



## **AGENDA**

### **The City of Santa Fe And Santa Fe County**

#### **Buckman Direct Diversion Board Meeting**

**THURSDAY, APRIL 4, 2019  
4:00 PM  
CITY HALL  
CITY COUNCIL CHAMBERS  
200 LINCOLN**

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF CONSENT AGENDA
5. APPROVAL OF MINUTES FROM THE MARCH 7, 2018 BUCKMAN DIRECT DIVERSION BOARD MEETING
6. REPORT ON APRIL 2, 2019 FISCAL SERVICES AUDIT COMMITTEE (FSAC)

#### **INFORMATIONAL ITEMS**

7. Monthly Update on BDD operations. (Randy Sugrue, Interim BDD Operations Manager, [rcsugrue@santafenm.gov](mailto:rcsugrue@santafenm.gov), 955-4501)
8. Report from the Interim Facilities Manager. (Rick Carpenter, Interim BDD Facilities Manager, [rcarpenter@santafenm.gov](mailto:rcarpenter@santafenm.gov), 955-4206) **VERBAL**

**RECEIVED AT THE CITY CLERK'S OFFICE**

**DATE: March 27, 2019**

**TIME: 12:10 PM**

## **CONSENT AGENDA**

9. Request for approval of a Budget Amendment Resolution to include water conservation fees owed by Santa Fe County for \$62,475.00. (Mackie Romero, BDD Financial Manager, [mmromero1@santafenm.gov](mailto:mmromero1@santafenm.gov), 955-4506)
10. Request for approval of Amendment #3 to increase compensation with Deere & Ault Consultants, Inc. in the amount of \$40,000.00 exclusive of NMGR T in support of the BDD Rehabilitation and Improvements to the Raw Water Delivery System Project. (Mackie Romero, BDD Financial Manager, [mmromero1@santafenm.gov](mailto:mmromero1@santafenm.gov), 955-4506)
  - a) Budget Amendment Resolution for the amount of \$40,000 from the Major Repair & Replacement Fund.
11. Request for approval of Amendment #4 to increase compensation with Excel Staffing Companies, LLC in the amount of \$22,840.00 inclusive of NMGR T to provide a General Clerk III to perform administrative duties. (Mackie Romero, BDD Financial Manager, [mmromero1@santafenm.gov](mailto:mmromero1@santafenm.gov), 955-4506)
12. Request for approval of a Services Agreement with Intra Works Inc. in the amount of \$87,921.55 exclusive of NMGR T to support the BDD Security System Repair and Upgrade Project. (Mackie Romero, BDD Financial Manager, [mmromero1@santafenm.gov](mailto:mmromero1@santafenm.gov), 955-4506)

## **DISCUSSION AND ACTION**

13. Request for approval of the BDD Source Water Protection Plan 2019. (Daniela Bowman, BDD Regulatory Compliance Officer, [dkbowman@santafenm.gov](mailto:dkbowman@santafenm.gov), 955-4504 and Jill Turner of NMED).
14. Consideration and possible action on BDD Board letters regarding Water Quality topics:
  - a. BDD Board Rio Grande Water Quality Letters action (from February 7, 2019 BDD B meeting). (Kyle Harwood, BDD Legal Counsel, [kyle@egolflaw.com](mailto:kyle@egolflaw.com), 986-9641)
  - b. BDD Board Letter re: Waters of the United States (WOTUS). (Alex Puglisi, Environmental Compliance Specialist, [aepuglisi@santafenm.gov](mailto:aepuglisi@santafenm.gov), 955-4232) and Kyle Harwood, BDD Legal Counsel, [kyle@egolflaw.com](mailto:kyle@egolflaw.com), 986-9641)
  - c. BDD Board Letter re: DOE Order 140.1. (Kyle Harwood, BDD Legal Counsel, [kyle@egolflaw.com](mailto:kyle@egolflaw.com), 986-9641)
15. Request for approval of the BDD portion of the Award RFB '19/07/B to Alpha Southwest, Inc. for a total amount of \$467,677.76, exclusive of NMGR T to provide on-call emergency repair for operations and maintenance of the BDD facilities and equipment. (Mackie Romero, BDD Financial Manager, [mmromero1@santafenm.gov](mailto:mmromero1@santafenm.gov), 955-4506)
  - a. Budget Amendment Resolution for the amount of \$367,677.76 from Major Repair & Replacement Fund.



16. Election of Chair and Vice-Chair of the Buckman Direct Diversion Board. (Nancy Long, BDD Legal Counsel, [nancy@longkomer.com](mailto:nancy@longkomer.com), 982-8405)

**MATTERS FROM THE PUBLIC**

**MATTERS FROM THE BOARD**

**NEXT REGULAR MEETING: Thursday, May 2, 2019 at 4:00pm**

**ADJOURN**

**EXECUTIVE SESSION**

In accordance with the New Mexico Open Meetings Act NMSA 1978, §10-15-1(H)(7), discussion regarding pending litigation in which the BDDB is a participant, including, without limitation, *Buckman Direct Diversion Board v. CDM Smith, et al.*, First Judicial District Court Case No. D-101-CV-2018-01610. (Nancy Long, BDD Legal Counsel, [nancy@longkomer.com](mailto:nancy@longkomer.com), 982-8405)

**END OF EXECUTIVE SESSION**

**PERSONS WITH DISABILITIES IN NEED OF ACCOMODATIONS, CONTACT THE CITY CLERK'S OFFICE AT 505-955-6520, FIVE (5) WORKING DAYS PRIOR TO THE MEETING DATE**

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

**April 4, 2019**

**1. & 2.** This meeting of the Santa Fe County/City Buckman Direct Diversion Board meeting was called to order by Councilor Peter Ives, Chair, at approximately 4:00 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 Peter Ives, Chair  
Commissioner Anna Hamilton  
Councilor JoAnne Vigil Coppler [alternate]  
Denise Fort, Citizen Member  
Commissioner Anna Hansen

**Member(s) Excused:**

Councilor Michael Harris

Tom Egelhoff [non-voting]

**BDD Board Alternate Members Present:**

JC Helms [Citizen alternate]

**Others Present:**

Rick Carpenter, Interim BDD Facilities Manager  
Nancy Long, BDD Board Consulting Attorney  
Mackie Romero, BDD Finance Manager  
Stephanie Lopez, City Utilities Department  
Bernardine Padilla, BDD Public Relations Coordinator  
Randy Sugrue, BDD Interim Operations Superintendent  
Kyle Harwood, BDD Counsel  
Francisco Romero, BDD  
Ariel O'Callaghan, Glorieta Geoscience  
Daniela Bowman, BDD  
Jill Turner, NM ED  
Dan Frost S & W  
David Ting  
Sara Smith, Santa Fe County  
Alex Puglisi, City Utilities, Environmental Compliance Specialist  
Rusty Rodke, Santa Fe Community College  
Bruce Frederick, Santa Fe County  
John Dupuis, Santa Fe County

SFC CLERK RECORDED 08/22/2019

**3. APPROVAL OF AGENDA**  
[Exhibit 1: Agenda]

Commissioner Hamilton moved to approve the agenda. Councilor Vigil Coppler seconded and the motion passed without opposition.

**4. APPROVAL OF CONSENT AGENDA**

There were no changes from staff or the Board.

Councilor Vigil Coppler moved to approve and Commissioner Hamilton seconded. The motion passed without opposition.

**Consent Agenda**

9. **Request for approval of a Budget Amendment Resolution to include water conservation fees owed by Santa Fe County for \$62,475.00**
10. **Request for approval of Amendment #3 to increase compensation with Deere & Ault Consultants, Inc. in the amount of \$40,000 exclusive of NMGRT in support of the BDD Rehabilitation and Improvements to the Raw Water Delivery System Project**
  - a. **Budget Amendment Resolution for the amount of \$40,000 from the Major Repair & Replacement Fund**
11. **Request for approval of Amendment #4 to increase compensation with Excel Staffing Companies, LLC in the amount of \$22,840 inclusive of NMGRT to provide a General Clerk III to perform administrative duties**
12. **Request for approval of a Services Agreements with Intra Work Inc. in the amount of \$87,921.55 exclusive of NMGRT to support the BDD Security System Repair and Upgrade Project**

**5. APPROVAL OF MINUTES: March 7, 2019**

There were no corrections and Commissioner Hamilton moved to approve. Board Member Fort seconded and the motion passed by voice vote. Councilor Vigil Coppler abstained.

**5. REPORT on April 2, 2019 FISCAL SERVICES AND AUDIT COMMITTEE (FASC)**

CHAIR IVES: Mackie.

MACKIE ROMERO (BDD Financial Manager): Mr. Chair, members of the Board, a Fiscal Services and Audit Committee meeting was held on Tuesday, April 2<sup>nd</sup>. In attendance was myself, BDD Financial Manager, Rick Carpenter, Interim Water Division Director, from the County Commissioner Hamilton and Joe Gonzales. And from our Las Campanas we had Tom Egelhoff. We discussed all of the financial agenda

items and there were no major concerns or issues. If there are any concerns from Commissioner Hamilton. Thank you.

## **INFORMATIONAL ITEMS**

### **7. Monthly Update on BDD Operations**

CHAIR IVES: Randy, welcome.

RANDY SUGRUE (Interim BDD Operations Superintendent): Thank you, Mr. Chairman, members of the Board. I handed out an amended version of the operational report because there were minor changes. As I noted, our diversions were interrupted somewhat by snowmelt at the end of the month.

Raw diversions averaged about 1.37 million gallons per day. Drinking water deliveries through 4A/5A were 1.35 million gallons per day. Raw water delivery to Las Campanas, Tom took 23,000 gallons during some pump testing. On-site treated and non-treated water storage was .03 million gallons per day. We delivered approximately 22 percent of the water supply to the City. Part of this was to allow Canyon Road to maximize their treatment to keep the reservoirs at a reasonable level to accept the snowmelt coming.

We do have a drought update summary and I updated the graph at the bottom showing our annual averages compared to this last March. I stand for any questions.

CHAIR IVES: Questions? Yes, Commissioner.

COMMISSIONER HAMILTON: I understand that BDD was down for numerous days.

MR. SUGRUE: But we still distributed water that we had in our storage tank.

COMMISSIONER HAMILTON: And those were based on higher flows; so what triggered the shutdowns?

MR. SUGRUE: It is based on flows through our EN system in Los Alamos Canyon and Pueblo Canyon area.

COMMISSIONER HAMILTON: And that functioned well.

MR. SUGRUE: Oh, yeah, absolutely. We did contact Los Alamos County and LANL and we were reassured it was all snowmelt water. But when we go above a certain flow we do shutoff just for safety sake.

COMMISSIONER HAMILTON: Would it be – I don't know what other people think, but I think it would be useful to see summaries of those incidences.

MR. SUGRUE: Sure, the days off line and that –

COMMISSIONER HAMILTON: Sure, and why that kind of information. We get pumping rates and stuff because it is informative of operations and I think it would good.

MR. SUGRUE: Sure, it did impact our delivery certainly and ability to divert. I can include that in next month's operational report just a breakdown for March and then I can give you if there are any occurrences in April.

COMMISSIONER HAMILTON: That would be great.

CHAIR IVES: Commissioner.

COMMISSIONER HANSEN: So the sampling or the radar was what triggered the closing down of the –

MR. SUGRUE: For redundancy there are a variety of flow measures. There is a radar site closer to Los Alamos that we monitor. There's what is called a bubbler and a shaft encoder that measures flow and an ultrasonic flow and we look at all of those. Some a bit more reliable than others particularly if ice and snow are involved if the water is running through. So this was based on flow through that site.

COMMISSIONER HANSEN: But there's no sampling?

MR. SUGRUE: We did sampling as well, certainly. We don't have the results back yet but we do sample when we see this kind of flow to see what we've got there.

COMMISSIONER HANSEN: And what about the 109 site?

MR. SUGRUE: The 109 site is where the radar is based but as you are aware it has not been rehabilitated and put back completely into service at this time.

COMMISSIONER HANSEN: What do we need to do to get that back in service?

MR. SUGRUE: It was discussed in a meeting with some members of the staff at Los Alamos and I don't have information beyond that. Other than we made them aware that there is interest certainly in getting that site back on line.

KYLE HARWOOD (BDD Counsel): Yes, as Randy mentioned it was raised with LANL staff at our last MOU meeting and I believe there is a plan coming together to try to get that site up and back in place.

COMMISSIONER HANSEN: Great. I apologize but I have one comment in the minutes and I'm not sure if it is correct or not from last time. It is concerning you Randy, and maybe you can tell me the answer and whether this is correct. It's on line 28 on page 4, it says, "Our on-site treated and non-treated water therefore was about .41..." and I was thinking that maybe it might be 4.1.

MR. SUGRUE: Actually, no. That is a good question. The reason we noted it was this is the difference between what we treated and what we have onsite. We may distribute 5 million gallons a day and we have 6 million gallons that come in the plant. So if you divide that up by 30 days of the month, it's not that much. Usually what we bring in is almost exactly what we put out the same day.

COMMISSIONER HANSEN: Okay.

MR. SUGRUE: We try not to store water on site for any longer than necessary.

COMMISSIONER HANSEN: Okay, great, thank you.

MR. SUGRUE: Sure. Any other questions?

CHAIR IVES: Other questions from the Board? Thank you.

## **8. Report from the Interim Facilities Manager**

RICK CARPENTER (Interim Facilities Manager): Thank you, Mr. Chair. Just a couple of updates. You have a handout on your desk that looks like this. It's an update from the Bureau of Reclamation on the Middle Rio Grande Endangered Species Collaborative Program. That is an organization that is staffed by Kyle Harwood and myself, we attend their regular meetings and on occasion we report out what's going on. So this is just – it's a pretty well done report, you might find the reading interesting. It's a

project update and an endangered species update. So I just wanted to call that to your attention.

Also, just a brief update on vacancies at the BDD. I have been working with Mackie. We have begun the process to reclassify the front office administrative position. We will reclassify it to something a little bit more appropriate to give her the necessary support that she needs. We also have submitted the paperwork for advertising the fiscal administrator positions that is currently vacant as well as the facilities manager position. And we have paperwork into HR that hopefully will give us the authority to advertise the maintenance superintendent job before it becomes vacant because I anticipate having a hard time filling that job.

So that's updates on staffing and I don't have anything else, Mr. Chair.

CHAIR IVES: Commissioner.

COMMISSIONER HANSEN: I'm sorry, I didn't hear what you said about the facilities manager.

MR. CARPENTER: That has been readvertised. It's open until filled.

COMMISSIONER HAMILTON: Actually, that was my question.

CHAIR IVES: Board member Fort.

MEMBER FORT: Mr. Chair, at the end of the last meeting, we had in the public portion we had some interesting testimony by someone regarding issues about classification that the City had, in effect, used that downgraded some positions that are involved at Buckman and I think I would like to ask Mr. Carpenter's comments on this but I think I would also like the advice of the Chair as to a proper way – I hate to hear really interesting allegations and to not know anything about them in response. I probably should have said something at the public meeting part but I'm not sure how to get this so that we just have some discussion of them. I know we have an expert on personnel here on the Board, Council member; how do we do this?

CHAIR IVES: I think certainly a simple question as to the status of those issues is appropriate. I must admit I try to follow along and as I understand it is in front of the City's HR group awaiting some determination which I don't believe has been made. I know everybody at the City has been enthralled with the ongoing budget preparation so everything seems to be hitting a little bit of a lag in my estimation. But, I don't know if there's anything that you can add to that.

MR. CARPENTER: No, those issues are currently under consideration in the HR Department and I don't have any updates on that.

CHAIR IVES: And I will say that the City did engage in, after about three to four years of prompting, in a comp and classification study designed to make sure that our positions were appropriately being compensated and the like. And that too has added, I know, to some of the complexities in answering these types of questions throughout the City's platform and that's very much a part of consideration, I believe, in the budgetary process. Although, we don't get the presentation of that for another week or so.

MEMBER FORT: Mr. Chair, as I understood the comments, the comment was that the Buckman facility involves different skills perhaps than those that are involved in the wastewater facility and other facilities. That they are not in fact comparable and if it's affecting the ability to retain, attract and retain people then that



would be of interest to this Board. But I'm not sure at what stage we would appropriately engage with that.

CHAIR IVES: And it's certainly a reasonable question and my understanding of some of the history behind that is that when Buckman was being brought on line that a determination was made to higher operators obviously with various levels of certification. I think there's a one through four, if I'm not mistaken, in terms of those levels and the special thing that Buckman had done was create an A, B, C and D level within those classifications and that was not something that was common to the balance of the City's platform. And so some of this is just evaluating that against comp and class study. The initial drive was to try and make sure Buckman had people.

COMMISSIONER HAMILTON: So on the one hand the City's comp and class and the way they are implementing it is a great thing to do but it's the City's purview, right, to do that. But one of the things that talked about sort of last time and Mr. Carpenter gave a good report out on the status of vacancies and filling positions and Member Fort just brought that up. In the context of ongoing vacancies and the Board concern about that and I think I would like to request that we continue to get sort of readouts. You know, Mr. Carpenter has mentioned difficulties in filling the facilities manager position, anticipated difficulties filling the maintenance manager position and that very possibly could have to do with the nature of the facility along with the calls as they are not common positions to fill, right. They're not run of the mill average positions. They have unique aspects. It's a unique facility. And to the extent that those considerations might extend to other – to fill some of these other operators and other positions, that concept is something that as we look at over time and maybe as Mr. Carpenter sees situations/evidence developing, I would like to see the Board getting a report back on that. And that may be in that context something that we could deal with – talk about at least.

CHAIR IVES: Certainly, I know I probably talk with our interim facilities manager every week about where we stand on all of this and I know he has not an insignificant level of frustration both with the timing as well as the folks, trying to get sufficient qualified people. I'd be happy to have as many updates as possible so that we're kept informed and maybe we could get interim emails as positions are filled so that everybody is up to date and also covering any decisions that are made in connection with the certificate levels and use of additional gradations within the hiring process.

COMMISSIONER HAMILTON: And not to lose the point. Part of it is, you can't necessarily anticipate, but at the point that there's enough time and therefore evidence that maybe the classifications aren't necessarily 100 percent germane to BDD and should be reconsidered and then that would be something that the Board could request that the City look into.

CHAIR IVES: Certainly. Commissioner.

COMMISSIONER HANSEN: So, on this topic, thank you Member Fort for bringing this up. It is concerning to hear that there is only one person working a 24 hour shift at Buckman. I feel like there's some – we have employees there who are committed to Buckman and it would seem to me that we should be recognizing that so that we are able to keep well trained employees since it is definitely a state-of-the-art facility in a unique place to find people. Plus, you know, I appreciate what the Facilities Manager Rick Carpenter said last time about the apprentice programs and training but we

did have a training program at Santa Fe Community College in the past and I think that because we have such a unique state-of-the-art facility that we really need to start paying attention at how to get – how to take care of our employees that we have there, one. And making sure that they're provided the education that they need to maintain their job and that they feel appreciated. That is something that we work really hard at the County to make sure that employees are recognized and these comments that came at the end of our meeting, you know, indicate possibly that we need to recognize that we have competent employees and that we want to retain them. So how do we continue to do that without us getting into personnel since we're kind of told that personnel is not something that we're supposed to get involved with but at the same time also as Board members we're in a unique position because of the way the Buckman Direct Diversion is structured and operating agreements and everything because they state possibly that we have oversight over the facilities manager but then – it's a larger discussion about the whole institution of the Buckman and how we keep this facility, our precious water facility up and running in the most progressive, healthy way. So I hope that we will continue to get reports as to how that is done and maybe we don't need to reclassify employees there. I know it's an ongoing process that the City is doing and the Buckman employees are still City employees they just happen to be working at a very unique facility that does not match the Canyon Road facility so therefore we need a different classification for people working at Buckman.

CHAIR IVES: I turn to you, Councilor.

COUNCILOR VIGIL COPPLER: Thank you, I quickly went back and looked at all of this in the minutes which is what I think you all are talking about and I'm specifically intrigued by the person who approached the Board and mentioned how he applied for a position and then couldn't even get a salary increase because I guess he was told that he would have to stay at the minimum. That just doesn't make any sense to me. The only thing I can think of is that maybe it could be a union barrier of some sort. But the interpretation sounds to me like because the City has not implemented the class and comp plan that there are very many employees who are being held hostage to that plan when it has nothing to do with the ongoing day-to-day transfers and promotions of individual employees. And if what I am reading is correct, then it truly is, I think, a false barrier to someone getting ahead in a job that they truly want to do. And I agree, these jobs are jobs we should be watching out for because they're very technical and they have a great responsibility for water safety. And then I think I heard Mr. Carpenter you say that there were some downgrades of positions. They were classified lower or was I mistaken?

MR. CARPENTER: No, I don't think that's what I said. There are positions that are currently under consideration in the HR Department that would make them more on par with the other source of supply positions. Those changes may or may not be made and the gentleman that did make that presentation was actually in one of those positions that is under consideration right now. So a decision hasn't been made to do anything until we hear back from HR on that particular position.

COUNCILOR VIGIL COPPLER: Are they studying the classifications?

MR. CARPENTER: That is part of the equation as far as I know.

COUNCILOR VIGIL COPPLER: -- toward increasing the salary ranges?  
Or what's the purpose?

MR. CARPENTER: The salary ranges in the proposal, the A, B, and C that are within the 1, 2, 3, and 4 those could go away. But we haven't heard back yet. I simply haven't heard from the Human Resources Department what their recommendation is going to be.

COUNCILOR VIGIL COPPLER: The recommendations generally come from the managers because you are the ones who are most familiar with the jobs. So the proposals should actually come from you; don't they?

MR. CARPENTER: Actually this proposal that is under current consideration came from the Public Utilities Director, Mr. Shannon Jones. He has spoken with the City Manager about it. I've had at least one meeting with the Human Resources Department but again I don't know where Human Resources stands on it.

COUNCILOR VIGIL COPPLER: Well, where does the Utilities Director stand on it?

MR. CARPENTER: I would like a decision. We have vacancies that I would like to hire.

COUNCILOR VIGIL COPPLER: So is this a recruitment issue or is it a classification issue? I'm not sure, or is it both?

MR. CARPENTER: It's a little of both.

COUNCILOR VIGIL COPPLER: So there seems to be a bottleneck in HR; is that what I'm hearing?

MR. CARPENTER: I would have liked to have had a decision by now.

COUNCILOR VIGIL COPPLER: That's very diplomatic. Well I don't blame you but I also want to know what was the proposal that the Utilities Director made not with regard to hurrying up the recruitment but with regard to the classifications; just eliminate A, B and C?

MR. CARPENTER: Yeah, on the proposal as I currently understand it, it would through time, nothing is going to happen overnight, but through time those classification levels the A, B and C would cease to exist and the positions – we'd become more like the existing positions in source of supply. One of those goals is so that we can have interchangeable employees from one treatment facility to the other. I think that would give us a lot of flexibility.

So there is some wisdom going into this. It is going to be complicated to implement. I'm hoping that it is going to solve more problems than it creates. And that's where we're at.

COUNCILOR VIGIL COPPLER: And in our estimation would this be a good thing for employees or would it be harmful?

MR. CARPENTER: I'm all for promoting our employees, giving them the training and the rewards for being a dedicated employee. If this system is implemented I think we would still retain that but there would be certain things that would be difficult and we'd have to work through like seniority and shift bids and things like that, that we would just have to work through and hopefully to the satisfaction of everyone.

COUNCILOR VIGIL COPPLER: Okay, thank you.

COMMISSIONER HANSEN: Mr. Chair.

CHAIR IVES: Commissioner.

COMMISSIONER HANSEN: So it concerns me that you're trying to make interchangeable positions for two different facilities that are completely really different in nature. I mean, Buckman is a very unique structure and does not match the water Canyon plant. So trying to make interchangeable positions and create the same positions for two facilities doesn't seem to make sense to me and I don't understand why the Public Utilities Director is making these recommendations when he's not running the facility. I know you are only – not only, but you are a long-term and have long term experience with Buckman and you have knowledge of what needs to go into that place. And so I am concerned that you're not the one making these recommendations because you're the one that reports to the Board and the Public Utilities Director does not report to the Board. The Public Utilities Director reports to the City Manager if I'm correct on your structure. So, there seems to be some problems here that might not be for us to or maybe it is for us to be concerned about it. I am concerned about the quality of employees at Buckman. I am concerned about the fact that people have called me and after reading these minutes feel like there is an emergency or a crisis at Buckman. And that is concerning because water quality is our job up here. We are responsible for water quality. At the moment Buckman has really good water quality but five years from now if we're continuing down this path what's going to happen. And we're losing employees and we can't keep the maintenance director and we can't keep employees because we don't want to pay them what they're worth and we don't want to train them. Those are questions and concerns of mine and I want to express that on the record.

CHAIR IVES: And I would note that I presume that a person who carries a level 4 operator's certificate, receives that certificate not by virtue of having worked at either the Canyon Road Plant or the Buckman Diversion Plant but rather based on the training and education that they have received; would that be correct?

MR. CARPENTER: That's correct. It's a combination of years of experience and then sitting for the various levels of tests for levels 1, 2, 3, or 4 operators that is done by the state.

CHAIR IVES: And I presume we have operating both at Canyon Road and at Buckman operators with different levels of certificates. I presume the whole gamut of 1, 2, 3, and 4.

MR. CARPENTER: That's correct.

CHAIR IVES: So it's really just – the primary difference would be training people at the particular facility; would that be a reasonable statement?

MR. CARPENTER: I would agree with that.

CHAIR IVES: And I just say that because the notion of cross training employees so they can serve at either plant to some of us might seem to be a reasonable and good thing. And figuring out how to – I don't want to step on the toes of Personnel and it sounds like decisions are in the hopper to be made and hopefully will be done soon. And I think one thing you could certainly profitably communicate from the Board and it certainly sounds like you have on your own as well, is just the need to get answers and to move forward and start hiring people. That is I think certainly something we all agree on as a Board and would like to see done if possible. So passing that on would certainly be a wonderful thing. Councilor.

COUNCILOR VIGIL COPPLER: Thank you, Mr. Chair. I think cross-training is a fabulous way to provide coverage. I think the other part of it though is to

make sure that you're not working employees so much out of their classification that their pay doesn't match what they're doing. And that is part of this study or whatever they're doing, I hope that it's being fair to the employees because I have seen organizations that establish cross-training paths and have no regard for the duties that people are performing above and beyond what they're being paid for but yet they have to do it. So I'm always concerned when things like this are happening and there's time that has taken way too long it builds in somewhat of a distrust about whether people are capable of making those decisions. And that's why you try to have the most competent people you can in positions to do those studies and to make those decisions.

But I will tell you this, I do meet with the City Manager on a regular basis and I intend to bring this up because I don't understand why it takes so long. And I have been hearing this for a year that's I've been sitting in this chair that recruitment is the biggest bottleneck that the City has. And I don't blame any of the people on this Board for being concerned because it is a concern and it's a real one. So I will take it upon myself because it is concerning to me overall with the City but it concerns me with this Board and what those employees do to perform and to have to provide this coverage when there's not enough staffing, it is just not acceptable. So I will bring this forward to the City Manager. Thank you.

COMMISSIONER HANSEN: Thank you.

CHAIR IVES: Other questions? Board member – alternate Board member, Mr. Helms.

JC HELMS: I spoke about this topic at length some time ago, several sessions ago so I'll make it very brief. But to me the obvious topic is the fact that the Board has not authority and this gentleman over here, Mr. Carpenter, has no authority. We should simply restructure ourselves, hire ourselves as the project manager not the City but ourselves and give that man there authority to hire and fire quickly as he sees fit, raise salaries and get on with and not go through these endless contortions about running things by Human Resources and the City of Santa Fe. The heck with it. This is nonsense the way this is being run and it is a very important topic.

CHAIR IVES: Thank you. Other thoughts, comments before moving on? Oh, I don't even know if you're done with your report.

MR. CARPENTER: Yes, Mr. Chair, I am.

MEMBER FORT: Mr. Chair, just to say the obvious, Mr. Carpenter is in a difficult position. Your tact is useful and will just assume that we'll get a report on this at the next Board meeting, may we ask that?

CHAIR IVES: If not before.

MEMBER FORT: Thank you.

CHAIR IVES: Of course, someone else will set the agenda but I would anticipate it would be part of the Facilities Manager report in any event.

MEMBER FORT: Thank you

## **DISCUSSION AND ACTION**

### **13. Request for approval of the BDD Source Water Protection Plan 2019**

*[Exhibit 2: NMED – Drinking Water Bureau, information on source water protection program]*

DANIELA BOWMAN (BDD Regulatory Compliance Officer): Good afternoon, Mr. Chair, members of the Board. Before I start with BDD Source Water Protection Plan, I want to address the question I believe that Commissioner Hansen had about the station 109.9. What triggered a shutdown of our facility was gauge station 50 and 60 which are up in the middle of Los Alamos Canyon. Downstream at the lower LA Canyon where gauge 109.9 used to be, we still have installed our radar and a bubbler but the radar usually doesn't function. Luckily for us this time for the two week shutdown actually the radar worked very well so it appears to be in good working condition when there is a continuous flow of water. We a couple of times verified that the flow at gauge station 50 and 60 did reach the Rio Grande and for that reason we decided to keep the shutdown. Indeed, the last time when we had the MOU meeting I brought up to the Los Alamos National Lab your concern about that particular location. They refused to do anything about it. I'm not aware of any kind of plan for that to be corrected and if indeed our attorney has plans for such correction or for LANL to do anything about it, we would really want to know about it so we can review that plan. But we don't know about any plans for Los Alamos to restore that station in previous condition or any other condition. I'll move on to the item.

COMMISSIONER HANSEN: Mr. Chair.

CHAIR IVES: Yes, please.

COMMISSIONER HANSEN: Just quickly. So with the MOU discussions with LANL, I think it is imperative that you express or Kyle express to them that 109.9 station is important and it is an important place to sample also. And I know it requires negotiations with San Ildefonso Pueblo but that should not be a hindrance because we should move forward and talk to them about that. It is my position on this Board I want something at that station and sooner than later. Right now we're having really high heavy runoffs so there is a lot more contaminants and a lot more debris and a lot more things in the water than there normally might be.

MS. BOWMAN: Commissioner Hansen, I agree 100 percent with everything you said and that's why I brought it up at the MOU meeting.

COMMISSIONER HANSEN: So tell them it is not an option.

MS. BOWMAN: Okay, next time I will tell them that.

CHAIR IVES: Perhaps we could hear briefly from Mr. Harwood who is standing next to you with presumably information and then I'm going to stop this discussion so that we actually talk about the source of supply report.

MR. HARWOOD: I was just going to re-emphasize what I did say earlier, that there is a plan under development and we'll bring it back to the Board when there's something more to report. Thank you.

CHAIR IVES: Thank you for that. The other thing I would note with hopefully the agreement of whoever the chair to be is, when you state the radar at 109

does not function that is concerning and I'd love to see a written report on that so we can understand that. But let's submit that for the next Board meeting please.

MS. BOWMAN: Okay, Mr. Chair. Mr. Chair, members of the Board, I am presenting today for your consideration and approval the BDD Source Water Protection Plan. As you can see from the second page of the plan a few entities contributed to the compilation of this plan. In addition, the members of the BDD Source Water Protection team listed on page 4, also contributed with comments and suggestions to this version of the plan. The leading agency of this plan is the Drinking Water Bureau of the New Mexico Environment Department. The program manager for the Source Water Protection Program is Ms. Jill Turner with the Drinking Water Bureau. She's a member of our Source Water Protection Team and I invited her today to come to this Board meeting. Before we move on to the discussion and approval of the plan I want to give the podium to Ms. Jill Turner to explain in more detail what is the goal of the Source Water Protection program, why we need source water protection plan and what we can achieve with it.

JILL TURNER (NM ED Drinking Water Bureau): Thank you and good afternoon, Mr. Chair and members of the Board. So I'll Jill Turner and the manager of the Source Water Protect Program in NM ED's Drinking Water Bureau. I've been with the program for about two years now and just shortly after I started we began working with both the City of Santa Fe and with BDD on source water protection plans. You have in front of you in your many stacks of paper there is a double-sided little description of our program for those of you who may not be familiar with what the Source Water Protection Program does. We are within – most of you probably know and think about Drinking Water Bureau as being regulatory, which we are, but we also have the Sustainable Water Infrastructure Group which provides free assistance to all public water systems in New Mexico. Our program is a part of that and we worked with BDD on providing this plan. Backing up just a little bit, in 1996 there was an amendment to the Federal Safe Drinking Water Act and EPA required all state agencies to do source water assessment for all the public water systems in the state. So we did that. We were a little bit late on it. 2002 to 2004 is when those assessments were done. The idea was that they would be followed with source water plans shortly thereafter. Most systems did not do those plans. The state was not required to do the plans for the systems and thus it just kind of sat.

So 2017 was the first attempt for BDD, obviously BDD wasn't around then, but we did an assessment for the City of Santa Fe but all of those assessments need updating. This is something that we're working on throughout the state and something that we wanted to work simultaneously with the City of Santa Fe, with the water treatment plan at Canyon Road and with BDD because they're so connected. So we really wanted to make sure. And the City of Santa Fe is partly done with their plan. They have kind of gotten to a draft stage, but we're working with them on updating that and that will dovetail into BDD's source water plan.

And so source water assessments and plans is something that we concentrate on a lot. We have been working on our methodologies. This plan that we did with BDD that Daniela has been working on really hard is something that is – it's a living document. It's in the works. Our methodologies are changing based on the needs of systems and trying to update and to better provide planning assistance for those systems and so this

plan is kind of in the middle of that. There are some action items you'll see at the end of the plan that address things that we feel need to be looked at further on down the line. But we really regard these plans as living documents. We don't want to say that we're not going to finalize the plan until we get everything done, that's not the purpose of a plan. The purpose of a plan is to define those action items, do an assessment based and based on that assessment you want to do the source water plan and then move on from there and readdress that plan every couple of years – every two or three years or so, and also update that assessment as well.

On the second page of the handout there's a little circle at the top, kind of a diagram explaining what the source water protection planning process is. So we want to do that source water assessment. We want to make sure that stakeholders are involved, develop a source water plan, implement the plan – super important, we don't want the plan to just sit on the shelf – and then monitor the water quality and quantity that are coming into the plan and then review and update that plan. It's a continuous cycle and that's something that we built into this plan that we did with BDD and something that we would like to see going forward. So the plan may not be 100 percent perfect as it is but built into the plan are those action items that we've talked about and we've talked about with the City as well as identifying things moving forward and we are happy to continue working with BDD on those updated assessments and plans as needed.

MEMBER FORT: Thank you. I've got so many questions about this because it seems like it could be, could be, a very useful process and so many of the issues that are dealt with here are ones that this Board spends a lot of time on. But I am not sure.

This plan is actually formally the plan of the water utility, of the Buckman Board; is it not? That's what I'm reading in your –

MS. TURNER: Yes, that is correct. These are all voluntary. We don't require assessment and plans to be done.

MEMBER FORT: This is our plan.

MS. TURNER: Your plan.

MEMBER FORT: So the first page of this, page 3, all of the dates are 2017 on this. Did we pay a contractor to update this?

MS. TURNER: We did. So one of the things that we did was we started working with BDD back in 2017 as I mentioned and prior to me coming onboard we only had one staff in our whole program to do this so we contracted out a lot of this work. So to update the assessment and to build the initial plan that we did in 2017 we worked with our contractor and with BDD and the City of Santa Fe to do that. So you'll see references to Daniel B. Stephens in here because they were the initial contractor. From that document in 2017, Daniela then took that document and turned it into this 2019 plan using that information, that assessment, and using that information that Daniel B. Stephens contributed.

MEMBER FORT: And why did we not involve water consumers and community stakeholders as is in the Environment Department's process and on page 4 of the materials we have in front of us?

MS. TURNER: I think that that's really a question for BDD. That's something that we recommend. We go through this process as the public water system wants to go through the process. And at that time the decision was made that was that it



was to go through internally and then to be approved by the Board and then to be brought to public comment. That is something that can still happen but that's not a question for me to answer.

MEMBER FORT: Mr. Chairman, I'd say public comment is a lot different from public participation and every single person who is listed here on page 4 has a .gov after their name so it could be very useful for this region and there's a lot of concern for water supply and water quality in this region. It could be very useful to have public participation in creating the plan. And I would just say that where I am going to in this is going to be saying that we need to do a remand on this and spend some additional time with some legitimate public participation.

Another comment I have – and I'm not yet making such a motion, however, Mr. Chair.

CHAIR IVES: If I might on that point, what are the drivers in terms of the timing of this document?

MS. TURNER: We have none. Our role in this is to assist the water systems in any capacity that they feel that they need assistance with. Timing requirements, we have not requirements for this documents. So there's many of these questions that should be answered by the person who put the plan together.

CHAIR IVES: Thank you, please continue.

MEMBER FORT: And if Daniela wants to comment, that would be fine.

MS. BOWMAN: In 2017, Mr. Chair, members of the Board, in 2017 Jill Turner approached us and I liked the idea of the plan so we finished it the way we could. But the Board can do just about anything the Board would like with this plan. The Board can take the plan as it is and build on it or maybe you can postpone, you can go for public participation, public comment – this is really a plan that you can do just about anything with it.

We brought it up now because during the study session the Board requested the plan and asked for it because at the time the Bureau Chief of the Drinking Water Bureau mentioned about that particular program and I wanted to bring the plan to you because I felt like that was a good idea since you requested action on that particular plan. And that is why it's brought – but to answer Ms. Fort's question, we did not hire a contractor to update the plan from 2017 for this version 2019. I did most of the revision work but we put together a new team. The team got together, met and they had very good comments and good ideas for revisions. So the team actually revised the plan and agreed on this specific version. But from here on the Board can do anything that the Board would like with this plan.

MEMBER FORT: I have some other comments on the plan but if – I have a number of comments on it. But to make one major comment, when I met with the head of the Drinking Water Bureau at the Environment Department I was told that the 10 miles was just something that a jurisdiction could use and we had discussed this at prior BDD meetings that an area actually going further up stream than 10 miles would be useful. So we're not restricted to 10 miles are we?

MS. TURNER: No, absolutely not. And in the plan, section 6 on page 29, is where the description of the Source Water Protection area comes into play. This is something that we are working on in the Drinking Water Bureau. You'll see that in the

first paragraph it actually mentions wellhead protection toolkit from 2013 that is then referenced down below.

MEMBER FORT: Mr. Chairman, I am sorry to interrupt, but we've got two different paginations here that is confusing for me to find 29. That would be the bold page 29 or the –

CHAIR IVES: That's actually the report page 29 that she's referring to currently, 34 in the packet.

MEMBER FORT: Please go ahead.

MS. TURNER: Sorry about that.

MEMBER FORT: No, it's not you, thank you.

MS. TURNER: And again, there is nothing about this whole process – we do recommendations but there is nothing that we require in a plan. And this type of thing in defining that source water protection area, that's the first thing that I wanted to do when I came into this position, is this description, I don't like it. So we are in the process of changing it but unfortunately things happen very, very slow because we are understaffed and overworked. We haven't gotten anything published to replace this toolkit so that's what gets referred to a lot but I think the general idea is that for assessing the potential sources of contamination there needs to be a zone upstream in which you stop assessing, you stop counting every single septic system. You stop counting every single gas station. You can only do that for so many miles. So the recommendation in this 2013 plan is just an arbitrary 10 miles and I think that needs to be reconsidered as to you stop that in area where you think that that – maybe in the end of an urbanized area, whatever mileage that happens to be. But that's why we also, with this particular plan was the first time that we added a Zone D which then goes all the way up to the top. In your plan it mentions and there's also a copy of a map that takes the last source water area all the way back up to the top of the watershed in Colorado. So that's one of the things that we decided to add in order to get away from that 10 miles as stopping. Being able to identify every single potential source of contamination that far up is next to impossible because of the size of that. So as you get larger in that watershed you just want to really look at the big major things that are going to affect that. Does that answer your question?

MEMBER FORT: Well, it does and it doesn't. I think if we regard this as I'm trying to think about what to do with this, if we regard this as a draft and if it's our understanding that it is not a regulation that prevents the BDD from looking at a larger area and of course you're right that we should be looking at significant sources not septic tanks within the larger area, then that is fine. If we can do that in a rewriting of this that would be fine to do so. And that does answer my question about that.

I do have, as I said, a number of other comments on here reasons why I would not recommend approval of this but I don't need to go through the comments at this time and I could write them up or provide a marked-up copy. Why don't we have further comments and then I'll formulate my thoughts on what we can do next.

COMMISSIONER HAMILTON: I can do the same thing. We can wait for Daniela's presentation because it seems like we haven't even let her say – and then I could make comments. But relevant to this distance thing, one of the things that stuck out to me was in our water quality study and for the past year and a half we have been talking about understandable focus on radionuclides but there are other things of concern,

priority contaminants, organic contaminants, contaminants of emerging concern. There are all kinds of things that we have been focusing on over the course of a year and a half. And one thing that came up several times and I believe Councilor Harris was the first one to bring it up but he wasn't the only one, was the Española Wastewater Treatment Plant. So you are absolutely right, you cannot do everything and there is a point of diminishing returns where like every single septic system in 20 miles isn't – you don't have to count it. But you can identify that significant sources and that's a significant source so that then when you go to the table that is listing the vulnerabilities, there is a 10+ miles but it doesn't list the Española Wastewater Treatment Plant at all and that's something to me that really is – I mean, are there concerns beyond that are potentially substantial and I know some of the water quality information on the Rio Grande and some of those organics and other contaminants that might be coming are probably are.

So that's just sort of a specific that is supplementary to what Ms. Fort was discussing that might be worth doing some additional revision on.

CHAIR IVES: Coming back to Board Member Fort.

MEMBER FORT: I guess one question on page 23. This is a more technical thing but it is kind of important. Only 57 have been detected at lower than standards' levels; what does that mean or what is that suppose to mean? I think it means higher.

MS. BOWMAN: Mr. Chair, members of the Board, Ms. Fort, we have a summary, a statistical summary in one of the appendixes and that is Appendix B. So what that says is that out of the 158 monitored constituents, 57 have been detected; however, at lower than at standards' levels.

COMMISSIONER HAMILTON: So the rest were non-detects is the implication.

MS. BOWMAN: Correct, never detected.

COMMISSIONER HAMILTON: So that needs to be edited.

MEMBER FORT: Yes, and I think some of the other areas without going through this, there's a discussion of the Aamodt Settlement but it wasn't updated from the 2017 – maybe we are all professors in our other lives. So, again, this can be a really useful document and process for the public but it does have to be contemporary to be useful and the Aamodt Settlement is one example of that. This raises more questions than it answers, for example on that point.

I think I would like to ask, and maybe this is appropriately a question, Mr. Chair, for the interim director, in terms of resources for the Buckman staff to bring in stakeholders and to open up this process some so that we can spend the time that is needed to do it what sort of resources would be needed. The very most important thing I think from our point of view are the recommendations at the end. And those recommendations, some of them are substantive, adding any additional member to the Buckman Board which looks like an interesting idea. If one turns to page 57 of the report – well, starting at page 56 and going through to page 58 there are substantive recommendations and while it is very good to have adding a member from San Ildefonso Pueblo to the BDD is one of the recommendations. So it's really good to have staff recommendations, professionals from the City and other entities, but it would also be good to have a wider variety of perspectives and that should include the Pueblo and it certainly should include some of the activist community. I think it should include some

water consumers with knowledge of toxicology and so on. I'd like to – this would be a question to you, Mr. Carpenter, what it would take to open this up? But there may be another comment.

COMMISSIONER HAMILTON: Just for clarity, the recommendation isn't to add a San Ildefonso member to the BDD Board. It's to add it to the BDD Source Water Protection Committee; is that correct?

MS. TURNER: Yes.

COMMISSIONER HAMILTON: And others. And I think what you're talking about is also adding it to the Source Water Protection Team.

MEMBER FORT: I'm not sure whether it would be the team or whether there would be – I don't know the terminology – but the team or a process for inclusion; would it be the team?

COMMISSIONER HAMILTON: Inclusion on the Source Water Protection activity not the BDD Board, yes.

MEMBER FORT: Thank you, my mistake.

MR. CARPENTER: Mr. Chair, members of the Board, to answer your question, Member Fort, I believe we have the resources in house to undertake that. I would still ask Daniela to comment on that. Between myself, Daniela and with the help from the NMED and the people who are already on the team, I think we would be able to do that. I don't see why we wouldn't be able to do that.

MEMBER FORT: Thank you, Mr. Chairman. And perhaps we can help with suggesting some people from the County Water Advisory Board and other citizens who might be interested in participating in this.

I have one other question for Mr. Carpenter, thank you, Mr. Chairman. And that would be that we have this report being done for the City, we have a report being done for BDD and there is even an odd comment in here somewhere that the BDD has no backup water supply but of course we do; we have the City. On page 52, the BDD does not have a backup water supply. Yet I think of the BDD and the other City water sources as being indeed backup supplies for each other. So why was this not done as a single report from the City and the BDD given that the City's water supply includes the BDD? We have two of these studies underway, Mr. Chairman.

MS. TURNER: Mr. Chair, members of the Board, when the Drinking Water Bureau approached BDD and the City of Santa Fe, we had a meeting simultaneously with the staff that were there at the time and the decision was made by the water utilities to do two separate plans. So again, being that we're the assistant's arm, this is completely voluntary. It's completely up to the systems, but it was something that we approached them at exactly the same time because we wanted to do this simultaneously.

MEMBER FORT: Thank you. That sounds very sensible.

COMMISSIONER HAMILTON: Mr. Chair.

CHAIR IVES: Yes.

COMMISSIONER HAMILTON: I mean, just to add my off-the-cuff three cents to that, I think if there's some cross-over work, and I'm sure there is, because there would be people in the City on both teams, and then potential to reference across from one plan to the other, but if I think about it, the specific threats to water sources in the middle and upstream in the Rio Grande would be different, very different from that which threatens like the McClure and Nichols Reservoirs, for example. And so I think it

just makes it easier to read through the whole thing as potentially a separate plan because the source – unless the sources of water are so overlapped. They might be backup for each other but the protection plan, the technical facts of the protection plan are probably pretty separate.

MS. TURNER: One of the things we did talk to them about was if we did create two separate assessments and two separate plans then another document could be created that would be kind of a shorter umbrella document that would wrap them in together. That was another suggestion, that if two documents were to be created they wanted to keep them separate. There could be sort of a regional type of source water plan, source water document, brought into play. And that's something that could still happen. I also did want to mention that we've worked with the Albuquerque Bernalillo County Water Utility Authority on doing updating their assessments that they finished last year. They just finished their source water plan, which is pretty extensive. One of the things that they ended up doing was they have these customer conversations with their water users and they had four different meetings around the city.

And I live in Albuquerque so I actually participated in one as a customer, and they took their draft plan and assessment, presented it to the citizens who came to these meetings, explained what it was they were doing, explained what source water was, explained what the plan was all about and got feedback and comments from the customers themselves as well. So that might be – it worked out really well for them. It might be something that they could do as well. And it's helpful for the Water Authority that they have a lot of staff, they have two hydrologists on staff that worked on this plan as well, but I think if you just kind of scaled that down, doing those customer conversations were something that was really useful for them in a way to bring in the customers and the general public.

CHAIR IVES: So it seems that there is a great many questions about the plan that has been brought forward and that certainly sounds like this body is not ready to approve that plan. The – what you've suggested in terms of Albuquerque created the plan and then took it out to the public, we're in some degree in that position although there are substantive issues within the plan we want to assess further, including perhaps the extent upstream along the Rio Grande that we want to consider factors as part of the plan.

I must admit on the point of the plan for the Santa Fe River and the City wellfields, I have to agree with Commission Hamilton that those face wholly different threats and therefore to me it seems logical that they would be separate and distinct. There's certainly no reason they couldn't cross-reference each other and that's probably helpful because the City and the County have entered into agreements to supply water and the County also has agreements with Las Campanas to supply water, so they do intersect in some level, especially in times of drought. So I'm just trying to think of the best way to move forward on this. Commissioner.

COMMISSIONER HAMILTON: Well, Daniela came, I assume, with a presentation of highlights. I don't know. Maybe Rick wants to weigh in on that. It might be useful. I expect at least several of us have some suggestions that might be useful if there's some additional work, but if we hear the presentation we can submit bullets of our suggestions to Rick or Nancy.

MS. BOWMAN: Mr. Chair, members of the Board, I don't have a special presentation. The plan is quite long and I decided not to have a special presentation. But I

wanted the Board to focus their attention on Section 11, which I thought this is really the BDD action items is what the Board will concentrate on doing. The rest of the sections are mostly informational, or at least that's how I evaluated it. If the Board is not prepared to approve the plan as presented today I would really suggest that the Board send their written comments via email to us so we can see what the BDD staff can do about those comments or whether we're going to need any help and how we can schedule our work about this plan, so that we can revise it as the Board would like to see it.

So that is my suggestion.

MEMBER FORT: Mr. Chair.

CHAIR IVES: Yes.

MEMBER FORT: I would say it's not simply a question of our comments. It's a question of public participation in the creation of this. And it might be sufficient to have customer conversations, but that actually wouldn't be my preference. My preference would be for the BDD staff and others who participated, and we've got a few staff from other agencies, others who participated, to sit down at a table with those – again, we can help identify them. There can be a notice in the paper and just sit down and have some conversations with those who are concerned about drinking water within Santa Fe, and make it a more open process for the members of the public who want to participate. So you'll get a lot more comments than those we have so far.

MS. BOWMAN: Mr. Chair, Ms. Fort, that's exactly what I was referring to. If you can enumerate in an email exactly that. If you'd like to see public participation, we'll see how we can organize it. Maybe we can schedule those meetings in Santa Fe. Maybe a few times. Just give your suggestions, anything. Not only comments on the text but any actions that you would like us to do or you would like to occur, we'll give you feedback how the staff can handle your suggestions exactly. That's what I was referring to.

MEMBER FORT: I'm sorry, Mr. Chair. Just one other point. When you say the City of Santa Fe, I understand that the City of Santa Fe's source protection program includes Buckman, and we've got Mr. Puglisi here so maybe he could comment on this. So you've identified two sources of City water that are not Buckman, the wells and the river, but I understand that Buckman is in fact part of the City plan.

ALEX. PUGLISI (City Public Utilities): Member Fort and members of the Board, that's correct in that you can't separate our two plans because we're comingling produced water in the 10 million gallon tank, and anybody that's served by that 10 million gallon tank is affected by our plan as well as the Buckman Direct Diversion. And we discussed that when we met, to give comments on this plan. And likewise, the city residents are fed off of the Buckman 10 million gallon tank and the Buckman Direct Diversion, so some of the water goes directly through the south line to city customers. So city customers, we need to consider what Buckman is doing at the same time they need to consider what we're doing, because we have to look at wells – the Buckman wellfield, the City wellfield and the Canyon Road water treatment plant, and the sources of water that go to those facilities.

And that's why in the beginning we felt that the two plans should address different sources of contamination, but in the end they should somehow be intertwined so that the idea behind the source water protection plan is source water from the public water supply system and we can't just segregate certain sources out because we're all one

PWSS. Although Buckman does have a PWSS for the people served directly by Buckman, we also have a PWSS that actually is the consecutive system to Buckman. So we're in an unusual position that other public water supply systems are not, but our recommendation today would be Stevens and Associates was let's address the potential sources of contamination separately and then try to intermix the two plans, or intertwine the two plans so that they feed off of each other.

The problem is, we're still in the process with our source water protection plan, and nothing against Jill. She's been very helpful in this process but one of the things that we felt were some of the potential sources of contamination that were identified either no longer exist or there were new ones on the map that weren't identified. And so we kind of kept our planned draft and we're trying to go back and work with NMED to get that finalized.

COMMISSIONER HAMILTON: Actually, I think that's a very good idea, and given that the City is still working on the plan there's time to update that, but actually it was one of my comments that I know it's a big deal but the last time that discharges and what not sources were identified was two years ago and things happen in two years. So that's just on top. So that needs to be reconsidered for this plan, in addition to I personally think that there was enough evidence that big things, like the Española wastewater treatment plant ought to be added in.

MR. PUGLISI: Correct. And I know you can't go all the way upriver but one of the things that was discussed at the last meeting, and Daniela made mention of this is to focus on the BDD actions, because one of the things that BDD can do that even Canyon Road can do or source water is look at a point downstream from those sources where you may want to set up a monitoring point. So instead of worrying about everything above Abiqui, maybe you monitor below Abiqui and you focus on that as a potential source of background contaminants and I think that would be a great thing for BDD to do, and if it's in that plan BDD will do that as part of their normal monitoring procedures.

So we're looking at the same thing. We need to find places – we can't monitor all our wells all the time for everything and so we need to look at a point of entry into the system, possibly, or a point of entry like into the 10 million gallon tank, that we could look for contaminants that may be coming from sources that we are not aware of. College Plaza South, for example. New on the radar but definitely a possible source of contamination to St. Michael's well or even the Baca Street well. We don't know.

CHAIR IVES: Okay. Let me just say this first. We're starting to press against timeframes. We're not going to make any decisions on this, so my suggestion would be that we postpone it for two or three meetings which would allow opportunity perhaps to engage some interested members of the public in looking at this as well as getting in comments and suggestions in connection with the plan. Some of that work is if we're expanding back up the Rio Grande will be fairly extensive, I imagine. And complex. So I guess my inclination is to see if we could postpone this for two to three months out, in order to allow that process to begin in order to see where that takes us and then have it come back, understanding that even that might be too soon. Commissioner.

COMMISSIONER HANSEN: So just a few comments. One, as you address the updating of Aamodt and the regional water system that is going to be built in the Pojoaque Valley, one of the other things that is going to be built in the Pojoaque

Valley is a wastewater plant. And so that is another item to take into consideration because it will be right along the Rio Grande near or within some distance of the regional water plant that is planned there. So I think that's an important issue, but also updating what the County has done on Aamodt because I think that is an important issue.

CHAIR IVES: So what is the pleasure of the Board?

COMMISSIONER HANSEN: I would move that we push this at least three months out.

COMMISSIONER HAMILTON: I'd second that.

CHAIR IVES: So we have a motion to postpone consideration of the Source Water Supply Plan for three months, which would mean taking it up in July. We could bring it back in July, if it's not ready, keep on asking. Is there any further discussion?

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

CHAIR IVES: Very good. The matter is postponed until the July meeting of the Board with much to do between now and then. Thank you.

**14. Consideration and possible action on BDD Board letters regarding water quality topics**

- a. BDD Board Rio Grande Water Quality Letters action**
- b. BDD Board letter re: Waters of the United States (WOTUS)**
- c. BDD Board letter re: DOE Order 140.1**

CHAIR IVES: Kyle, if you could identify – because some of these are fairly long and we just got them at the beginning of the meeting. What is important to take action on?

MR. HARWOOD: Thank you, Mr. Chair. I won't take up too much time, but I think we need to start with 1848 and the Treaty of Guadalupe Hidalgo. So the most important things are the two versions of the WOTUS letter. The registered deadline is April 15<sup>th</sup>, which is in a week on Monday, and I know this Board has an abiding interest in the WOTUS rule. You had a fairly lengthy presentation by Mr. Puglisi at the last meeting.

So the one that is dated KH draft is the one that I've been working on with the input of many interested parties in the Santa Fe area. It is slightly more tuned to our BDD issues than the second one that you have which is at the top of it says Amigos Bravos, and I put Alex's name below it because he provided it to me – thank you, Alex. This is a little broader letter that takes up issues that are, while important, not directly relevant to the project source water. For example, talking about the Santa Fe River and – both of which are obviously well downstream of our intake.

So the letters are covering many of the same issues. There's been a very active conversation in town. I again will apologize for the late date in getting this to you. A lot of other parties don't have a board meeting schedule leading up to the 15<sup>th</sup> and so they've not been burdened by our calendar as we are, but I do thing, Chair, at the minimum, what I'd like to recommend to the Board is that they – and I don't think you need a vote for this – you can just direct staff to send a letter before the deadline and that I will take calls



or redlines from you and circulate a consensus draft so that you Board members are aware of what's going in under your name and that it would then be drafted for the Chair's signature. That's simple as well.

So as a logistical matter, if that meets most of the needs we can certainly get that done. That gives us next week. I presume your signature is available next week, Councilor. So at this late date, there's a lot of material that you've heard and hopefully it looks familiar as you read through it. And this is the only one that has a time sensitivity to it. Yes.

COMMISSIONER HAMILTON: Question. Is the Amigos – are these alternate considerations or is the Amigos Bravos letter – they're going to send that themselves, but it's provided here because it has more information which we can consider when thinking about what we want to see in your letter?

MR. HARWOOD: All of that, and they are soliciting entities to sign their letter.

COMMISSIONER HAMILTON: So in a way it is an option. We can send our own letter, we can sign theirs, we could do both. Thank you.

COMMISSIONER HANSEN: Thank you, Kyle. I do wish I had more time to read the whole thing but I will. I think that it is important for us to send our own letter, specifically relating to the reasons why we're concerned about WOTUS and its effect on the Buckman and the effect on the ephemeral streams in Los Alamos and that effect on the Rio Grande. So I have read parts of the Amigos Bravos letter and personally, I would sign on to it of course, but it does cover the entire state. It goes down to the Gila. It talks about the issues down there. It talks about issues in Bernalillo County, which is not really directly applicable to the Buckman Direct Diversion Board. So in this case I would suggest that we send a tighter letter that is in reference to us.

MR. HARWOOD: And just building on that comment, Commissioner, there is an observation among the many folks that are similarly oriented on this issue that letters from intergovernmental groups like this that run water systems will be sort of noted as a different voice from the many other letters that they're going to get from different sectors and different groups and so I do think it is of value for a water provider to send an independent letter, as you indicated.

COMMISSIONER HANSEN: And I would also like to request that all of our names on the Board be listed on the letter and signed by the Chair. Just so it shows that it is a governmental board with elected officials on it.

MR. HARWOOD: Very good. So shall I consider that direction from the Board and move on from there?

COMMISSIONER HANSEN: Yes. Do we need a motion?

CHAIR IVES: Let's take the consensus of the Board first on whether or not we want to sign off on a specific one as opposed to the more general one.

COMMISSIONER HAMILTON: I agree with Commission Hansen and Mr. Harwood. I think a separate letter will have impact.

CHAIR IVES: Yes?

MR. PUGLISI: If there comments mentioned in the Amigos Bravos letter you can incorporate them into your letter. They don't have a problem with us doing that. In fact they provided it to the City in the hopes that we would include their comments. We got comments from a number of different parties and some of them are pretty

extensive and we're reading through them right now and wondering if we should stay specific to the Santa Fe River or broadening our scope to New Mexico in some areas.

But the one thing I would recommend and I think it was in our ordinance, you might want to include a comment about the cost of treatment to BDD in your letter. I noticed that that was not there.

MR. HARWOOD: So I'll add the signatures as was mentioned, the cost of treatment as Alex just mentioned, and circulate a redline mid-week, if it's okay to give you all two or three business days.

CHAIR IVES: No later than Wednesday?

MR. HARWOOD: Yes, sir.

COMMISSIONER HAMILTON: I actually do have one other comment which you may or may not be able to add, but in the paragraph just before number one, the very last sentence, which is talking about as it would eliminate critical Clean Water Act protections for ephemeral streams. Actually, it also eliminates protection for any stream reaches above an ephemeral reach, whether it's ephemera or not, and that's part of the problem in New Mexico, that it eliminates such a high percentage of stream reaches from protection.

MR. HARWOOD: Yes, ma'am.

COMMISSIONER HAMILTON: Thank you.

COMMISSIONER HANSEN: Good point.

CHAIR IVES: Yes.

J.C. HELMS: I'd like to be certain I understood what Commission Hansen said, that the entire Board would be listed. It wouldn't just be the Board supporting this but have names. Does that include the non-voting members. I would not want my name listed and I would like to dissent. That's my position. If you're going to just be the voting members it doesn't member to me but if you're going to put me down I want to be known as a dissenter. Is that fair enough?

CHAIR IVES: Totally fair. So maybe just the voting Board members probably makes sense.

MR. HARWOOD: Very good. Only voting Board members.

CHAIR IVES: Very good. Can you walk us through the other documents?

MR. HARWOOD: The other ones are not time-sensitive. Let's turn to the DOE order 140.1 letter, the draft that you have. I know Commission Hansen will recognize this text because I borrowed it.

COMMISSIONER HANSEN: I'm very happy that you borrowed it. Senator Heinrich also borrowed it.

MR. HARWOOD: You may remember, Board, from last month, the discussion of the disturbing news regarding that board and the actions of the current administration to weaken that board. A letter with this text has gone on County letterhead already to the addressee and certainly any other edits that seem appropriate from this Board can be made easily and unlike the previous item there is not, that I know of, a deadline, unless you want to impose one.

COMMISSIONER HANSEN: They mentioned at the hearing but I think sending this letter anytime. They are going to review it in May, supposedly because that is the year for it to be up. So I think this letter is fine and can be sent.

COMMISSIONER HAMILTON: Except that I assume you would have to make the edit so that it's not on behalf of the Santa Fe County Board of County Commissioners.

COMMISSIONER HANSEN: But on the behalf of –

COMMISSIONER HAMILTON: The BDD Board.

COMMISSIONER HANSEN: The BDD.

MR. HARWOOD: I'll go ahead and add in the voting membership. I understand.

COMMISSIONER HAMILTON: And there's another place where that's relevant but if you read through you'll catch them.

CHAIR IVES: So what process shall we follow with regards to getting you comments and potential corrections to this letter before you recirculate.

MR. HARWOOD: I'm sorry. I'll take comments through the end of next week, if that's convenient for everybody and then I'll just circulate another redline showing you that so you don't have to guess at them, and I'll say if I don't hear back in a couple days I'll just go ahead and send it. So it's not coming back on an agenda or anything.

COMMISSIONER HANSEN: That sounds fine with me.

COMMISSIONER HAMILTON: Okay with me.

CHAIR IVES: Good. And the final letter.

MR. HARWOOD: The final letter, I'm going to apologize to Professor Fort who is in the wings. I think our combined spring break schedules confounded us working closely on edits to the letters that were in the last month's packet and so you have a couple of Board Member Fort's comments here. I'm going to suggest, having not spoken to you, Professor, that we give ourselves a pass to work on it between now and the next meeting. And I want to apologize for my unavailability since the last meeting.

MEMBER FORT: This incomplete is going to hurt our final grades.

MR. HARWOOD: No, no, no. But you're the professor though. It doesn't have to.

CHAIR IVES: A built-in dispensation.

COMMISSIONER HAMILTON: Yes. She has discretion in these matters.

CHAIR IVES: So we'll take this up in the next Board meeting is essentially the consensus, it appears, we have reached here. So we have dealt with the various letters that were identified.

- 15. Request for approval of the BDD portion of the award RFB 19/07/B to Alpha Southwest, Inc. for a total amount of \$467,677.76, exclusive of NMGRT to provide on-call emergency repair for operations and maintenance of the BDD facilities and equipment**
  - a. Budget amendment resolution for the amount of \$367,677.76 from the major repair and replacement fund**

CHAIR IVES: If we could have a short presentation and hopefully get some quick action for you, Mackie.

MS. ROMERO: Yes. Mr. Chair, members of the Board, the City of Santa Fe Water Division, Wastewater Division and the Buckman Direct Diversion solicited and

received bids for on-call emergency repair services to support our operations and maintenance. The lowest bid received was by Alpha Southwest. Initial contract amount is for \$467,677. This money will be used to support current BDD maintenance resources of the BDD facilities and equipment for the remainder of the current fiscal year and to extend into the upcoming fiscal year.

The funding for this will also be used to issue a work order to repair raw water lift station pumps 4 and 5, for a total amount of \$367,677. This work is part of the ongoing raw water lift station pump rebuild project in which pumps 1, 2 and 3 have already been removed, disassembled, inspected and repaired. The total cost to repair these pumps does meet the criteria that is established in the major repair and replacement fund and therefore this also includes a budget amendment for the major repair and replacement fund. Are there any questions?

CHAIR IVES: Questions from the Board? What is the pleasure of the Board?

COMMISSIONER HAMILTON: I move to approve.

COUNCILOR VIGIL COPPLER: Second.

CHAIR IVES: We have a motion and a second to approve item 15. Do we need a separate motion on 15.a?

NANCY LONG (BDD Board Counsel): Mr. Chair, you can include that in this motion, that it approves 15 and 15.a.

COMMISSIONER HAMILTON: I include that.

CHAIR IVES: Excellent. And that's acceptable to the second. Very good. We have a motion on 15 and 15a to approve, which has been seconded. Is there any further discussion? There being none.

**The motion passed by unanimous voice vote.** [Commission Hansen was not present for this action.]

#### **16. Election of Chair and Vice-Chair of the Buckman Direct Diversion Board**

CHAIR IVES: And we do still have Matters from the Public and Matters from the Board. If I could just see perhaps hands of those people in the audience who wish to address the Board on any particular matter. We have two, so fairly quick.

MS. LONG: Three.

CHAIR IVES: A third. I'm sorry. Excellent. Thank you. So we have three. So if we could move through our elections fairly quickly. Nancy, please take it away.

MS. LONG: Yes, Mr. Chair, and members of the Board. It is time for election of new officers, which consists of a Chair and Vice Chair, according to your joint powers agreement. Since the Chair elected at the last meeting was a City Councilor, being Councilor Ives, the Chair for this next term should be a County Commissioner with the Vice Chair being a City Councilor.

CHAIR IVES: And with that are we open for nominations?

MS. LONG: Yes.

CHAIR IVES: Commissioner.

COMMISSIONER HANSEN: I would like to nominate Commissioner Anna Hamilton for Chair.

CHAIR IVES: Is there a second?  
MEMBER FORT: Second.  
CHAIR IVES: Is there further discussion?

**The motion passed by unanimous [4-0] voice vote. [Commission Hamilton abstained.]**

CHAIR IVES: Congratulations. You are the new Chair and you get to now do the Vice Chair.

COMMISSIONER HAMILTON: Why don't you just finish the meeting? That would be most appreciated.

CHAIR IVES: That brings us to nominations for Vice Chair. What is the pleasure of the Board? Commissioner.

COMMISSIONER HANSEN: I would like to nominate Councilor Harris as Vice Chair.

COUNCILOR VIGIL COPPLER: Second.

CHAIR IVES: We have a motion and a second for Councilor Harris to become the Vice Chair. He is not here to accept or deny so I think it would be contingent upon his acceptance of course, but with that understanding we can certainly move that forward.

COMMISSIONER HANSEN: I think that's fine. We can notify him and tell him that he is our new Vice Chair.

COMMISSIONER HAMILTON: Just a procedural question. If for some reason Councilor Harris preferred not to do it this year and he turns it down, can we just have a new election next meeting?

MS. LONG: Yes, Mr. Chair and Commissioner. You would have a vacancy because he would refuse it or resign however we want to term it and so you could have an election to fill that spot for Vice Chair.

COMMISSIONER HANSEN: Thank you.

CHAIR IVES: Very good. Any further discussion?

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

## **MATTERS FROM THE PUBLIC**

CHAIR IVES: That brings us to Matters of the Public. If those wishing to address the Board would come down toward the podium and please remember to state your name as an initial matter. Again, we have the Planning Commission coming in on our heels, so let's limit comments to two to three minutes, please.

MARK GARCIA: Board, Commission, I just want to hand out a couple of copies of a memo that I had got –

COMMISSIONER HANSEN: Your name please.

MR. GARCIA: Oh, I'm sorry, Mark Garcia. And I just want to – I made a couple of copies of a memo that I got from the City of Santa Fe HR Department when I was working with Canyon Road and in here it significantly states why Buckman is different than Canyon Road and why we get paid differently. So I just want you guys to

see that the last HR people that were in there justifying why our jobs are what they are. And I don't know if you guys have seen the new comp and pay study which significantly lowers the pay and actually takes out some of the BDD names, so you wouldn't really be able to tell if it was BDD worker or a City worker, and I think it's a real conflict of interest. So I just wanted to let you guys look at these.

I just wanted to submit this because in the past it was notified to me that the criteria to move up from Canyon Road was advancement to Buckman so I made a career change thinking that I was going to step up the ladder and now the way the City is talking is they are stepping us back down the ladder. I just wanted to show you that. Thank you and thank you for your time.

CHAIR IVES: Next person please.

RUSTY RODKE: Hi, I'm Rusty Rodke. I am one of the adjunct professors out at Santa Fe Community College and I teach in the Water Technology Program. First of all I wanted to say that we really appreciate the support of the BDD Board and staff on tours, internships, and especially employment of graduates and alumnae of our program, and recognizing and rewarding increased certification levels is very important not just for our program but for the health and safety of the community because these staff members often do an unpleasant job and they hold the health and safety of the public in their hands every day. So they need to be adequately compensated especially when they go on and get additional certification and going up a level in the four levels at the Environment Department and taking their test and demonstrating their competence. They need to be rewarded and compensated adequately. Thank you.

CHAIR IVES: Thank you. And we had a third? Yes.

FRANCISCO ROMERO: Hello, Mr. Chairman and members of the Board. My name is Francisco Romero. I am a BDD employee. Currently my position is the BDD Planner. I'll try to keep it short.

First of all I want to thank Rick Carpenter on an interim basis, he is doing an excellent job. He has the door open to us and lets us bend his ear. He is supportive in any way that he can and so for that, I really appreciate that. And, also, for the Community College to say what kinds of things are required to be at Buckman which is getting advanced level certificates, getting Associates degree programs. Those are things that are additional and above and beyond than a Canyon Road facility on top of workings. So for myself, personally, I attained the WorkKey scores, that's the big thing that keeps people out of Buckman for good or for bad. That higher standard is what we're trying to set.

I have completed – after this semester I'll complete the Advanced Water Treatment Certification at the Community College which is a great program. This was all progressive towards an advanced water treatment operator position that I have been working for for a number of years. Now, where that leaves me is applying for that position, which I was the number one candidate and chosen for that position and verbally offered that position, now this position was timed out and it time lapsed because it sat on the Public Utilities Director's office for more than, I don't know, six months or whatever the time period is that time lapses. This has happened twice to me so I don't know if the intent is to push people like me out to get people in for a lower dollar amount, who this benefits, it surely doesn't benefit me and in my eyes it doesn't benefit the Buckman Diversion.

This will attract lower level employees, disgruntled work environments, in the long-term plan like Commissioner Hansen said, five years from now where does this leave us, you know. I have a pretty broad portfolio. I can go on and do something else. I don't prefer to do something else. I actually want to be at Buckman and I've been very progressive in educating myself and going above and beyond what is even required for this job that I was passed on because the time lapsed.

So for this type of thing to keep happening and it bottlenecking at the Public Utilities Director Office – that's not the way things should go according to the PMFSA. Just real quickly, the last thing to say, in the PMFSA it says that the water – that the Sangre de Cristo Water Division Director reports directly to the Board, makes those budgetary calls, not the Public Utility Director. So where and why this hang-up is taking place for years now is beyond me but it would be nice to have someone in-house who is stated in the contract as that person to be making those calls, making these decisions. That's the way the contract reads. That's the way it was written for a purpose. This is all set in place and it seems very clear to me that it is just not being followed in that direction.

Thank you so much for your time, I appreciate it.

CHAIR IVES: Thank you very much. Anybody else care to make any – address the Board at this meeting? If not we will close the Matters from the Public.

#### **MATTERS FROM THE BOARD**

CHAIR IVES: We'll start at this end. Board member?

COMMISSIONER HAMILTON: No, thank you. I'm good at this point.

CHAIR IVES: Councilor.

COUNCILOR VIGIL COPPLER: Thank you, Councilor Ives. I just want to thank you for chairing this group. You've done a fabulous job and I'm not saying that just because you're a City Councilor. But you have.

COMMISSIONER HAMILTON: And we'll even agree with that.

COUNCILOR VIGIL COPPLER: But I think we'll still see you. So you don't get to go too far. Thank you.

CHAIR IVES: Thank you very much.

COMMISSIONER HANSEN: We do believe that you are still a member of this Board and will continue to serve.

CHAIR IVES: Indeed.

COMMISSIONER HAMILTON: Mr. Almost-ex Chair, I feel remiss in not having said that. Thank you very much for just an excellent job. Very good leadership and very much appreciated.

CHAIR IVES: I will say Buckman doesn't sound terribly sexy or anything like that but the issues that we consider in terms of delivery of water through this facility to the citizens of the City of Santa Fe and the County of Santa Fe and Las Campanas is critical. And so what makes it fun to be chair is have a good and active Board, and heaven knows, we have accomplished that.

MEMBER FORT: Mr. Chair, I want to thank you as well and for your inclusion of the citizen perspective on this. Thank you.

CHAIR IVES: Very good. Thank you.

**NEXT REGULAR MEETING: Thursday, May 2, 2019 @ 4:00 p.m.**

**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 BDDDB is, or may become a participant, including without limitation: *Buckman Direct Diversion Board v. CDM Smith, et al.*, First Judicial District Court Case No. D-101-CV-2018-01610**

CHAIR IVES: I would enter a motion to adjourn and move into executive session; if you would state the preferred form of the motion.

MS. LONG: Yes, Mr. Chair, you can have a combined motion to adjourn and go into executive session for the purpose and pursuant to the Open Meetings Act exception as stated on the agenda. And you will need a roll call vote for that.

COMMISSIONER HANSEN: Mr. Chair, I'd like to move that we adjourn and go into executive session for the purposes as stated on the agenda.

COMMISSIONER HAMILTON: Second.

CHAIR IVES: We have a motion and a second. Is there any further discussion?

**The motion to go into executive session passed by unanimous [5-0] roll call vote as follows:**

Councilor Ives	Aye
Commissioner Hamilton	Aye
Councilor Vigil Coppler	Aye
Commissioner Hansen	Aye
Board Member Fort	Aye

**ADJOURNMENT**

Having completed the agenda, this meeting adjourned at approximately 5:55 p.m.

Approved by:

Peter Ives, Board Chair

Respectfully submitted:

*Karen Farrell*  
Karen Farrell, Wordswork



ATTEST TO:

SEAL

*Yolanda Y. Migie*  
YOLANDA Y. MIGIE  
SANTA FE COUNTY CLERK

COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

BUCKMAN DIRECT DIV MIN  
PAGES: 29

I Hereby Certify That This Instrument Was Filed for Record On The 22ND Day Of August, 2019 at 02:14:58 PM And Was Duly Recorded as Instrument # 1894702 Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office  
Geraldine Salazar  
Deputy *Estrella Martinez* County Clerk, Santa Fe, NM

SFC CLERK RECORDED 08/22/2019





## AGENDA

### The City of Santa Fe And Santa Fe County

#### Buckman Direct Diversion Board Meeting

**THURSDAY, APRIL 4, 2019**  
**4:00 PM**  
**CITY HALL**  
**CITY COUNCIL CHAMBERS**  
**200 LINCOLN**

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF CONSENT AGENDA
5. APPROVAL OF MINUTES FROM THE MARCH 7, 2018 BUCKMAN DIRECT DIVERSION BOARD MEETING
6. REPORT ON APRIL 2, 2019 FISCAL SERVICES AUDIT COMMITTEE (FSAC)

#### **INFORMATIONAL ITEMS**

7. Monthly Update on BDD operations. (Randy Sugrue, Interim BDD Operations Manager, [rsugrue@santafenm.gov](mailto:rsugrue@santafenm.gov), 955-4501)
8. Report from the Interim Facilities Manager. (Rick Carpenter, Interim BDD Facilities Manager, [rcarpenter@santafenm.gov](mailto:rcarpenter@santafenm.gov), 955-4206) **VERBAL**

**RECEIVED AT THE CITY CLERK'S OFFICE**

**DATE: March 27, 2019**

**TIME: 12:10 PM**

## **CONSENT AGENDA**

9. Request for approval of a Budget Amendment Resolution to include water conservation fees owed by Santa Fe County for \$62,475.00. (Mackie Romero, BDD Financial Manager, [mmromero1@santafenm.gov](mailto:mmromero1@santafenm.gov), 955-4506)
10. Request for approval of Amendment #3 to increase compensation with Deere & Ault Consultants, Inc. in the amount of \$40,000.00 exclusive of NMGR T in support of the BDD Rehabilitation and Improvements to the Raw Water Delivery System Project. (Mackie Romero, BDD Financial Manager, [mmromero1@santafenm.gov](mailto:mmromero1@santafenm.gov), 955-4506)
  - a) Budget Amendment Resolution for the amount of \$40,000 from the Major Repair & Replacement Fund.
11. Request for approval of Amendment #4 to increase compensation with Excel Staffing Companies, LLC in the amount of \$22,840.00 inclusive of NMGR T to provide a General Clerk III to perform administrative duties. (Mackie Romero, BDD Financial Manager, [mmromero1@santafenm.gov](mailto:mmromero1@santafenm.gov), 955-4506)
12. Request for approval of a Services Agreement with Intra Works Inc. in the amount of \$87,921.55 exclusive of NMGR T to support the BDD Security System Repair and Upgrade Project. (Mackie Romero, BDD Financial Manager, [mmromero1@santafenm.gov](mailto:mmromero1@santafenm.gov), 955-4506)

## **DISCUSSION AND ACTION**

13. Request for approval of the BDD Source Water Protection Plan 2019. (Daniela Bowman, BDD Regulatory Compliance Officer, [dkbowman@santafenm.gov](mailto:dkbowman@santafenm.gov), 955-4504 and Jill Turner of NMED).
14. Consideration and possible action on BDD Board letters regarding Water Quality topics:
  - a. BDD Board Rio Grande Water Quality Letters action (from February 7, 2019 BDDB meeting). (Kyle Harwood, BDD Legal Counsel, [kyle@egolflaw.com](mailto:kyle@egolflaw.com), 986-9641)
  - b. BDD Board Letter re: Waters of the United States (WOTUS). (Alex Puglisi, Environmental Compliance Specialist, [aepuglisi@santafenm.gov](mailto:aepuglisi@santafenm.gov), 955-4232) and Kyle Harwood, BDD Legal Counsel, [kyle@egolflaw.com](mailto:kyle@egolflaw.com), 986-9641)
  - c. BDD Board Letter re: DOE Order 140.1. (Kyle Harwood, BDD Legal Counsel, [kyle@egolflaw.com](mailto:kyle@egolflaw.com), 986-9641)
15. Request for approval of the BDD portion of the Award RFB '19/07/B to Alpha Southwest, Inc. for a total amount of \$467,677.76, exclusive of NMGR T to provide on-call emergency repair for operations and maintenance of the BDD facilities and equipment. (Mackie Romero, BDD Financial Manager, [mmromero1@santafenm.gov](mailto:mmromero1@santafenm.gov), 955-4506)
  - a. Budget Amendment Resolution for the amount of \$367,677.76 from Major Repair & Replacement Fund.



16. Election of Chair and Vice-Chair of the Buckman Direct Diversion Board. (Nancy Long, BDD Legal Counsel, [nancy@longkomer.com](mailto:nancy@longkomer.com), 982-8405)

## **MATTERS FROM THE PUBLIC**

## **MATTERS FROM THE BOARD**

**NEXT REGULAR MEETING: Thursday, May 2, 2019 at 4:00pm**

**ADJOURN**

### **EXECUTIVE SESSION**

In accordance with the New Mexico Open Meetings Act NMSA 1978, §10-15-1(H)(7), discussion regarding pending litigation in which the BDDDB is a participant, including, without limitation, *Buckman Direct Diversion Board v. CDM Smith, et al.*, First Judicial District Court Case No. D-101-CV-2018-01610. (Nancy Long, BDD Legal Counsel, [nancy@longkomer.com](mailto:nancy@longkomer.com), 982-8405)

**END OF EXECUTIVE SESSION**

**PERSONS WITH DISABILITIES IN NEED OF ACCOMODATIONS, CONTACT THE CITY CLERK'S OFFICE AT 505-955-6520, FIVE (5) WORKING DAYS PRIOR TO THE MEETING DATE**



**Planning for protection of:** Wellheads / Groundwaters / Surface Waters

**Planning for prevention of:** The loss of drinking water quality & quantity

*Focusing on proactive measures to avoid the cost and difficulty of replacing the source.*

## Source Water Protection Program

- Assessments & Contaminant Inventories
- Source Water Protection Plans (develop / implement / update)
- Collaborate with state experts and fund studies that impact drinking water quality or quantity in NM
- Help plan for new sources to become sustainable
- Outreach & education on protecting water sources

*Funding Source: (EPA) Drinking Water State Revolving Fund*

## Source Water Planning Includes:

**Contaminant Inventories** - Required for new sources/systems & part of our SWP plans.

**Source Water Assessments** - 1996 amendments to Safe Drinking Water Act - assessments developed for all NM public water systems by NMED (early 2000s); now assist public water systems to update or develop new assessments. Next step – source water plans

**Source Water Protection Plans** – based on assessments and include management strategies and action items.

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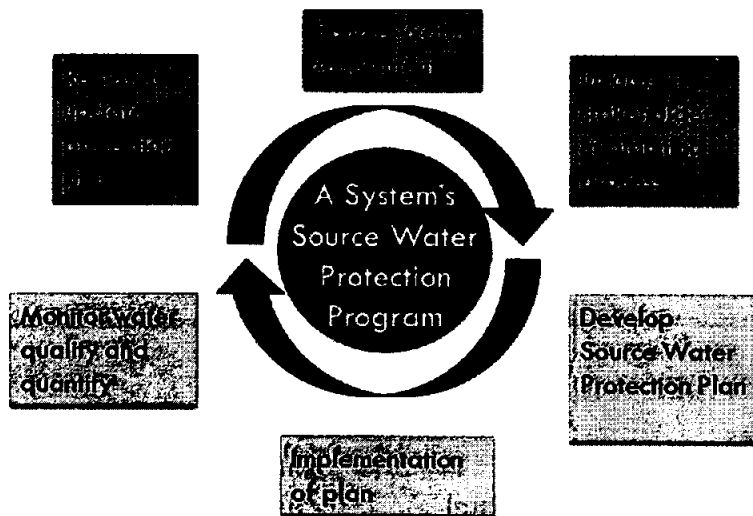
## Source Water Protection Assessment & Planning Process – Overview

NMED encourages public water systems to protect their water sources by having current Source Water Assessments and Source Water Protection Plans.

These documents are voluntary but highly encouraged, as a system and its customers benefit from understanding the conditions of the water source(s). Developing management and implementation strategies help ensure active security and sustainability of the water supply.

Having an active, up to date Source Water Protection Plan in place can also earn a system additional points in the Drinking Water State Revolving Loan Fund project ranking.

# Source Water Protection Planning Process



The NMED Source Water Protection Team provides FREE assistance with some or all steps for development of:

- Source Water Assessments
- Source Water Protection Plans
- Or both

All we require is good faith participation and planning efforts from the public water system.

The Source Water Assessments follow a standard format used by many states and encouraged by the U.S. EPA. The Source Water Plan has a basic structure; however, this is the water system's plan and we want it to fit the needs of the system. It can be developed in a variety of formats. The process and steps outlined above are what guide our assistance and what we recommend as a starting point.

Source Water Protection Program webpage: [www.env.nm.gov/drinking\\_water/source-water-protection/](http://www.env.nm.gov/drinking_water/source-water-protection/)

## Source Water Assessment Components

1. Source water protection area (SWPA) defined & mapped.
2. Inventory of actual/potential sources of contamination (PSOCs) within the SWPA identified and mapped.
3. Susceptibility analysis of the PSOCs (determines the risk of contamination to water source)
  - Sensitivity Assessment score – rank based on evaluation of the well, spring infiltration gallery, or surface water intake infrastructure and aquifer sensitivity (for groundwater sources).
  - Vulnerability assessment score – rank based on type and number of PSOCs within the SWPA.
- Source water assessments can also include a component on regional hydrogeology.
- The assessment can be a stand-alone document or be produced as part of the source water plan.

## Source Water Protection Plan Components

1. Summary of source water assessment.
2. Management strategies for the source water area based on assessment
3. Action items and priorities for source water protection.