				12,800
Rep and Maint Machin & Equip	72410.520400				40,000
Rep and Maint Vehicles	72410.520500				27,500
Rep and Maint Vehicles < 1.5	72410.520525				5,000
Auto Parts	72410.530850			2,500	
Tires	72410.530900			2,000	
Operating Supplies	72410.530200				112,000
JUSTIFICATION: (use additional page if needed) --Attach supporting documentation/memo				TOTAL	
				\$ 476,500	\$ 476,500

To reduce salaries (vacancy savings) and allocate funding to cover projected shortfall in other line items.

(Page 1 of 3)

Mackie Romero 3/24/14 Prepared By _____ Date _____	CITY COUNCIL APPROVAL City Council Approval Required <input type="checkbox"/>	Budget Officer _____ Date _____
Division Director _____ Date _____	City Council Approval Date <input type="text"/>	Finance Director _____ Date _____
Department Director _____ Date _____	Agenda Item #: <input type="text"/>	City Manager _____ Date _____

City of Santa Fe, New Mexico

BUDGET ADJUSTMENT REQUEST (BAR) #3

DEPARTMENT / DIVISION / SECTION / UNIT NAME PUBLIC UTILITIES/BUCKMAN DIRECT DIVERSION PROJECT				DATE 03/07/2014	
ITEM DESCRIPTION	BU / LINE ITEM	<--(Finance Dept Use Only)-->		INCREASE	DECREASE
		SUBLEDGER / SUBSIDIARY	DR / (CR)		
Salaries (General)	72410.500110				104,943
Equipment and Machinery	72410.570500			5,410	
Uniform, Clothing & Linen	72410.530500				7,000
Safety Supplies	72410.530300				4,000
Gasoline	72410.531000			4,000	
Diesel	72410.531050				9,000
Professional Services	72410.510300			68,000	
Software	72410.530600				45,700
Gen Liab Dept Assessment	72410.555250				2,182
Gen Liab Third Party Admin	72410.555300				10,085
Communications	72410.514100				2,000
Natural Gas	72410.513950			25,000	
Employee Training/Tuition	72410.561200				18,500
System Equipment	72410.570550			101,000	
JUSTIFICATION: (use additional page if needed) --Attach supporting documentation/memo				TOTAL	
				\$ 203,410	\$ 203,410

To reduce salaries (vacancy savings) and allocate funding to cover projected shortfall in other line items.

(Page 2 of 3)

Mackie Romero 3/24/14 Prepared By _____ Date _____	CITY COUNCIL APPROVAL City Council Approval Required <input type="checkbox"/>	Budget Officer _____ Date _____
Division Director _____ Date _____	City Council Approval Date <input type="text"/>	Finance Director _____ Date _____
Department Director _____ Date _____	Agenda Item #: <input type="text"/>	City Manager _____ Date _____

City of Santa Fe, New Mexico

BUDGET ADJUSTMENT REQUEST (BAR) #4

DEPARTMENT / DIVISION / SECTION / UNIT NAME PUBLIC UTILITIES/BUCKMAN DIRECT DIVERSION PROJECT				DATE 03/07/2014	
ITEM DESCRIPTION	BU / LINE ITEM	<--(Finance Dept Use Only)-->		INCREASE	DECREASE
		SUBLEDGER / SUBSIDIARY	DR / (CR)		
Salaries (General)	72410.500110				100,960
Office Supplies	72410.530100				11,000
Advertising	72410.561850			5,000	
Inventory Exempt	72410.572400				70,000
Recording Fees	72410.561545			500	
In-State Travel	72410.560250			500	
Dues	72410.561900			140	
Vehicles > 1.5	72410.570950			24,000	
Land Building Rental	72410.562550			158,000	
Registration	72410.560700				6,180
Postage	72410.561000			500	
Rental of Equipment	72410.562600			500	
Rep and Maint Furn/Fixt/Equip	72410.520300				1,000
JUSTIFICATION: (use additional page if needed) --Attach supporting documentation/memo				TOTAL \$ 189,140	\$ 189,140

To reduce salaries (vacancy savings) and allocate funding to cover projected shortfall in other line items.

(Page 3 of 3)

<u>Mackie Romero</u> 3/24/14 Prepared By _____ Date _____	CITY COUNCIL APPROVAL City Council Approval Required <input type="checkbox"/> City Council Approval Date <input type="text"/> Agenda Item #: <input type="text"/>	Budget Officer _____ Date _____	
Division Director _____ Date _____		Finance Director _____ Date _____	
Department Director _____ Date _____		City Manager _____ Date _____	

CATEGORY TOTALS

Budget Projections

**BUCKMAN DIRECT DIVERSION PROJECT
as of 2/17/2014 (PPE 1/30/14 Actuals, PPE 06/20/2014 Projections)**

	A	B	C	D	E	F	G	H
	FY 13/14	FY 13/14	FY 13/14	FY 13/14	FY 13/14	FY 13/14	FY 13/14	FY 13/14
CATEGORY	BEGINNING BUDGET	BARs	ADJUSTED BUDGET	EXPENDED YR-TO-DATE FY 13/14	ENCUMB YR-TO-DATE FY 13/14	PROJECTED EXPENDITURES TO YR END	TOTAL PROJECTED EXPENDITURES FY 13/14	BALANCE AVAILABLE
Personal Services & Employee Benefits	3,141,851	(435,603)	2,706,248	1,810,806	-	849,618	2,660,423	45,825
Electricity	1,233,755	138,000	1,371,755	604,050	626,986	139,711	1,370,747	1,008
Chemicals	374,783	(47,500)	327,283	56,528	-	270,712	327,239	44
Solids	77,800	44,000	121,800	79,780	-	40,500	120,280	1,520
Materials & Supplies	578,919	184,610	763,529	228,457	273,934	190,710	693,101	70,428
Other Operating Costs	1,526,999	116,493	1,643,492	556,780	545,125	508,391	1,610,296	33,196
Other Financing Uses	103,496	-	103,496	60,373	43,123	-	103,496	-
TOTAL	7,037,603	-	7,037,603	3,396,772	1,489,168	1,999,641	6,885,581	152,022

Updated: 2/17/2014

By: Mackie Romero, BDD Financial Manager