

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

June 3, 2021

1. This meeting of the Santa Fe County & City Buckman Direct Diversion Board meeting was called to order by Commissioner Anna Hansen, Chair, at approximately 4:00 p.m.

In accordance with the Public Health Emergency Order issued by the State of New Mexico, and pursuant to the New Mexico Attorney General's Open Government Division Advisory during COVID-19, public entities are authorized to conduct virtual meetings. All votes were conducted by roll call.

[For clarity purposes, repetitive identification and confirmations of those on the line and their audibility have been eliminated and/or condensed in this transcript.]

2. Roll was called and the following members were present:

BDD Board Members Present:

Commissioner Anna Hansen, Chair
Councilor Carol Romero-Wirth
Commissioner Anna Hamilton
J.C. Helms, Citizen Member [Arrived after Consent Agenda]
Tom Egelhoff, Las Campanas [non-voting]

Member(s) Excused:

Councilor JoAnne Vigil Coppler

BDD Board Alternate Members Present:

Peter Ives, Citizen Alternate [Voted until Mr. Helms arrived]
James Lightfoot, Las Campanas Alternate

Others Present:

Rick Carpenter, BDD Facilities Manager
Nancy Long, BDD Legal Counsel
Kyle Harwood, BDD Legal Counsel
Bernardine Padilla, BDD Public Relations Coordinator
Randy Sugrue, BDD Operations Superintendent
Jamie-Rae Diaz, City Administrative Assistant
Greg Shaffer, County Attorney
Monique Maes, BDD Contract Administrator
Jesse Roach, City Water Division Director
Daniela Bowman, BDD Staff
James Bearzi, Glorieta Geoscience

3. APPROVAL OF AGENDA

CHAIR HANSEN: I'll go to Rick Carpenter first.

RICK CARPENTER (BDD Facilities Manager): Yes, Madam Chair, thank you. I would like to request that a couple of items be pulled off of the consent agenda. There are some details that still need to be worked out on each of these items. Those items would be: 8.b., Request for approval of Amendment No. 3 to the Professional Services Agreement for ALS and we'll bring that back on July 1st at the next Board meeting. The other one would be item 8.f., Request for approval of Amendment No. 4 to Long Komer & Associates, and that too will be worked out in the interim and brought back July 1st.

CHAIR HANSEN: Okay, are there any other changes, Rick?

MR. CARPENTER: No, Madam Chair, there are none.

CHAIR HANSEN: Okay, is there any changes from the Board?

COUNCILOR ROMERO-WIRTH: Move to approve as amended.

MR. IVES: Second.

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

4. APPROVAL OF MINUTES: May 6, 2021

There were no changes and Commissioner Hamilton moved to approve. Councilor Romero-Wirth seconded and the motion passed by unanimous [4-0] roll call vote.

5. MATTERS FROM THE PUBLIC

CHAIR HANSEN: Is there anyone from the public who would like to address the Board?

JAMIE-RAE DIAZ: Madam Chair, I did not receive any from matter the public today.

CHAIR HANSEN: Okay, everybody who is attending this meeting is present and that we are not on YouTube? That everybody who is at this meeting is present here? I got a request last time that members from the public were not listed in the minutes and so I am trying to figure out if they were missed by Karen because they were listening some other way.

KAREN FARRELL (BDD Board stenographer): Madam Chair, all of the names appearing on the screen on the list of participants were transcribed and included within the minutes.

CHAIR HANSEN: That's what I thought. Okay. Hearing no matters from the public, I will move on.

6. APPROVAL OF CONSENT AGENDA

CHAIR HANSEN: This includes items a, c, d, e and g.

COUNCILOR ROMERO-WIRTH: I move for approval of the consent agenda.

CHAIR HANSEN: Thank you, Councilor Romero-Wirth

COMMISSIONER HAMILTON: Second.

MR. IVES: Second.

CHAIR HANSEN: Okay, and multiple seconds.

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

CONSENT ITEMS

- a. **Request for Approval for Amendment No. 3 to the Legal Services Agreement 19-0246 in the amount of \$15,000.00 exclusive of NMGR for FY2021 for legal services with Long Komer & Associates, P.A.**
- b. **TABLED**
- c. **Request for Approval of Amendment No. 3 to the Service Agreement 18-0633 for security services to the contract with Chavez Security, Inc., in the amount of \$179,000 plus applicable tax for FY2022**
- d. **Request for Approval of Amendment No. 3 to Service Agreement 19-0056 for on-call HVAC repair services with B&D Industries, in the amount of \$55,000 plus applicable tax for FY2022**
- e. **Request for Approval of Amendment No. 3 to Professional Services Agreement 19-0302 with Glorieta Geoscience, Inc. for technical support to increase compensation by \$55,000 plus applicable tax for FY2022**
- f. **TABLED**
- g. **Request for Approval of Amendment No. 4 to the Legal Services Agreement 18-0424 for legal services with Snell & Wilmer, LLP, in the amount of \$1,820.000 plus applicable tax for FY 2022**

J.C. Helms joins the meeting at this point.

7. PRESENTATION/INFORMATIONAL ITEMS

- a. **Monthly Update on BDD Operations**

CHAIR HANSEN: Randy Sugrue.

RANDY SUGRUE (Operations Superintendent): Thank you, Madam Chair and members of the Board.

BDD operations for the month of May consisted of raw water diversions averaged 9.44 million gallons per day. Drinking water deliveries at our Booster Stations 4A/5A averaged 8.42 million gallons per day. Our raw water delivery to Las Campanas averaged about .59 million gallons per day. And our onsite treated and non-treated water storage was about .43 million gallons per day. We are providing about 77 percent of the water supply to the City and County for the month of May. We have a regional demand drought summary on the second page. Our graph depicts our year-to-date comparisons to our average. Again, for the month of May we are somewhat above our average for the year. On page 2, daily metered regional demand is approximately 11 million gallons per

day for May. The Rio Grande flows have been brisk, to say the least, at around 1,750 cubic feet per second. You can see our storage graph listed our ENSO summary up-to-date as of May 24th lists neutral conditions at this time. So that's my report. I stand for questions.

CHAIR HANSEN: Are there any questions from the Board?
Commissioner Hamilton.

COMMISSIONER HAMILTON: I think it would be useful if you could say something – thank you for the report, it's great – but, could you say a little bit about what we provided in May was a little bit above average.

MR. SUGRUE: BDD production is above average. Overall use in the City and County is pretty close to average. We did have some precipitation in May and, again, the river conditions for the most part up until a couple of days ago, the river was quite clear. We had some turbidity from rainfall but that now has again cleared. So water use and water conservation in the City-County is about average.

COMMISSIONER HAMILTON: Commissioner Hamilton.

COMMISSIONER HAMILTON: Yeah, but May is higher – all of the months have actually been higher year-to-date comparison.

MR. SUGRUE: Oh, I see what you mean, as far as our BDD production –

COMMISSIONER HAMILTON: Yes, BDD production. Sorry if I said that wrong.

MR. SUGRUE: No, I just misunderstood. We have been maximizing, as always, our surface water production in Santa Fe. Canyon Road water treatment facility has reduced their production as they're getting ready for this summer and fall for some maintenance activity. So we've been maximizing BDD production and, again, as always for the past several years allowing our wells for the most part to rest. So BDD production again because of good water quality in the river even with some of our mechanical issues BDD has been able to produce above and beyond what we have done in the past on average.

COMMISSIONER HAMILTON: Great, thank you.

MR. SUGRUE: You're welcome.

CHAIR HANSEN: Any other questions from the Board? Seeing none, I will move on to 7.b.

7. b. Report from the Facilities Manager

MR. CARPENTER: Thank you, Madam Chair. I only have a few items, quickly, an update on some of the positions that we are seeking to fill. The mission critical position of financial manager, we have had some struggles but I think we are just about there. We've had some discussions, as recently as yesterday, with HR to get that done. We are awaiting a revised letter offer to one of the candidates and hopefully with that, that will be the last step and we'll get that person into that position and on her way to being trained. Mackie Romero has agreed to help us as best she can to get that person up to speed and flatten out that learning curve. So it's a little bit longer than I had hoped but I think we're finally getting there.

With that then, I would turn my attention to the automation and security position that too is mission critical. We'll be working very diligently to work with management and HR

to get that pushed through as fast as we can and hopefully get a really qualified candidate this time around to fill that position.

Lastly, Madam Chair, some good news. Our maintenance crew has done phenomenal work. Over the last several weeks, even through we've had some challenges, some mechanical issues, but we have been able to get a new, not new, but repaired pump at the raw water lift station and 1A booster station and booster station 2A. So we'll have three functional pumps now at all three of those booster stations and it's been a long time since we've been able to say that. So I just want to give some credit to our maintenance crew for getting that job done as we roar up into the high demand season. With that, Madam Chair, I would stand for questions.

CHAIR HANSEN: Are there any questions of the Board? Thank you, Rick. I'm looking forward to us having a new financial manager and I hope that will happen very soon and that the letter will go out.

c. Report on returning to in-person public meetings of the Buckman Direct Board Meetings

MR. CARPENTER: Yes, Madam Chair, I was hoping by the time of the date of this meeting, that I would have more to report. I don't have a whole lot, I'm sorry to say. There's just not a lot of information on how we're going to roll out the re-entry process. I can say though that the City Council has their next Council meeting that I think is June 6th, which will be in-person. How that translates to the BDD Board and where the Board will be, I don't know. I think that's maybe for others to decide. But staff will be ready to support whatever that in-person meeting process may be.

CHAIR HANSEN: So the County Commission, we had our first meeting in-person on May 25th and is it up to the City – I see that Councilor Romero-Wirth has her hand raised and I'm going to go to her.

COUNCILOR ROMERO-WIRTH: Thank you, Madam Chair. I just wanted to say that the City Council's first meeting is June 9th, next Wednesday and will be in person and I think the idea is to see how that goes. We have new technology in the chambers and I think there are a limited number of people who understand how that technology works. I think the idea is to get the City Council up and work out the kinks through the City Council meetings and then add other meetings.

But I also think that it was discussed at our City Council meeting that the BDD's decisions about when to come back is really ours so whenever this group is ready we'll have to get folks trained about how to use the new technology.

CHAIR HANSEN: Thank you, Councilor Romero-Wirth. Yes, Commissioner Hamilton.

COMMISSIONER HAMILTON: I just wanted to mention that at our meeting there was selected staff and obviously all of the County Commissioners, it was a mixed meeting. So we still managed essentially the audience size so it didn't exceed what I think are technically recommendations or requirements at the state level for limiting and social distance total meeting size. So I guess once you guys get things worked out technologically and if they make some changes we'll know if we can have a mixed meeting and if we still have to limit audience size for participants and do some Webex and some live or whatever – Zoom or however we do it.

COUNCILOR ROMERO-WIRTH: Madam Chair.

CHAIR HANSEN: Yes, Councilor Romero-Wirth.

COUNCILOR ROMERO-WIRTH: It's also my understanding that our meeting next week will not be open to the public. The public will join via Zoom and we will be on YouTube via Zoom. And we also know that there will only be the nine councilors plus the three staff – the City Attorney, the City Clerk and City Manager and that all of those people are vaccinated. So that's another thing that we should probably know for BDD is are the people who will be attending vaccinated. If there's any vaccination hesitancy in the group that needs to be there then we probably need some protocols and that's I think something that this group has to work out – that's not a City thing.

CHAIR HANSEN: Commissioner Hamilton.

COMMISSIONER HAMILTON: I agree. I think it was very similar and I agree completely, for us to work out and yes, those things have to be considered.

CHAIR HANSEN: I would like to know about how the Board feels about possibly trying to having our July 1st meeting back in City Council Chambers. If it is up to us, then I think that this is under presentational items and I don't know if we can make a motion or not, I don't know if we made a motion to go and start having meetings virtually either. So, Ms. Long?

NANCY LONG (BDD Board Counsel): Yes, Madam Chair. I think you're looking for some direction and thoughts from the Board on what they would like to do in terms of returning to an in-person meeting and that will be, I assume, subject to Mr. Carpenter and other staff being able to work through and get back into Council Chambers and getting the technology figured out so you can effectively use that. So we'll have to work that out in addition to the protocols about vaccination and so on.

But that gives us a month to try and figure that out if the Board wants us to move in that direction without a motion – just to get input.

CHAIR HANSEN: I would like us to move in the direction of meeting back in-person. Other Board members? Commissioner Hamilton.

COMMISSIONER HAMILTON: I feel like there are a lot of advantages to meeting in-person but it ought to be consistent with first of all having appropriate protocols in terms of people being vaccinated. We listed our vaccinations with the County HR and I have no problem giving that out. I think everybody – I think we need to have protocols and if the City Council finds that their technology is working well to have a mixed meeting and for any reason requirements for protocols require that we still keep the public being virtual to be consistent with state requirements and that we're able to do that – then, we're able to do that. It would be nice whenever we can meet in person. I personally have no problems if we have to wait until August. If it happens the first week in July, lovely, you know, but I think we ought to do it correctly and part of that was that it took awhile – at the County you still have to be willing to prove vaccination before you can be unmasked and I think some similar protocols are appropriate so that if there's any problem with that we would have to be in-person but masked. So either way.

CHAIR HANSEN: Thank you. Councilor Romero-Wirth.

COUNCILOR ROMERO-WIRTH: I tend to agree. I think it might be easier to come back and have the first couple of meetings with the public remaining virtual just because of the vaccination issue and that will limit the number of people in the chamber and also limit the number of people whose vaccination status we have to be aware of.

CHAIR HANSEN: On the vaccination status issue, I don't know how the City is doing it but since we're going into a City facility, we at the County have submitted our vaccination records to our HR director. Since we are meeting in a City facility maybe Rick you can find out how they would like the Board members to prove their vaccination or can that go through you. I just took a picture of my vaccination card and sent it to our HR director.

MR. CARPENTER: Madam Chair, I'd be happy to heard that up. I don't know that at the end of the day if it's going to go through me entirely. But I'll be happy to go ahead and spearhead that and get back to the Board by email on what the protocol would be according to City policy.

CHAIR HANSEN: Okay, thank you. Are there any other comments from the Board on this issue of returning to in-person public meetings?

MR. HELMS: Yes.

CHAIR HANSEN: Mr. Helms.

MR. HELMS: I favor returning to regular meetings, face-to-face meetings.

CHAIR HANSEN: Thank you, J.C., I appreciate that.

9. MATTERS FROM THE BOARD

CHAIR HANSEN: Are there any other matters of the Board that we have not covered?

MS. LONG: Madam Chair, may I just make a statement for our minutes before we proceed regarding our last month's executive session?

CHAIR HANSEN: Yes, please.

MS. LONG: I would like to state for the record and these minutes, that the only matters discussed in the executive session of the May 6, 2021 meeting were the matters contained in the motion for closure and no action was taken.

CHAIR HANSEN: Thank you. We will include that. I believe we have executive session after this.

10. NEXT MEETING: Thursday, July 1, 2021 at 4:00 p.m.

12. ADJOURN

13. EXECUTIVE SESSION

In accordance with the New Mexico Open Meetings Act NMSA 1978, §10-15-1(H)(7), discussion regarding litigation in which the BDDDB is a participant, specifically: *Buckman Direct Diversion Board v CDM Smith, et al.*, First Judicial

CHAIR HANSEN: Ms. Long, can you help make a motion for us to go into executive session and can we adjourn also seeing that we have no other business after executive session.

MS. LONG: Yes, Madam Chair, we can adjourn the meeting now. So the motion would be to adjourn and go into executive session in accordance with the New Mexico Open Meetings Act Section 10-15-1 (H)(7) for discussion regarding pending

litigation in which the BDDB is a participant, specifically, *Buckman Direct Diversion Board v CDM Smith* with the case style as contained on your agenda.

If someone would make that motion and then a second and a roll call.

COUNCILOR ROMERO-WIRTH: So moved.

MR. HELMS: Second.

The motion to adjourn and go into executive session passed by unanimous [4-0] roll call vote as follows:

Commissioner Hamilton	Aye
Commissioner Hansen	Aye
Councilor Romero-Wirth	Aye
Mr. J.C. Helms	Aye
Councilor Vigil Coppler	Excused

[The Board adjourned and met in executive session at 4:30 p.m.]

ADJOURNMENT

Chair Hansen declared this meeting adjourned at approximately 4:30 p.m.

Approved by:

Anna Hansen, Board Chair

Respectfully submitted:

Karen Farrell, Wordswork

ATTEST TO

KRISTINE BUSTOS-MIHELIC
SANTA FE CITY CLERK