

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

March 1, 2018

1. This meeting of the Santa Fe County/City Buckman Direct Diversion Board meeting was called to order by Commissioner Henry Roybal, Chair, at approximately 4:25 p.m. the City Council Chambers, 200 Lincoln, Santa Fe, New Mexico.
2. Roll was called and a quorum was present with the following members present:

BDD Board Members Present:

Commissioner Henry Roybal, Chair
Councilor Carmichael Dominguez
Ms. Denise Fort, Citizen Member
Commissioner Anna Hamilton
Councilor Michael Harris [City alternate]

Member(s) Absent:

Councilor Peter Ives

Mr. Tom Egelhoff [non-voting]

BDD Board Alternate Members Present:

Mr. J.C. Helms [Citizen Alternate]
Ginny Selvin [Las Campanas non-voting alternate]

Others Present:

Charles Vokes, BDD Facilities Manager
Nancy Long, BDD Board Counsel
Kyle Harwood, BDD Counsel
Mackie Romero, BDD Financial Manager
Bernardine Padilla, BDD Public Relations Coordinator
Christi Manzanares, BDD Administrative Assistant
Debra Harris-Garmendia, BDD Fiscal Administrator
Michael Kelley, County Public Works
Rick Carpenter, City Water Resource Department
Cheryl Vokes, Citizen
Bruce Frederick, County Attorney
Marcos Martinez, City Attorney
Daniela Bowman
Danny Katzman, LANL
David Yates, Alpha Southwest Inc.
Cheryl Rodman, DOE-EM-LA

3. Approval of Agenda [Exhibit 1]

Commissioner Hamilton moved to approve the agenda as published. Member Fort seconded and the motion passed by unanimous [5-0] voice vote.

4. Approval of Consent Agenda

10. Request for approval of Amendment No. 2 to the Professional Services Agreement with Deere & Ault Consultants, Inc. to replaced Exhibit A-2 “Schedule of Hourly Rates and Costs” for on-call engineering services

11. Request approval to award Bid no. 18/11/B “BDD Water Treatment Plant Chemical: Liquid Oxygen to Airgas USA, LLC

With no changes offered, Member Fort moved to approve. Her motion was seconded by Councilor Dominguez and passed by unanimous [5-0] voice vote.

5. Approval of Minutes: February 1, 2017

With no changes offered, Councilor Dominguez moved to approve. His motion was seconded by Ms. Fort and passed by unanimous [5-0] voice vote.

6. Report: February 26, 2018 Fiscal Services Audit Committee (FSAC)

MACKIE ROMERO (BDD Financial Manager): Mr. Chair, members of the Board, a Fiscal Services and Audit Committee was held on Monday, February 25th. In attendance was myself, BDD Financial Manager, Debra Harris-Garmendia, BDD Fiscal Administrator, Christi Manzanares, BDD Administrative Assistant. From the County we had Stephanie Schardin Clarke, County Finance Director, John Dupuis, County Utilities Director, Erik Aaboe, County Business Finance Manager and from the City we had Andrew Erdmann, Water Resource Coordinator.

I provided an update on the BDD audit and financial statements for fiscal year 16/17 which is currently still delayed. Our auditors are estimating to issue the report by April 13th and I did provide a letter of governance communication to the Board members. We discussed Consent Agenda items 10 and 11 and discussion action items 14 and 15 which will also be presented to the Board. There were no major issues or concerns during the FSAC and if there’s any questions from the Board?

CHAIR ROYBAL: Okay, that you, Mackie. Are there any questions from the Board? No questions, thank you.

MS. ROMERO: Thank you.

INFORMATIONAL ITEMS

7. Monthly Update on BDD Operations

MICHAEL DOZIER (Operations Superintendent): Mr. Chair, members

of the Board, before I start my update, we did have another interesting update for treated water. On the 26th of February during the night we actually treated a total amount of 12 billion gallons since we opened. So we were very excited about that. Twelve billion gallons equates to about an average of 4.8 million gallons a day since the commissioning of BDD and another more visual way to look at it is, 12 billion gallons would fill McClure and Nichols Reservoir ten times. So it was just something that we were excited about and that's a little bit of an information item.

So moving to the operations report: raw water deliveries have averaged 3.82 million gallons. The 4-A/5-A average has been 3.5 million gallons. Raw water deliveries have averaged daily to Las Campanas .3 million gallons and we've had about .02 million gallons of onsite treated and untreated water storage. And we've been providing about 64 percent of the water for the City and County this past month.

I stand for any questions.

CHAIR ROYBAL: Okay, thank you, Mr. Dozier. Is there any questions from the Board?

BOARD MEMBER FORT: Mr. Chairman, are we going to discuss the handout with respect to the drought and monsoon and so on at this item or is Mr. Vokes going to discuss it later?

MR. DOZIER: The handout was actually, we gave the handout because we didn't have time to get it into the packet before. If you have any questions on that I could ask Mr. Carpenter to reply.

CHAIR ROYBAL: Did you have further questions on that, Member Fort?

BOARD MEMBER FORT: Well, I guess the question would be whether Mr. Carpenter would want to comment on the significance of the declining reservoir levels.

RICK CARPENTER (Water Resource Department): Mr. Chair, Board Member Fort, when you say declining reservoir levels do you mean the Chama and the Rio Grande or Nichols and McClure?

BOARD MEMBER FORT: On the Rio Grande.

MR. CARPENTER: Okay. Well, it is not uncommon this time of year for them to be declining if we had had snow, which we haven't, it would still be up in the mountains as snowpack. What remains to be seen is the lack of soil moisture and what that's going to do when and if we do get much runoff we won't start getting those forecasts until later this month, actually at the end of March or early April and I hope to come back to the Board with an updated forecast at that time.

BOARD MEMBER FORT: Mr. Chairman, have there been conversations with the BOR and other water management agencies with respect to the reservoirs on the Rio Grande?

MR. CARPENTER: Board Member Fort, that is correct. We have regular conversations. There's a monthly executive committee meeting with the Middle Rio Grande Collaborative Program as well as technical committees. I attend the Minnow Action Team meetings for example. There are other meetings and we have side conversations, one-on-one, with BOR, Fish & Wildlife, ISC and others on a routine basis.

BOARD MEMBER FORT: And, Mr. Chairman, so the expectation is still that the City receives a 100 percent this year of the –

MR. CARPENTER: I wouldn't call it an expectation – it's our hope. We

have already received 2,990 acre-feet. We got it in one big slug and I think that was in January. And we'll see what we get. These latest snows have helped. The San Juans have been getting pretty good snow. I'll think we'll see a little bit. I don't know if we'll get 100 percent or not.

You'll recall that we have over 15,000 – I think it's the number at the bottom of that handout, in storage. So we'll be okay.

BOARD MEMBER FORT: This year. This year, thank you.

CHAIR ROYBAL: Thank you for those questions Member Fort. I'm going to go to Councilor Dominguez.

COUNCILOR DOMINGUEZ: Rick, don't go too far, Rick. The transition from La Niña to ENSO Neutral; can you just put that in layman terms?

MR. CARPENTER: I'm sorry, could you repeat that, Chair, I mean, Councilor Dominguez.

COUNCILOR DOMINGUEZ: Your statement here talks about the transition from La Niña to ENSO Neutral; can you say that in layman terms? Just what does that mean?

MR. CARPENTER: Sure, if I can. NOAA puts out a monthly forecast. They have hundreds of models that they run, hundreds of times attempting to predict the El Nino or La Nina may be doing. ENSO is El Niño – El Niño–Southern Oscillation, ocean currents and ocean temperature and how they interact. So what the latest model is that I thought was kind of surprising model run shows us as I think the handout indicates is 55 percent of El Nino neutral which is neither La Niña or El Niño but if you'll recall up until this latest forecast it has been pretty dire La Niña which is drier conditions. So that has sort of changed a little bit lately. We'll see again what the March forecast has to say.

CHAIR ROYBAL: Thank you, Councilor Dominguez. Is there any other questions from the Board?

BOARD MEMBER FORT: Mr. Chairman, I'm going to ask a question that I hope isn't irrelevant and perhaps for the City Council member here, the current City Council member, I had read that the state is starting to perhaps to contribute to Metropolitan Water District doing some cloud seeding on the Colorado River. The story was very hard to get anything authoritative about that. I understand that the City has a fund for cloud seeding which would take some of the pressure off of the Buckman facility if we were to do – not to put the Council – well, if you could tell us if –

COUNCILOR DOMINGUEZ: I was going to defer to staff because I don't sit on Public Utilities and I don't remember that line item in the budget.

MR. CARPENTER: We currently have no plans for cloud seeding. But I know that Metropolitan Water District of Southern California has a long history, going back decades of injecting silver iodide into the atmosphere and the results have been vague and inconclusive.

BOARD MEMBER FORT: Mr. Chairman, there is a National Foundation funded study that was just published in the proceedings of the National Academy of Sciences that found that it is indeed effective but given of course that it's 15 percent effective not all the time. But the interesting thing to me is that NMED is funding, apparently going to be cofunding with the Interstate Stream Commission for Colorado River flows. I just wondered if you knew anything and apparently the City has a fund but it requires that the funding be matched if the City is to engage in cloud

seeding.

MR. CARPENTER: I am not aware of any active plans that the City would engage in cloud seeding.

BOARD MEMBER FORT: Thank you.

CHAIR ROYBAL: Any other questions from the Board? Councilor Harris, I'd like to ask you to come up.

COUNCILOR HARRIS: I'm fine, really. I just wanted to let the Board know that I had a conversation with Nick Schiavo this afternoon. He was wearing both hats during the conversation. He's our interim airport manager and he's also interim water division director. He's been working on and in April at the Public Utility Committee he's going to be giving a full report on water sources for everything besides the Buckman Diversion. So the wellfields, both wellfields as well as our reservoir storage. So I'll let at the next Board meeting I'll make sure that people know when that is and suggest that it be early in the agenda for that night and so because people are interested. But he's intended to provide a full report.

MR. CARPENTER: And, Mr. Chair, may I add to that just briefly?

CHAIR ROYBAL: Yes, please.

MR. CARPENTER: It actually does include, Councilor Harris, the Buckman Direct Diversion, in fact, that was the genesis of the analysis was, what if the Buckman Direct Diversion can't divert in July or August or September for whatever reason – there's no water in the river, there's no carriage water in the river, we don't get San Juan-Chama water; what if, then do we do with the two wellfields and with the Canyon Road. So that's what that analysis entails. And we'd be happy to bring it to this Board as well as to the Public Utilities Commission for the City.

COUNCILOR HARRIS: Seems like a good idea.

CHAIR ROYBAL: I would agree. Any other comments from the Board?

COMMISSIONER HAMILTON: I think that would be interesting to hear. I'd like to if that works out, I would appreciate that.

CHAIR ROYBAL: Definitely, thank you.

MR. CARPENTER: Thank you.

8. Update on Rio Grande Water Quality Issues

KYLE HARWOOD (BDD Counsel): Good evening, Board Members. You have in your packet a memo I prepared with a number of exhibits. I'd like to just walk you quickly through that, the structure of that memo and what the exhibits are pointing to before standing for questions.

So as many of you know, we've had an ongoing conversation here at the Board about Rio Grande water quality in general and how those regulations operate to keep the water in the Rio Grande at the Buckman Direct Diversion diverts from as clean as possible. This memo describes a number of questions that might serve to focus the Board's interest and attention on perhaps a future agenda item including possibly the participation of New Mexico Environment Department staff who have indicated that type are interested and willing to come to this Board and speak on their various programs. As many of you, as a result of the – I believe it was the September Board meeting, at the Board's direction prepared a letter that our Chair signed. On October 10th that's page

three, that was on just one of the questions that we had touched upon in that September discussion which was with respect to, how does the water public supply designation function in the water quality standards. And then we got a response from Cabinet Secretary Tongate at the end of that month. That too is listed in your packet of materials with a couple of attachments. And then I have taken the liberty to reproduce the page from the 2016 to 2-18 State of New Mexico Clean Water Act Integrated List for our segment 114. That's the top half of page 7 of my memo and we have discussed this page at the prior Board meeting and here I have reproduced it for you. And then because that uses lots of acronyms that even an acronymophile, such as myself, can't always keep straight, I have attached the acronym translations pages from the integrated list so we don't have to scratch our heads to figure out those acronyms.

So that's an overview of the memo and how it is structured. I'll just walk you briefly through the questions.

Question number one is that same question that formed the basis of the Chair's letter back on October 10th about the public water supply designated use. I should say I have learned some more about this whole topic since that presentation in the fall. But this is presented here as a question that we might pose either in a study session format or in a portion of a future Board meeting that was devoted to this question. There are some components of the NMED letter that I think are particularly interesting. Both their reference to how some of the other designated uses are protective of water quality that the project diverts. But then of course, we have the non-supporting uses that are listed on page 7, again. The not supporting attainments, the causes, and then we have all references as to when these were first listed and also the preparation of these TMDLs, these total maximum daily loads.

And then, of course, the way the integrated report is set up, there is a category. We are category 5/5C which is a particular regulatory designation in this model of regulation and it's not clear to me today exactly how you get moved from one these categories to another which I think has some implications for the questions you were asking, oh, excuse me, several of you were asking in the past.

So one thought is to either further develop these questions or something and invite Shelly Lemon perhaps to the next Board meeting. She is the staffer who is listed as the memo author, or one of the program managers, I should say, on page 6 of the attachments you'll see this memo that was an attachment to NMED's response letter to our letter. She and I have spoken. I have spoken with her counsel and they're both quite willing to come and speak to this Board about the regulatory program that they run and what its constraints are what its future might be. So, I know that's a bit of a quick review of a topic that is both broad and deep but I think I should probably stop there and see how you'd like to proceed.

BOARD MEMBER FORT: Mr. Chairman, I've got questions.

CHAIR ROYBAL: Member Fort.

BOARD MEMBER FORT: I really appreciate all the work that Kyle Harwood has put into this and if we could just note again that he's really well qualified to do this because he has more than the typical lawyer he knows something about the acronyms in water quality so we're fortunate to have him working on this.

I wonder if it would be appropriate to describe the materials from Amigos Bravos which is a non-governmental organization that has worked quite a bit on water quality on

the Rio Grande and is interested in talking to us about this matter as well. Chairman, if that would be appropriate now?

CHAIR ROYBAL: I think that would be fine.

MR. HARWOOD: Would you like me to preview them or would you like to?

BOARD MEMBER FORT: No, if you would, please.

MR. HARWOOD: Sure. Ms. Conn who works for Amigos Bravos forwarded these materials. They have all been sent to you by email. There were three handouts. One was a summary of – it's a little different summary than the one I prepared. It looks like this if you recognize it from your emails. It's a black and white single page. It's titled Water Quality at LANL and White Rock Canyon. The piece of the picture that I've highlighted in my memo is really just this paragraph in her memo where she talks about the non-attainment in the Rio Grande. She has detailed some of what the integrated report says about the tributaries off the Pajarito and so summarized some of that information. And then she has notes here – well, she notes that her data came from the same integrated report that I have provided pages from and then she noted some other details that you can see on there. That was one of the three.

The other two start with color. This one starts with a picture of our BDD project, in fact, and reviews both IP permits which are individual storm water permits and also mentions MS4 permitting which is urban stormwater pollution permitting and for acronymophiles, MS4 is municipal separate stormwater system permits, a classic federal acronym.

This does provide information outside of but very much related the things that we have been discussing and I think that we have not dug into these related topics in our past presentations but they are certainly part of the landscape of regulations out there and then I'll just hurry up here and do the third one quickly, which is the groundwater at LANL. This is flagging a number of discharge permits which I will admit I do not know a whole lot about. I'm not going to try to connect the dots right now. These are obviously references to a number of discharge permits. Discharge permits that are regulated by New Mexico Environment Department. That's what certainly these designations are referring to and she's summarizing the status of a couple of these discharge permits that I know she thinks are of concern. So I'll leave it there.

BOARD MEMBER FORT: Mr. Chairman, thank you for that. Mr. Chairman, my suggestion would be we are missing one City Council member now, no doubt working hard at something, and we will have a new City Council member on here and I found the issues involved with water quality and the Rio Grande both from the state regulatory side and then all of the issues that arise from the evidence source of most of the contamination which would be the areas of concern at Los Alamos National Lab and the various legal options and opportunities for LANL to be doing cleanup on those and those are of course tied to where LANL puts funding and how quickly its moving on cleanup and so on. I would love to have a study session to talk about these issues with the new Board members, with all of us and with the one new Board member, after – sometime shortly in the future. I would like it to include and I know Commissioner Hansen is interested in these issues and has been interested as a citizen activist in the past; I would like to have an opportunity for NGOs to present on this, for LANL to present on this, the Environment Department and for us to have a discussion. All of this

being said, I don't really know how one has a study session in a public body. So it may be Councilor Ives who has been very helpful on this as well, but I don't know what one does for a study session. I am assuming it is open to the public. But I think a more informal discussion would be helpful for this Board to understand the water quality issues and whether we're taking appropriate steps.

CHAIR ROYBAL: Nancy, do you have some input to the question?

NANCY LONG (BDD Board Counsel): Mr. Chair, members of the Board, it would be a public study session. We would just have to notice it and the public could attend and listen. They could also be invited to participate or not as you may see if. But we just have to notice the study session.

BOARD MEMBER FORT: That would be my suggestion and I would like it if we were all sitting around a table together and just talk about these things informally and come out with some common understanding. Thank you.

CHAIR ROYBAL: Thank you, Member Fort. Councilor Dominguez.

COUNCILOR DOMINGUEZ: Thank you, Chairman. I think Board Member Fort has a good point, really for potentially two new City Councilors to have a study session on I think all things related to the BDD. And I would just recommend that if you do something specific to this, that you tie in whatever you can with regards to water quality to that and not just be too narrowly focuses. I think that would be helpful for those members.

I did have a couple questions, Kyle. I read the response from NMED. It's not a very helpful response. When they talk about, I think it's the second paragraph, where it says, there are no specific numeric criteria; is that numeric criteria that the department has available?

MR. HARWOOD: Councilor, that sentence is specifically referencing a topic that we did discuss somewhat in September which is, if you look to page 7 and you look down the left hand column, there's PWS, it's about the third one from the bottom and it says, not assessed. And PWS there refers to public water supply. And in doing a little bit of research into this topic, no numeric criteria have been set for this use. So there are other uses like primary contact which is just above it or the very top one is IRR, irrigation, the one below that is livestock watering LW, those uses do have a set of numeric criteria. So what that sentence in the department's letter is reaffirming which is something we were aware of, the reason that this use is not assessed is because it doesn't have any numeric criteria.

As I hinted at in my opening comments, I have come to understand a little bit more of this history and there appear to be some rational reasons why this is the case today. My understanding is still developing and the NMED staffers have indicated that if we would like they will bring us a full answer to this particular question if they're asked to come. If they're not asked to come, I can get the answer from them and bring it back at the next meeting.

COUNCILOR DOMINGUEZ: Mr. Chairman, I would just kind of continue the discussion that Board Member Fort initiated. I think one of the things I think would be beneficial as well is to have maybe individual meetings or a study session to kind of give staff an opportunity to know what kinds of things are on the minds of the Board when it comes to this because, I think, Kyle recognizes there is even a learning process even at that level and we don't want to necessarily, or you all, don't want to

necessarily have a meeting where staff isn't fully informed on what it is that needs to happen.

And then the second thing on that point is, you know, I know that at least for local government one of the challenges is that there are unfunded mandates from the top down. And I think that this is going to sound wrong maybe but we need to be very clear about what the jurisdictions are and recognizing the realities that exist in that regard. So I think that is just something that could probably be teased out during that study session.

And one last question, it's on your memo, the first page and it's the very last sentence or last two sentences, I guess, second to last sentence. It's on page 1.

MR. HARWOOD: On section 3?

COUNCILOR DOMINGUEZ: Yeah, section 3. It says, you know, you have this stuff in there and the second to the last sentence ends with "however no sources are listed."

MR. HARWOOD: Right. Again, if you turn back to page 7 of the memo which is that page that I'm describing. So the way that this regulatory model is set up is that you have the stretch which is the stretch from Cochiti to San Ildefonso that we're located in. You have these uses. You have attainment so that's whether these uses are supported or not assessed. And then you have causes, so these are the contaminants of concern that are the reason the no supporting is not supporting. You have the listing that TMDL dates and then the big empty box at the right is the source unknown. So that's what I am referring to in the integrated list and – you could put a question mark in that big white area. And I suppose one could logically ask, how do you remove the question mark and fill out that box?

COUNCILOR DOMINGUEZ: Okay, I didn't know what that was referring to so –

MR. HARWOOD: I understand and that's why I wanted – I don't know if this was the very best way to present it and I hope I didn't add confusion. But –

COUNCILOR DOMINGUEZ: I think before we even get started there's confusion.

MR. HARWOOD: This is a topic area that is not intuitive for many reasons. In a nutshell, I think this came up in the Board's earlier questioning on this topic at a previous Board meeting. It's how do you draw lines, if I can use that analogy, how do you draw lines from the information on the left side of this table? Where do those lines draw to if you try and draw them across to the source? And as this integrated list shows they have not drawn those lines. They have not identified the sources and that is a very tricky scientific process and it also has a lot of other complexity to it.

COUNCILOR DOMINGUEZ: I was going to ask another question about funding but I think I'll just leave it alone. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Councilor. Commissioner Hamilton.

COMMISSIONER HAMILTON: I'm sure Kyle can correct me if I'm wrong and it may be irrelevant information but as things have worked out in the whole regulatory process of enforcing the Clean Water Act, you'll see if you at TMDLs and we talked about the TMDL process some, one of the first activities is source identification and so because of the complexities and I think maybe even the liabilities that Kyle just referred to, the agencies and certainly the understaffed agencies tend to leave that for the TMDL process which then has a whole life of its own. So they just leave it blank and

then they – this may not be true everywhere but most places especially in small agencies, they don't actually do the TMDLs themselves because they don't have the staff that often don't carry that level of expertise so they let contracts for that. So some contractor goes out and does the source identification. So it's a problem and they have to do that and then they know what to remediate. They can be point sources or non-point sources and it can, depending on what the constituent is, it can be all kinds of different processes to try to identify. You get hints from other TMDLs and knowing what generates PCBs for example. So you start looking in the logic places you know. But still if the TMDLs are held up and they are backlogged then you just don't know the answer to that.

COUNCILOR DOMINGUEZ: One of the questions I was going to ask on funding was does making sure that we understand, you know, what funding sources are available for whatever the multitude of options that we have. And you bring up a good point because short of becoming the regulatory body which is not really the function, that we're careful about using monies from I believe the constituency to pay for things that, you know, another agency should be paying for. I just want to make sure that, you know, careful with that and that we don't set ourselves up to set this expectation that goes beyond what really we should be doing even though we can maybe have the funds to do it and not letting some other organization off the hook or some other agency. It's called creep.

COMMISSIONER HAMILTON: Scope creep.

COUNCILOR DOMINGUEZ: Scope creep.

MR. HARWOOD: If I might provide one other thought if there are no other questions. I spend a lot more of my time working on water rights than water quality. And if I just make an analogy to water rights, we developed, we meaning City, County, Board, staff and leadership, developed a certain level base of knowledge about water rights and we identified actions and then we continue to work closely with the regulatory agencies overtime to ensure that portfolio works as designed. And so I think just to draw on that analogy for a moment, we're still sort of building a base of knowledge among – ultimately the BDD diverts whatever water is there and treats it. That's the plant. It has to put out water that meets Safe Drinking Water Act to customers. We're sort of now going up stream, sort of speak, and the flow of the water and we're still I think at the level of developing a common understanding of how these regulatory programs work before we identify things that we might do. And then there is a whole workplan and budget associated with what those might be.

I don't know if that helped but I thought that would be a good way of thinking of it.

CHAIR ROYBAL: Thank you, Mr. Harwood. We have Councilor Harris.

COUNCILOR HARRIS: So, Mr. Harwood, you know, to just make sure I understand this correctly. So attainment is defined as the use attainment status for the associated use and then as you noted the second column labeled attainment has most of which are non-supporting; does that mean that they don't, for that use, for instance, the marginal cold water MSDAL PCB in fish, PCB in water columns, selenium – does that mean that it does not meet a certain standard because of these causes? Is that correct?

MR. HARWOOD: Correct.

COUNCILOR HARRIS: When it says not supporting.

MR. HARWOOD: That's right. It's exceeding the standards that have been set for – let's just take irrigation quickly. So irrigation has an aluminum numeric and this section of the river for dissolved aluminum exceeds that numeric and so therefore irrigation is – the water is not supporting that use.

COUNCILOR HARRIS: Right. So, that's what I understood but I just wanted confirmation. So we know from your report and the statements that public water supply is really not defined. It goes to general criteria and another set of criteria that really are not defined here. So my question is do the various non-supporting uses, does that bundle of non-supporting causes fall into the general criteria that should effect public water supply?

MR. HARWOOD: I think the way that I would answer that is that the NMED response letter says that while there are no numeric standards for public water supply they feel that many of these other uses and their numeric standards are protective of the use that we make, the project makes.

COUNCILOR HARRIS: Right, but if most of them are non-supporting so it's hard for me to make that leap.

MR. HARWOOD: I agree, that's a fair reading of it but I think the way to read it, however, is to say that because they're non-supporting for these causes – I'm sorry, these uses are not supported for these causes they're now flagged for this further study. This TMDL study where there needs to be loadings, so this goes from concentrations which are what many of the causes, the metrics of the causes are concentrations, grams per liter or something, and then it gets teed up for what's called the TMDL process which is actually loading, that's the pounds of the material that is in the segment. Because you know river systems can accommodate a lot of pollution. They process is in different ways depending on what the pollutant is but at some point they can't handle any more. It's like adding rocks to a backpack and ultimately you can't hike with.

COUNCILOR HARRIS: Yeah, I don't doubt that it is fairly complicated. But I also note that in the comment, the last sentence in AU, you said, therefore the impaired designated use is the associated aquatic life even though the human consumption of the fish is the actual concern, so again, I think probably they'll be a lot of discussion down the road whether it's this current board or future boards just about water quality because this doesn't really answer the question; does it?

MR. HARWOOD: Well, you're not the first person to observe that. I think that the challenge that we have here at the Board is this again is the educational process to sort of unpack the regulatory program that is already in place for the river but ultimately what the Board needs to refine is what is its concerns in this realm and we haven't proposed that to you yet as staff. We have recommendations, obviously, because it's a field that we work on, Chuck and Daniela and myself and others, so we're still in the table-setting mode, we haven't ordered yet.

COUNCILOR HARRIS: Thank you.

MR. HARWOOD: Sure.

CHAIR ROYBAL: Thank you, Councilor Harris. Is there any other questions from the Board?

COMMISSIONER HAMILTON: I can't help myself. I'm not totally concerned what your confusion was. It is how the criteria apply? It's a really odd

circumstance and I'm not sure inviting NMED might be the better thing to do but the way it's structured is that you have these general criteria that if nothing else supersedes it they apply. And they are generally for a series of parameters including temperature and maybe conductivity and pH and things like that. And then when a segment gets a designated use, that designated use just says, Oh, and in this segment you have to apply this other set of criteria as well. And for example, cold water fisheries if there's a general criterion for temperature and the cold water fisheries lowers that for those segments because it's protective of cold water fish. Not to be stupid, but then anything else it doesn't designate is the general use. So there are narrative criteria that still apply. So if you have multiple uses you then go through and because the things that – they might have selenium as a criterion for irrigation for wildlife, for stock watering because they're sensitive to it and another use like cold water fisheries might not speak to selenium at all. So if there are three or four uses listed, you have to go through and see whichever are the most limiting and those most limiting apply. Then if you exceed it that's all it means. They have to list everything that is exceeded so by looking at what the causes are, it tells you everything that was exceeded. So does that make sense or did I totally miss your confusion? Because I'm afraid you're thinking of something that is beyond that I missed it.

COUNCILOR HARRIS: There's a lot of information here that is new to me and it's not very clear to me what it all means so I am just trying to parse it out. And I think that's all I am saying.

COUNCILOR DOMINGUEZ: After this discussion, I don't know if I want to retire and go fishing anymore. [laughter]

CHAIR ROYBAL: Okay, any other questions?

BOARD MEMBER FORT: Mr. Chairman, if we're ending this discussion would this be appropriate for me to make a motion with respect to a study session or how would that be handled?

CHAIR ROYBAL: I think we could entertain a date. I don't know whether we'd be able to do date specific –

BOARD MEMBER FORT: Just the concept, Mr. Chairman. Are we agreed on the concept?

MS. LONG: Mr. Chair, members of the Board, I think this item is listed as informational and we usually don't take action unless it is listed as possible action. But certainly, if it is the consensus that you'd like to have a study session then we can take that direction.

CHAIR ROYBAL: I definitely feel it would be beneficial.

COMMISSIONER HAMILTON: And after listening to all of this, I wonder if part of the study session is not only to bring people up to speed but to start to be able to discuss things like what – I like the way Mr. Harwood framed it, you know, we're setting the table but we don't really know what we want out of this. So I would suspect that that would be something to talk about at the study session. So maybe it would be worthwhile to have, if other people agree, to have the NMED people come and actually do the 101 or the 411, or whatever the expression is, on how their criteria work so then when we do a study session we're kind of a little more up and on the same page.

MR. HARWOOD: Yes, this is a big topic. So one idea if there is consensus on the Board to go this direction to direct staff to do this is that we identify a

format, a time and a place and then a format for some group of speakers to be invited and because it's such a large topic to probably have a set of questions that we're exploring together, perhaps a little broader than these but inclusive of these, maybe in addition to these and then from that develop a set of recommendations – sort of looking at the whole process. And whether the study session wants to be an early start to a Board meeting or a completely separate day or however we want to do that, we can use various methods to coordinate with you all about that part of the process. But, again, I don't know how you want to proceed.

CHAIR ROYBAL: I think we have consensus on the Board.

BOARD MEMBER FORT: And, Mr. Chairman, I would suggest that retiring council members should be required to attend; would you not agree. [laughter]

MR. HARWOOD: Okay, so we'll go ahead and do that then.

CHAIR ROYBAL: Thank you, Mr. Harwood.

MR. HARWOOD: Thank you, Chair.

9. Report from the Facilities Manager

CHUCK VOKES (Facilities Manager): Mr. Chair, members of the Board, I think in the interest of time, I have nothing large to report so unless you all have questions on this if that's allowed.

CHAIR ROYBAL: I think that would be fine. But do we have any questions from the Board?

10. & 11. Approved as consent agenda

DISCUSSION AND ACTION

12. Consideration and Possible Action on Resolution 2018-1, Determining Reasonable Notice for Public Meetings of the Buckman Direct Diversion Board

MS. LONG: Yes, Mr. Chair and members of the Board, as you know every public body in New Mexico must annually consider what constitutes reasonable notice for their board meetings. So I am presenting this Open Meetings Act Resolution for your consideration. It is unchanged from previous years. The one difference in the Board's Open Meetings Act Resolution that maybe you see in other places is that the Board has decided that in order to attend a meeting by telephone, which is allowed under the act if you provide for it by rule or policy, that you must need to attend in order constitute a quorum. Not all boards require that but this Board had considered several years ago that it wanted that requirement in its Open Meetings Act Resolution. So otherwise you would not attend by telephone but if it was needed for a quorum then you could attend by telephone. And we rarely have an issue where we need to have anyone attend by telephone. It is seen more as a circumstance that should not be used very often because of sometimes the difficulty in hearing people that are on the phone and for them to hear everybody else. So although it is allowed, I would say disfavored.

So there are no changes from last year's Open Meetings Act Resolution and we would recommend that you approve this resolution.

CHAIR ROYBAL: Any comments from the Board, questions? Okay, what is the pleasure of the Board?

COMMISSIONER HAMILTON: I move to approve.

CHAIR ROYBAL: We have a motion. Do we have a second?

COUNCILOR DOMINGUEZ: I'll second.

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

13. Appointment of the Citizen member and Alternate Citizen Member to the Buckman Direct Diversion Board

MS. LONG: Mr. Chairman and members of the Board, you may remember at last month's meeting we asked for direction from the Board on the appointment or reappointment of your citizen member and alternate citizen member. Their terms expire March 3, 2018 so in two days. The terms are for two years. The Board indicated that it would like to make sure in writing that the current citizen member and alternate citizen member wanted to continue to serve. So we received that from both Member Fort and Member Helms that they wish to continue to serve. We also placed notice of these positions on the website and there was also an ad in the newspaper but did not receive any takers for that. So it is time to appoint or reappoint your citizen members with a term beginning March 3, I would recommend when theirs expires and that would be for another two years.

COMMISSIONER HAMILTON: Mr. Chair.

CHAIR ROYBAL: Commissioner Hamilton.

COMMISSIONER HAMILTON: I'd like to move that we appoint our existing citizen member and alternate for an additional two year term.

CHAIR ROYBAL: Okay, so we have a motion. Any other – do I hear a second?

COUNCILOR DOMINGUEZ: Second.

CHAIR ROYBAL: Anything else under discussion? I'd like to say congratulations and

COMMISSIONER HAMILTON: We have to vote on it.

CHAIR ROYBAL: No, we can have discussion before voting on it. I would say congratulations and thank you guys for being here to serve.

So we have a motion and a second, all those in favor signify by saying aye. All those opposed same sign.

The motion passed by unanimous voice vote.

- 14. Request for approval of Amendment No. 6 to the professional Services Agreement with Alpha Southwest, Inc. for the Raw Water Lift Station pump rebuild project for the amount of \$80,000 exclusive of NMGRT**
- a. Request for approval for a Budget Amendment Resolution to authorize funds from the major Repair and Replacement fund to cover the cost of the project**

MR. VOKES: Thank you, Mr. Chair, members of the Board, as you may recall in December of 2017 the Board approved Amendment number 5 to the Alpha Southwest contract for \$120,000 for needed repairs to the raw water lift station pumps and this was based on an estimate provided by Alpha Southwest. Since that time, Alpha Southwest and the BDD staff have removed pumps number 2 and 3 from the raw water pump station and they have been disassembled and inspected and what the inspections revealed was that they are going to require more repairs than we originally expected. So in order to support the repair of at least the first two pumps, numbers 2 and 3, we are asking for an additional amount of \$80,000. The repairs of these pumps also include the refurbishment of the motors. And once the repairs to pumps 2 and 3 are complete and once they are reinstalled and working, we will have to pull pumps number 4 and 5 and have them inspected, disassembled and inspected, and if there are any additional funds needed, then we will come back to the Board at that time.

The good news that we have is that we did previously refurbish pump number 1 so that one has already been done and paid for. As mentioned in the packet, if we were to buy a brand new pump without the motor they would be in the neighborhood of about \$200,000 apiece. So even though we're spending in the neighborhood of \$75- to \$100,000 to refurbish these it is much less expensive than purchasing a new pump.

The other thing is, once these repairs are completed the Board will have addressed all the raw water pumps at all three pump stations so hopefully there will be a time period where things will run along and we won't have any more major repairs for awhile.

So, on that, if the Board has any questions for me I'll try and answer them. We also have David Yates with Alpha Southwest Pumps, so if you want to get into more detailed discussion of what needs to be fixed, he's here to support me with that.

CHAIR ROYBAL: Thank you, Mr. Vokes. Do we have any questions for Mr. Vokes or Mr. Yates? Councilor Dominguez.

COUNCILOR DOMINGUEZ: Thank you, Mr. Chair. So just to clarify, Chuck, the total is \$450,000 that we've basically with this spent.

MR. VOKES: The current total, you have approved \$120,000 and you would be adding the \$80,000 to bring us up to \$200,000. And, again, my expectation based on the wear and tear to 2 and 3 that the total bill for the four pumps may be in the neighborhood of \$300,000 but we will not know until we tear the other two pumps down and see what needs to be replaced on those. Did that answer your question?

COUNCILOR DOMINGUEZ: Let me ask it differently. All of the amendments combined add up to 450,000?

MS. ROMERO: Mr. Chair, members of the Board, I can answer that. So, yes, Alpha Southwest is our on-call contract. So every year we spend about \$50,000 for them to help support our maintenance staff, and so yes, all the amendments up to this

point have been 450,000. Alpha Southwest is in their final year for RFP so after that we'll have to procure another on-call contractor for this service.

COUNCILOR DOMINGUEZ: And so this is from 2015, right, I mean the amendments started in 2015?

MS. ROMERO: I believe back to 2014 is when the original RFP was four years.

COUNCILOR DOMINGUEZ: And since you're there Mackie or Chuck, whoever can answer, in that fund balance, that fund, what's the balance; do we know?

MS. ROMERO: The balance in the major repair and replacement fund?

COUNCILOR DOMINGUEZ: Yeah.

MS. ROMERO: I do have that. So the balance right now is about almost \$1.2 million and that includes all of the authorization up to this point because we've had other authorizations from the major repair and replacement fund.

COUNCILOR DOMINGUEZ: So one other question going back to the history of the amendments; that \$450,000 has that all gone to this contractor?

MS. ROMERO: That is correct and it has been partially funded. Some has been funded out of our operating budget and then the raw water lift station pumps are being funded out of the major repair and replacement fund.

COUNCILOR DOMINGUEZ: All right. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you. Councilor Harris.

COUNCILOR HARRIS: So, Mr. Vokes, I want to make sure I understand the numbers. So, 100,000 plus 80, \$200,000 and although that started off under amendment 5 to address four pumps. But 200,000 is really going to address two pumps; correct, 2 and 3?

MR. VOKES: Yes, Mr. Chair and Councilor. Our expectation is, we're working with Alpha. We have some parts on the shelf that we're going to provide to them and they're also working on some discounts. So our expectation is that this number will come down a little bit for these first two pumps. We're also providing some additional staff support to try and bring these numbers down. But I would say that we would be south of the 200,000 for the two pumps and then right now we are operating pumps 4 and 5 but they're not extremely happy with us operating them. So at some point they'll need to be done also.

COUNCILOR HARRIS: Right. But I thought I heard you say that by the time we rebuild 4 and 5 we'd be at 300,000, wouldn't we really be closer to 400,000 or is the discounting and the savings that you described will that be significant enough to hold to the 300,000, do you think?

MR. VOKES: The 300,000 is a guess and my expectation is that we can pull down perhaps to the \$150,000 range for the first two repairs and if that holds with the next two pumps, and that's my guess.

COUNCILOR HARRIS: All right. So I guess maybe this is a question for Mr. Yates, thanks for coming up. So inspections reveal significant damage; can you describe what that damage is and what the cause is as far as you know.

DAVID YATES (Alpha Southwest): Mr. Chair, members of the Board, I don't know if you were provided this drawing and if not – if you could go to the page that shows the schematic. What you're seeing here is a cross section of the pump itself. At the top of this drawing is where the motor actually is attached, if you will, it's actually

setting up on a big stand connected through a coupling. All of the items that are marked with a yellow highlighter are the parts that need to be replaced after the teardown. So they were either completely out of spec or unrepairable which we couldn't build them up or anything like that to get them to come into spec.

On the next page, you'll see that there's a part list that will correspond to those different numbers so that you can find out what each number represents.

COUNCILOR HARRIS: And the cause, I mean it is significant. There are far more highlighted parts than unhighlighted parts. So the cause, proximate as you can tell, Mr. Vokes could answer, has the measures been taken to help temper this?

MR. YATES: I think that would be for Mr. Vokes to answer.

MR. VOKES: Mr. Chair and Councilor, these are heavy duty pumps and they are being exposed to a tremendous amount of sediment. The other concern that we've had is with the vibration issues that these pumps have been exposed to so one of the things an on-call contractor has been looking at is that we've been doing some vibration testing and has made some recommendations for stabilizing these pumps so that we then neutralize the vibration issues. So a combination of just the Rio Grande and these vibration issues are the most likely causes of the deterioration.

I don't know what the life expectancy was supposed to be of these pumps. In a clean water system, a pump will run 20 years. I've never seen a prediction that these pumps will need a major overhaul in 10 years and I'm sure they didn't expect this number of parts. So to answer your question, yes, we have taken measures to extend the life of the pumps and we feel like we will get increased life but again, they are pumping Rio Grande.

COUNCILOR HARRIS: So the on-call contractors, are you referring to Deere & Ault on that and the solutions that they have devised?

MR. VOKES: Yes, sir.

COUNCILOR HARRIS: And so have they been implemented, those solutions, because quite frankly this is the same discussion that we've had for quite some time.

MR. VOKES: Mr. Chair and Councilor, the solutions are being designed as we speak. It is simply a matter of putting some stabilizing bars between the pumps and we believe that once those drawings are complete the staff will order those and start installing those stabilization. The other thing that we are going to be seeking and looking at is the existing vibration equipment is not being sent up to the plant's SCADA system. We get a vibration alarm but we don't see any trending or see what is actually going on. So that's another step that we're going to be taking is to send those signals up to the control room to where the operators can trend and keep a better eye on those rather than just getting that we've hit the upper limit and an alarm goes off.

COUNCILOR HARRIS: Right. So I would ask, Chair, that at next month's meeting that really you be able to report, Mr. Vokes, on the status of the design and these upgrades. Really, this has been known and clearly it's expensive to repair and if we only get another eight or nine years, whatever it may be, that's just – we need to try and do better. Anyway, so thank you. Thank you, Mr. Gates.

CHAIR ROYBAL: Thank you, Councilor Harris. Member Egelhoff.

MR. EGELHOFF: Chuck, how many pumps are on at one time for a normal flow? Is it one pump or two pumps?

MR. VOKES: Normally, one pump.

MR. EGELHOFF: With our experience, when the pumps leave, they are gone for quite a while. So what kind of timeframe do you see that these two pumps will be gone? You said 4 and 5 are not so well. One, you can't use 1, right because it doesn't have a screen in the river.

MR. VOKES: There is a screen and we are using 1. One, is the one that has been rebuilt and is fully functional. We are able to use 4 and 5 it's just the amount of vibration out of them is a concern and that is an indication that we'll probably see a similar list for the repairs. But we have three functional pumps. Normally, we use number 1 all the time right now and we fill in with 4 and 5 as you, Las Campanas, calls for water or as we need to make additional water.

MR. EGELHOFF: So you're pretty confident that with two gone that the three could –

MR. VOKES: Yes, yes. I am absolutely confident that we'll continue to provide whatever levels of water that the City, the County or Las Campanas needs.

COMMISSIONER HAMILTON: Mr. Chair.

CHAIR ROYBAL: Commissioner Hamilton.

COMMISSIONER HAMILTON: I hope I didn't miss it because I know that Councilor Harris was trending in this way to his questions, but what on a refurbished pump do you have an estimate of what time we would get out of that after refurbishment? That's a sticky question.

MR. VOKES: Mr. Chair and Commissioner Hamilton, all I can say is we're going to get a longer life out of them and with the additional vibration monitoring, my expectation is we'll be able to see the problems earlier. These problems start at the bottom and then work their way up through the pump and so those are the steps that we're taking. We're addressing the vibration issues. We're going to have better information on the pumps and so my expectation is that the life expectancy is going to be longer plus we're going to be more proactive when we start to see a trend instead of having these 15 items on the list, the list will be much narrower.

COMMISSIONER HAMILTON: Thank you.

CHAIR ROYBAL: Thank you, Commissioner Hamilton. Any other questions from the Board? Councilor Dominguez.

COUNCILOR DOMINGUEZ: I'll go ahead and move approval of item 14 and 14.a – are those separate?

MS. LONG: Mr. Chair and Councilor, you can make motion to approve both together.

COUNCILOR DOMINGUEZ: I'll make a motion to approve items 14 and 14a.

COMMISSIONER HAMILTON: Second.

CHAIR ROYBAL: Okay, so we have a motion and a second.

COUNCILOR DOMINGUEZ: Just so we make sure we get some clear direction to staff to provide Board members for the information that they're asking for.

CHAIR ROYBAL: All those in favor. All those opposed same sign.

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

- 15. Request for approval and for BDD recommendation to Santa Fe County Board of County Commissioners and City of Santa Fe's City Council to approve the Fiscal year 2019 Buckman Direct Diversion Operating Budget and Other Fund Contributions**
- a. Presentation of the proposed Fiscal Year 2019 BDD Operating Budget**
 - b. Presentation of the proposed Fiscal year 2019 fund Contributions**
 - c. Public Comment**
 - d. Request for approval of the proposed Fiscal Year 2019 Operating Budget and Other Fund Contributions and recommendation to approve by the County Commission and the City Council**

MS. ROMERO: Mr. Chair, members of the Board, per the Joint Powers Agreement each year the BDD Board shall prepare and recommend an annual budget which shall be finalized for recommendation after public hearing and shall not be formally adopted or implemented until it is approved by each governing body. Therefore, the BDD is pleased to present to you the proposed Fiscal Year 2019 Operating Budget and Other Fund Contributions for recommendation.

I have prepared a power point presentation of about four slides which will present our budget request and highlight some of our budget initiatives. We have also provided you color copies of the budget request and once the presentation is done, I will answer any of your questions.

The BDD is requesting \$8,544,624 to support its operations. This is presented in Table A which is page 5 of the agenda budget request or page 3 of your colored copy. The budget consists of fixed and variable costs and includes revenue reimbursements from several sources such as federal funds for BDD stormwater sampling program, our PNM solar rebate revenue, and our partner reimbursements. This request is our proposed financial plan for all projected costs needed to meet the Board's service level objectives and to provide high quality water to our partners; the City of Santa Fe, Santa Fe County and our Las Campanas entities. This financial plan supports our seven programs and their goals and objectives.

This is chart number 5, page 15 of the agenda budget request or page 12 of your colored copy. From the chart you can see operations makes up about 41 percent of our budget request. Operations' goal is to provide the highest standard of water quality using the most efficient and up-to-date water production methods. Regulatory is committed to maintaining and improving BDD's monitoring programs. This budget renews our NPDES permit and the required process consultant is estimated to cost about \$50,000. Public relations will coordinate and create and support key events in our outreach programs. This budget includes purchase of outdoor water bottle dispenser. Our administrative services is committed to providing exemplary services and fiscal transparency while operating and maintaining the BDD within its budget. Our safety and training will continue to promote and assure workplace safety and ongoing training. Information systems will maintain and support all automation and security systems, including security camera repair and upgrade project, replacement of instrumentation equipment, computers and system software upgrades. Our maintenance program strives to equip the staff with the tools and equipment to efficiently and effectively maintain and repair the assets of the BDD.

In fiscal year 19, BDD will be in its eight year of operations, therefore, maintenance of our facilities will increase due to aging of the equipment and machinery. A major resource in maintaining our equipment and machinery is our Major Repair and Replacement Fund. This provides the immediate funding resources to replace and repair major machinery and equipment in accordance with the established policy. This is Table J and K on page 18 of the agenda budget request or page 15 of your colored copy. The Major Repair and Replacement Fund policy requires yearly contributions which are held in trust until funds are authorized by the BDD Board. The fiscal year 19 budget request includes partner contributions of \$626,706. The BDD is not asking for an increase in this contribution from fiscal year 18 and part of our capital asset management plan in fiscal year 19 will be working on developing and maintaining our capital assets and replacement program. And our current future goals and initiatives are to develop a multi-year projected asset plan, funding requirements, vehicle replacement schedule, and related replacement and disposal policy. With the approval of this contribution and no additional authorizations, the fund balance would be \$1,820,919 for fiscal year 2019.

In summary, we are requesting the BDD Board approve and recommends the funding for fiscal year 2019 Operating Budget of \$8,544,624 plus the annual contribution of \$626,706 for the Major Repair and Placement Fund for a total request of \$9,171,330.

We thank our partners and the Board for their continued support. This concludes my presentation and I will be happy to answer any of the questions from the Board.

CHAIR ROYBAL: Thank you, Mackie. Is there any questions from the Board? Councilor Harris and then I'm going to go to Member Fort.

COUNCILOR HARRIS: I just want to make sure I understand the kind of the sequence here. So it's been presented to us and are being asked to move on it this evening I take it and then from here it's forwarded to the different partners, different members for their review and approval?

CHAIR ROYBAL: That's correct.

COUNCILOR HARRIS: Okay, all right. I just want to make sure I understood that. I'll defer and see if anybody else has a question.

CHAIR ROYBAL: Okay, Member Helms.

MR. HELMS: Yes. These are little bit technical and they can be answered either quickly or we'll deal with it later. Under electricity 1.2 million – to what extent is that number reduced by the solar panels?

MS. ROMERO: So we're not really quite sure how much we reduced \$100,000 but as you've seen in previous fiscal years we had about \$300,000 savings in that particular line item. So we have reduced it by 100,000 as we still have PNM rate increases and we have solar rebate revenues that supports expenditure and in case that revenue does not materialize, we've only cut it by \$100,000.

MR. HELMS: But that means then that if we did not have them it might be 1.3 million; is we didn't have them?

MS. ROMERO: I'm sorry; what was that?

MR. HELMS: If we did not have the solar panels –

MS. ROMERO: That's correct, yes.

MR. HELMS: And what was the cost of the solar panels?

MS. ROMERO: I believe it was about 4.5 million.

MR. HELMS: Okay. One other question. We get water out of the Rio Grande and process it and then we deliver it. Where does our responsibility for delivering water end? In other words, to what extent does the pumping of that throughout the city stop; how great is our responsibility?

MR. VOKES: Mr. Chair, Mr. Helms, from the BDD itself, the water treatment plant, we have 4A and 5A pump station which is two different sets of pumps in one building. That is transmitted through lines that were built with the project. One of the lines carries the majority of the water to the City and that's connected into the Buckman well transmission system. So from our plant that goes over to Booster Station 3 and then that flows up to the 10 million gallon tank. So I would say that the BDD owns the transmission lines to that point. The other transmission line pumps water to the County and that goes down Caja del Rio and then down 599. There are also some interconnections there. So we own those two sets of transmission lines going in opposite directions. Does that answer your question?

MR. HELMS: But that means that our responsibility is to deliver the water and pay for the cost of delivery up to those two points.

MR. VOKES: Yes.

MR. HELMS: And after that it's someone else's duty?

MR. VOKES: Yes.

MR. HELMS: Yes, thank you.

CHAIR ROYBAL: Thank you, Member Helms. Member Fort.

BOARD MEMBER FORT: I had a process question I think following on Mr. Harris's question given the time and the need to vacate the room, I take it, so perhaps if I would ask on behalf of other Board members I suppose, has this been approved by City and County staff in an earlier meeting?

MS. ROMERO: Mr. Chair, Member Fort, the budget is supported by our partners. They have seen the budget. We've had discussion with them and so now once you give the recommendation we would then take this budget and include it within their public utility budget and take that for approval.

BOARD MEMBER FORT: Okay. Then I think I'll let the elected officials tell us what happens next.

COMMISSIONER HAMILTON: Well, no, just as a follow along question, Mr. Chair, is that good?

CHAIR ROYBAL: Commissioner Hamilton.

COMMISSIONER HAMILTON: But in formal process the City and the County each, after we approve it, the City and the County have to formally approve it.

MS. ROMERO: That is correct.

COMMISSIONER HAMILTON: That hasn't been done yet. I just wanted to know.

MS. ROMERO: This is a way to provide the numbers to our partners so that they know what numbers they need to fund BDD for the next fiscal year. Once they've approved it then we would come back and formally adopt that budget. And like in previous years that amount has changed due to things within the partners they decided to take out of the budget and so we would come back and formally adopt that in July.

COMMISSIONER HAMILTON: Thank you.

CHAIR ROYBAL: I'm going to go to Councilor Dominguez and I think Member Fort might have a follow-up question and then I'll go to Councilor Harris.

COUNCILOR DOMINGUEZ: You had the, I guess, the formal budget process for the City of Santa Fe will be starting here very quickly and so I would imagine the County's as well so this is to kind of prime those discussions and get them rolling. And I think I've seen this kind of get better and better over the years with different kinds of information and I think it's good. So I know that – and I don't want to speak on behalf of the City necessarily because I'm not quite sure how the transition is going to happen but I imagine that some of it has come from the expectation of the fiscal agent and how that stuff is recorded.

Anyways, let me get to the question I had, real quick, Mr. Chairman. Just so I understand, it's 35 FTEs total?

MS. ROMERO: That is correct, 35.

COUNCILOR DOMINGUEZ: Those are all filled or we still have vacancies?

MS. ROMERO: We have four vacant positions.

COUNCILOR DOMINGUEZ: Three or four vacant, okay. And are those anywhere specific or are they spread out throughout the operation?

MR. VOKES: We have three advanced treatment operator positions that are vacant and –

MS. ROMERO: And a water resource coordinator.

MR. VOKES: -- And a water resource coordinator.

COUNCILOR DOMINGUEZ: You're not asking for any expansion.

MR. VOKES: No.

COUNCILOR DOMINGUEZ: We're not necessarily balancing the budget from attrition?

MS. ROMERO: No.

COUNCILOR DOMINGUEZ: The other question, it's on page 7, there's a \$70,000 line item for general liability third-party, prime liability assessment fees; what is that?

COMMISSIONER HAMILTON: What page?

COUNCILOR DOMINGUEZ: Page 7 on the handout.

COMMISSIONER HAMILTON: Yes, but that means it is here too

MS. ROMERO: So that's page 10 of the operating budget request in the agenda. So in the agreements the BDD Board requires the City of Santa Fe to have a \$5 million umbrella policy and so that's in addition to what the City's normal requirements are and so therefore that third-party requirement expense comes out of the BDD and that's what that is, the \$70,000 is our umbrella policy.

COUNCILOR DOMINGUEZ: But all of these are all shared amongst the partners; right?

MS. ROMERO: That is correct. So these are City of Santa Fe liability assessments that BDD pays for and then those get reimbursed based on partner percentages.

COUNCILOR DOMINGUEZ: So on that particular item, has that gone up or down over the years?

MS. ROMERO: That has actually increased. In previous fiscal year it was \$50,000 and it increased to \$70,000.

COUNCILOR DOMINGUEZ: So the previous year was \$50,000?

MS. ROMERO: Yes.

COUNCILOR DOMINGUEZ: And what the – is that just the market increase or is that –

MS. ROMERO: I believe so. I have had conversations with Barbara Boltrek in Risk Management to see if she thought that was going to increase and she thought it should stay at 70,000.

COUNCILOR DOMINGUEZ: And I guess these increases or like this increase, where is that reflected in here?

MS. ROMERO: So the increases that we are asking for are probably reflected – it's page 5 of the colored copy or page 8 in the BDD budget request. So in that table you can kind of see where our increases are from different categories, salaries and benefits that includes the 2 percent increase that was approved for the union contracts and then we reduced our electrical by 100,000 and then we have additional increases for chemicals, materials and supplies, other operating costs and litigation. So there's some explanations there if you want me to go into detail.

COUNCILOR DOMINGUEZ: No, I think that's okay, Mr. Chairman. Okay, that's all I have, thank you.

CHAIR ROYBAL: Thank you, Councilor Dominguez.

I do want to real quickly see if there's anybody from the public that wants to speak to this item? Is there any one from the public that wants to speak to this item? Seeing none, I'm going to close the public comment and I'll go to Councilor Harris.

COUNCILOR HARRIS: Yes, so thank you. Very quickly, so I noticed in the variance report the variance on 2017 we were basically at 78 percent of our budget. Do you have any kind of projection for the current 2018 budget? Again, are we going to be seeing that type of variance?

MS. ROMERO: I did do some projections for our second quarter and our variance we were going to be a lot closer and, again, litigation is included in there but we were about more like 90 percent of our budget was projected to be expended and that was including the four vacant positions.

COUNCILOR HARRIS: Okay, all right. So you think that 18 is closer to 90 percent rather than just under 80 percent. I guess I thought that if it looked like we were going to be at 80 percent I guess I might perhaps question the increase for 19, but that's okay. Thank you.

MS. ROMERO: Yes, we are spending our money.

COUNCILOR HARRIS: Thank you, Chair.

CHAIR ROYBAL: Thank you, Councilor Harris. I'll go back to Member Fort.

BOARD MEMBER FORT: Mr. Chairman, I guess I would have a question about how this has been done in the past. I feel uncomfortable approving a major budget on an empty stomach with a discussion of 15 minutes. But I don't want to be in the way of this moving forward before the respective bodies. So would it be approval and I guess this is a question for the Chair, to move approval of this for

presentation to the governing bodies at the City and the County or is it necessary that the Board adopt this budget at this time?

MS. ROMERO: Mr. Chairman, members of the Board, it's only recommendation. So you're approving and recommending the budget. It is not an adoption at this time and that's per the JPA. The Joint Powers Agreement requires that the Board recommends the budget to the governing bodies and then – we cannot implement it until the governing bodies formally adopt it.

BOARD MEMBER FORT: Mr. Chairman, I do understand that. I feel a little less confident even in recommending the budget with a fairly cursory overview but I'll just defer to the elected officials.

COUNCILOR DOMINGUEZ: If I can, Mr. Chair, because I know we have to vacate here in like 30 seconds, right, Jack? So much of this or a significant part of this I should say, is really subject to appropriations by the partners. So I don't think there is any harm in forwarding it to them because ultimately they're the ones that are going to take a closer look at it and make the adjustments that are probably going to happen anyways.

So I think it would be appropriate unless there is something, you know, that is glaring that requires more discussion, I think it would be appropriate to just move it on.

COMMISSIONER HAMILTON: I would agree with that.

COUNCILOR DOMINGUEZ: Okay, so do you need a motion? Do you want a motion? So I'll just go ahead and move approval of item 15 a, b, c and d, or no, actually 15.d.

CHAIR ROYBAL: Okay, we have a motion. Do I hear a second?

COMMISSIONER HAMILTON: I'll second.

CHAIR ROYBAL: Motion and a second. All those in favor. All those opposed same sign.

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

CHAIR ROYBAL: Okay, and we need a motion to go into executive session.

MS. LONG: Yes, and, Mr. Chair, just before that we have Matters from the Public if you want to see about that. I don't think there is any public.

MATTERS FROM THE PUBLIC

CHAIR ROYBAL: On matters of the public?

DANIEL BOWMAN: Yes.

CHAIR ROYBAL: Okay. Is there anybody else from the public that would like to speak?

MS. BOWMAN: Mr. Chair, and members of the BDD Board, my name is Daniela Bowman and I'm the BDD Regulatory Compliance Officer; however, today, I am here as a member of the public and I am making these comments as a member of the public and I'm making these comments as a member of the public. I am off the clock officially since 3:30. So – I have a very short statement [Ms. Bowman distributes her written comments to BDD Board members.] You can follow.

I'm glad to hear that the Board is concerned with the quality of the Rio Grande at the BDD intake. I think it is a good idea to hold accountable New Mexico Environment Department for their actions or inactions about the different programs they oversee and enforce because these programs influence the water of the Rio Grande. However, I have two comments about the discussions of the Board on this topic: the topic being improving the water quality of Rio Grande.

Comment 1: The New Mexico Environment Department has an obligation to follow the law and any action they take must be justifiable by the law and they must be able to prove it in a court of law. That carries a big responsibility and it takes a lot of time and resources. Also, many times New Mexico Environment Department as a governmental agency has a political agenda and that agenda changes with the current political powers.

Comment 2: Because of the reasons specified in Comment 1, the public or BDD cannot influence a lot the actions of the regulating agency or agencies. But the Board has other powers and other options if the Board wants to improve the water quality at the BDD intake. The BDD Board's goal is improving the quality of the Rio Grande. This program was started with one big concern and that concern was Los Alamos Canyon which flows into the Rio Grande upstream from the BDD. The Board promised the public a preventive program called the Early Notification System, ENS. The program ENS was supposed to notify the BDD staff when Los Alamos Canyon is flowing so that BDD stops diversion of raw water from the river. The Board also promised a stormwater monitoring program at BDD, meaning sampling the river when Los Alamos Canyon is flowing.

Since September 13, 2013, for four years now, BDD does not know when Los Alamos Canyon is flowing because gage station E109.9 was destroyed during a storm event. Los Alamos National Laboratory has no intention of restoring the gage station which was very important in notifying BDD when potential contaminated flows in Los Alamos Canyon may reach the Rio Grande. If BDD does not know when lower Los Alamos Canyon is flowing then, BDD does not always stop the diversion when contaminated water from Los Alamos Canyon may be reaching the BDD. I will repeat, BDD does not always stop diverting water and BDD does not always sample the river when the contaminated Los Alamos Canyon is flowing stormwater into the Rio Grande.

As a member of the public, I want to know if the Board is spending so much time discussing NMED's actions or inactions, why is the Board not sending a letter to the Los Alamos National Laboratory's management requesting that that gage station E 109.9 at the lower Los Alamos Canyon be restored so that BDD knows exactly when the contaminated Los Alamos Canyon is flowing in order for BDD to stop the diversion of raw water? We are all aware of the millions of funding being released to Los Alamos National Laboratory for environmental programs. Not BDD, but Los Alamos National Laboratory has contaminated Los Alamos Canyon and Los Alamos National Laboratory has the most resources in qualified personnel, equipment and funds to restore and maintain this gage station. Thank you.

CHAIR ROYBAL: Thank you, Ms. Bowman. Do we have any other members of the public who would like to address the Board? Okay, seeing none, I will close public comments.

NEXT REGULAR MEETING: Thursday, April 5, 2018@ 4:15pm

EXECUTIVE SESSION

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

MS. LONG: Mr. Chair, I would seek a motion to go into Executive Session for the purposes as stated on the agenda. And then you will need a roll call vote. I will also note that after you make that motion we'll be going into executive session and we come out of executive session but our meeting will be continued in the City Councilors' Conference Room when we come out of executive session for the conclusion of the meeting if anyone is interested in continuing to follow our meeting.

COUNCILOR DOMINGUEZ: I would so move.

COMMISSIONER HAMILTON: Second.

CHAIR ROYBAL: Roll call, please

The motion to go into executive session passed by unanimous [5-0] voice vote with the following BDD Board members voting in the affirmative: Councilors Dominguez, and Harris, Commissioner Hamilton, Board Member Fort and Chair Roybal.

[The Board met in executive session from 6 p.m. to 6:35]

CHAIR ROYBAL: I'd like to get a motion to come out of executive session.

COUNCILOR DOMINGUEZ: So moved.

COUNCILOR HARRIS: Second.

CHAIR ROYBAL: Motion and second. All those in favor signify by saying aye.

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

DISCUSSION AND ACTION

17. Request approval to award RFP #'18/12/P to Snell & Wilmer as Litigation Counsel for the BDD Board on matters related to the Diversion Structure

MS. LONG: Mr. Chair, members of the Board, the committee who considered RFP #'18/12/P for litigation services to the Board is recommending that you request approval of award of that RFP to Snell & Wilmer who is the top score for litigation counsel for the BDDB on matters related to the diversion structure in an initial contract amount of \$200,000.

COMMISSIONER HAMILTON: Mr. Chair.

CHAIR ROYBAL: Commissioner Hamilton.

COMMISSIONER HAMILTON: I move to approve.

CHAIR ROYBAL: We have a motion from Commissioner Hamilton. Do I hear a second?

COUNCILOR HARRIS: Second.

CHAIR ROYBAL: Second from Councilor Harris. All those in favor signify by saying “aye.” All those opposed same sign.

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

MATTERS FROM THE BOARD

Chair Roybal stated for the record, and our minutes, that the only matter discussed during the executive session of our last Board meeting on February 1, 2018, was the matter as stated in the motion to go to executive session and no action was taken.

COUNCILOR DOMINGUEZ: I would just say as my last official action, I’m glad that it was here. I appreciate all the staff at every level from all the parties and the BDD. There’s a lot to learn. I wish I would have paid more attention in chemistry – just thanks to everyone and I know the Board is in good hands.

CHAIR ROYBAL: I personally just want to say that it has been an honor serving with you on this Board. It has been great to be able to talk to you and bounce ideas. You have a great understanding that really me in the beginning. Now I’ve been here a couple of years and it’s been great and an honor to work with you.

COMMISSIONER HAMILTON: I would like to add to that because I this was my first year and it was really wonderful being able to follow along when you asked questions and the attention to paid to it and the history you brought to it – and there were a lot of times that you really eased my way – made it a pleasure to work together and I really thank you for that.

BOARD MEMBER FORT: I really enjoyed getting to know you and also in the same sense of your knowledge of how the City and the process works has been very helpful to me. But I don’t think this is saying goodbye.

MR. HELMS: Yeah, I wanted to say that I very much enjoyed working with Carmichael and he’s a very friendly, smiley guy but he is darn competent. But I do want to say one thing, I wanted you to run for mayor.

COUNCILOR DOMINGUEZ: You never know what the future holds.

COUNCILOR HARRIS: And if I could say for the City Council, it was unanimous in his praise last night of Councilor Dominguez. But that paled in comparison to the Finance Committee which I said was a love fest when we said goodbye to Councilor Dominguez. He’s a great man and he’s done great things and will continue to do so.

GINNY SELVIN: I just wanted to say on behalf of Las Campanas, thank you for welcoming us to the table. You were very gracious and we really, really appreciate that a lot.

CHAIR ROYBAL: I think we all can concur that we wish you the best in your future endeavors and maybe we’ll see you on top of the hill.

ADJOURNMENT

As his last official action on the BDD Board, Councilor Dominguez moved to adjourn. Ms. Fort seconded and Chair Roybal declared this meeting adjourned at approximately 6:35 p.m.

Approved by:

Henry Roybal, Board Chair

Respectfully submitted:

Karen Farrell, Wordswork

ATTEST TO:

GERALDINE SALAZAR
SANTA FE COUNTY CLERK

