

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

**July 1, 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 whether muted or not 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  
Councilor JoAnne Vigil Coppler  
Commissioner Anna Hamilton  
J.C. Helms, Citizen Member  
Tom Egelhoff, Las Campanas [non-voting]

**Member(s) Excused:**

None

**BDD Board Alternate Members Present:**

Peter Ives, Citizen Alternate

**Others Present:**

Rick Carpenter, BDD Facilities Manager  
Nancy Long, BDD Legal Counsel  
Randy Sugrue, BDD Operations Superintendent  
Bernardine Padilla, BDD Public Relations Coordinator  
Jamie-Rae Diaz, City Administrative Assistant  
Jason Valencia, BDD Maintenance Supervisor  
Antoinette Armijo-Rougemont, Financial Manager  
Monique Maes, BDD Contract Administrator  
Jesse Roach, City Water Division Director  
Sara Smith, Santa Fe County

**Other Present** (cont.):

Greg Shaffer, County Attorney  
Marcos Martinez, City Assistant Attorney  
John Dupuis, County Utilities Director  
James Bearzi, Glorieta Geoscience  
David Frost, Snell & Wilmer Law Firm

**3. APPROVAL OF AGENDA**

CHAIR HANSEN: I want to pull a couple of things off of the Consent Agenda. I would like to pull h and i off of the Consent Agenda. I am wondering if there are any other changes from Rick or from staff or – Commissioner Hamilton.

COMMISSIONER HAMILTON: On my agenda, there are eight action items but nothing listed under consent; is that wrong?

CHAIR HANSEN: It says, Approval of Consent Agenda on item 6. And then item 8 is consent.

COMMISSIONER HAMILTON: Thank you, I didn't catch that.

CHAIR HANSEN: Any change from staff?

RICK CARPENTER (BDD Facilities Manager): Madam Chair, there are no changes from staff. I was going to suggest moving the budget item, but you did that already. Thank you.

CHAIR HANSEN: So h and i will move under Action Items: Discussion and Action.

COMMISSIONER HAMILTON: Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER HAMILTON: I actually had a question about 4.c and d because I wasn't clear about – it's a simple question if that is allowable to answer the question before we vote on that.

CHAIR HANSEN: You're talking about 8; Action Items?

COMMISSIONER HAMILTON: Yes.

CHAIR HANSEN: And you have a question about the –

COMMISSIONER HAMILTON: The two on Alpha Southwest.

CHAIR HANSEN: Okay, if they're not large questions we can just leave them on consent and you can ask your question during that time, if that's okay with the rest of the Board.

COUNCILOR ROMERO-WIRTH: Don't you have to pull it in order to ask questions? I think you do.

NANCY LONG (BDD Board Counsel): Madam Chair, we're not to that item yet, Approval of Consent Agenda, so –

COMMISSIONER HAMILTON: Oh, I see.

CHAIR HANSEN: I know we're just deciding whether to pull something off. At our meeting at the County Commission people can ask questions about items on consent but then they stay on consent. I am agreeable to either way, Commissioner Hamilton, I'm just going to pull them. I'll pull items c and d; is that you wanted to ask questions about?

COMMISSIONER HAMILTON: Yes, Madam Chair, because they seem to be related and they are just little technical questions so it will go quick.

CHAIR HANSEN: Okay. So we're going to pull those two also to make everyone happy. And then what is the pleasure of the Board?

COUNCILOR ROMERO-WIRTH: Move to approve as amended.

COUNCILOR VIGIL COPPLER: Second.

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

#### **4. APPROVAL OF MINUTES: June 3, 2021**

CHAIR HANSEN: I have one change. On page 4, it is down under – first it is myself speaking and then Commissioner Hamilton and then Randy Sugrue and then it says Commissioner Hamilton and I believe that should be Chair Hansen and I am calling on Commissioner Hamilton.

That's all I had. Are there any other changes from anyone? Hearing none, what is the pleasure of the Board?

COUNCILOR VIGIL COPPLER: Move to approve

COMMISSIONER HAMILTON: Second

CHAIR HANSEN: With changes?

COUNCILOR VIGIL COPPLER: As amended.

**The motion passed by unanimous [5-0] 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 (Administrative Assistant): Madam Chair, I did not receive any notice of matter from the public today.

CHAIR HANSEN: Okay, thank you very much, Jamie-Rae. With that I will close Matters from the Public and move to Consent.

#### **6. APPROVAL OF CONSENT AGENDA**

MR. HELMS: So moved.

CHAIR HANSEN: Thank you, Mr. Helms.

COMMISSIONER HAMILTON: Seconding assuming that we're approving the Consent Agenda minus the items that were taken off.

CHAIR HANSEN: Exactly.

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

COUNCILOR ROMERO-WIRTH: Madam Chair.

CHAIR HANSEN: Yes.

COUNCILOR ROMERO-WIRTH: I don't think that we were recording the meeting when you identified the items to pull from the agenda and if anybody looks back later, it might be helpful to know which items were pulled.

CHAIR HANSEN: Okay, thank you for pointing that out. The items on consent that have been pulled are items c, d, h and i and we will discuss those under 9, Action Items, Discussion and Action.

## **CONSENT ITEMS**

- a. **Request for Approval of BDD Water Treatment Chemical ITB 21//39/B to award multiple vendors for a total amount of \$426,281.00 operations of chemical treatment**
- b. **Request for approval of Amendment No. 2 to Professional Services Agreement Item 18-048 with ALS Group U.S. Corp to extend the term to June 30,2022 and increase compensation by \$90,000.00 plus applicable gross receipts tax to provide laboratory analysis service**
- c. Removed [See page 7]
- d. Removed [See page 7]
- e. **Request for approval of award to Daniels Insurance Inc. for Property and Casualty Insurance Broker/Agent of record, RFO '21/36/P to provide BDDB required insurance**
- f. **Request for approval of Amendment No. 2 to Professional Services Agreement #20-0546 with TLC Company, Inc. to extend the term to June 30, 2022 for Amendment No. 3 to the Legal Services Agreement 19-0246**
- g. **Request for Approval of Amendment No. 4 to the Legal Services Agreement 19-0426 for board counsel and legal services with Long, Komer Associates, P.A. in the amount of \$249,000 plus applicable gross receipts tax and to extend the term to June 30, 2022**
- h. Removed [See page 9]
- i. Removed [See page 12]

## **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. My BDD operations report is on BDD operations for the month of June.

Our raw water diversions for the month averaged about 10.27 million gallons per day. Drinking water deliveries through our Booster Stations 4A/5A averaged 8.52 million gallons per day. Las Campanas diversions averaged about .76 million gallons per day. And our onsite treated and non-treated water storage averaged just under a million gallons per day. Therefore, the BDD provided about 63 percent of the water supply to the City and County for the month. You can see in our graph that our diversions, again, are significantly above our average this year. So much so, that this trend above average diversions – I added a note for comparison sake showing our spring time diversions for

April, May, June and July from last year compared with our diversions for April, May, June and not yet July, of course, for this year and you can see for April our diversions for this year were almost 80 million gallons greater than the previous year. For May, again, about 80 million gallons more than the previous year and for June close to 100 million gallons more than the previous year. So we're pleased and proud to be able to provide this water and glad that even with the mechanical issues and such that we are struggling with, we have been able to keep up with what we are asked to provide. So I'm very proud of that fact. Our regional demand drought summary on page two shows that approximately in June, City-County demand was about 14.5 million gallons per day. Rio Grande flows for June averaged about 750 cubic feet per second so the Rio Grande is holding out for now very well. Our storage graph shows that we still have in the vicinity of 13,000 acre-feet in storage of SJ-C water and our ENSO summary continues to state that it's essentially neutral, La Niña/El Niño season at this time. Then on page 3, we have the summary of this year's diversions that SJ-C, etc. So I stand for any questions.

CHAIR HANSEN: Are there any questions from the Board?

Commissioner Hamilton.

COMMISSIONER HAMILTON: So what's up with the higher demand?

MR. SUGRUE: It may be Covid related somewhat. Also we have been maximizing our surface water use. We have rested our wells as much as possible and our ground water resources so that they are always there as insurance when we need them. But surface water we have access to a large amount of surface water rights and native water rights through the County so we are maximizing those as much as possible, BDD and Canyon Road as well.

COMMISSIONER HAMILTON: That's great but weren't we trying to rest the wells by doing the same strategy last year as well?

MR. SUGRUE: I would agree with that.

COMMISSIONER HAMILTON: So, but, this year's demand is way higher. I mean it is just curious. If I were sitting around having coffee with you –

MR. SUGRUE: I appreciate the difference. I think part of the answer to that as well would be the BDD is taking a bigger chunk of the water production. Canyon Road is cut back this year. They're planning on some major rehab work on the reservoirs, so they have kept their reservoir somewhat lower. And of course in-flow into our reservoirs was somewhat reduced because of moderate snowfalls and unfortunately not much rain earlier in the spring.

COMMISSIONER HAMILTON: Thanks.

CHAIR HANSEN: I thank you, Commissioner Hamilton. Member Ives.

MR. IVES: Thank you, Madam Chair. Yes, I was just curious what those reservoir levels were at this point and what the in-flow rate has been in this past week given the monsoons.

MR. SUGRUE: You know, I apologize, Member Ives, I don't have that Canyon Road information at my fingertips. We can certainly look into that and I may be able to shoot you an email with that information.

MR. IVES: That would be great. I am curious.

MR. SUGRUE: Very good.

MR. IVES: Thank you.

MR. SUGRUE: You are welcome.

CHAIR HANSEN: I think that we're all curious with what the levels are.

MR. SUGRUE: I would be happy to disseminate that information.

CHAIR HANSEN: That sounds great. Any other questions from anybody? Okay, seeing none, I'll be move on.

**7. b. Report from the Facilities Manager**

MR. CARPENTER: Thank you, Madam Chair and members of the Board, good afternoon. I only have one item to update the Board on. It is with pleasure. I would like to introduce Antoinette Armijo to the Board. She is the newest member of the BDD team. She comes on as our accounting supervisor replacing Mackie Romero. That was a big void to fill. You all have received her bio earlier today so you are probably familiar with that. Just real briefly: she has a lot of experience with the City of Santa Fe and the County of Santa Fe and brings that to the table as well as having worked with the courts. She started on Monday and hit the ground running and hasn't looked back ever since. We are happy to have her and welcome her to our team. Antoinette, if you'd like to address the Board briefly.

ANTOINETTE ARMIJO-ROUGEMONT: I am appreciative of the opportunity to join your team and I look forward to working with the Board and all of the staff members and learning more about the facility. I'm happy to be here and I have a lot to learn and I'm thankful that Mackie is onboard to train me through this process.

CHAIR HANSEN: We are grateful that you have joined our team. Welcome and thank you. I look forward to meeting you in person.

MS. ARMIJO-ROUGEMONT: Thank you.

COUNCILOR ROMERO-WIRTH: Madam Chair.

CHAIR HANSEN: Yes, Councilor.

COUNCILOR ROMERO-WIRTH: Rick, I did not get her bio. Was that in the packet or emailed?

MR. CARPENTER: No, Councilor, it was a separate email. We'll go ahead and double-check the addresses that were included and if you were excluded, I apologize and we'll get that out to you.

COUNCILOR ROMERO-WIRTH: That would be great. And, Antoinette, how do you pronounce your last name and do you use both last names?

MS. ARMIJO-ROUGEMONT: It's Armijo-Rougemont and yes, I do use both last names although it is not legal. Only Armijo is legal but Rougemont is my married name so I use it hyphenated.

COUNCILOR ROMERO-WIRTH: So, you would like us to refer to you by both names?

MS. ARMIJO-ROUGEMONT: Yes, please.

COUNCILOR ROMERO-WIRTH: Okay, I have that same thing so I just thought I'd ask. Thank you, Madam Chair. And welcome Antoinette or Ms. Armijo-Rougemont.

MS. ARMIJO-ROUGEMONT: Thank you so much.

CHAIR HANSEN: I don't know if I received the email either. I just need to check. I see that Councilor Vigil Coppler also has her hand raised.

COUNCILOR VIGIL COPPLER: Thank you, Madam Chair. I just unmute and unfortunately my dog decides to bark, so I apologize. Let me say that the email went out under Bernardine Padilla's email. If you look, you might find it there. Secondly, I would also like to welcome Antoinette Armijo-Rougemont. I do know that she has a great deal of experience not only with the City and the County but I also worked with Antoinette at the First Judicial District Court where she displayed an enormous amount of professionalism, so she's got judicial background as well. And I'm very pleased that the BDD has hired Antoinette. I think it's going to be a good thing for BDD and I think it's going to be a good thing for Antoinette. So, Antoinette, welcome aboard and I'm glad to see you on the big screen.

MS. ARMIJO-ROUGEMONT: Thank you so much.

COUNCILOR VIGIL COPPLER: Thank you, Madam Chair.

CHAIR HANSEN: Thank you, Councilor Vigil Coppler. Any other comments from anyone? Rick?

MR. CARPENTER: Madam Chair, I have no further items.

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

MR. CARPENTER: Yes, Madam Chair and members of the Board. I think the City is working its way through how to come back into the work portion in some form. I think the dates are starting to solidify. My hope and goal is to start having some form of in-person meetings at the August Board meeting. Whether that it is the Board members and staff or maybe staff is on Zoom still, I'm not sure. But we'll work that out between now and then. But that's my goal and my hope. I'll work with City and County management to meet in-person in some form as soon as possible.

CHAIR HANSEN: That would be great. Our next meeting isn't until August 4<sup>th</sup> I believe so that gives us a good four-and-a-half-weeks at least and hopefully since the City is meeting in person and hopefully we can meet in the chambers also with vaccinated people. I think that's how we're doing it at the County. People have to show their vaccine card to enter the building and otherwise they have to be masked. Any other comments from anybody else?

**9. ACTIONS ITEMS: DISCUSSION AND ACTION**

CHAIR HANSEN: Okay, we have Consent items first.

- 8. c. Request for approval of Amendment No. 6 to the BDD Raw Water Pump Project Agreement #16-0769 with Alpha Southwest, Inc. to extend term to June 30, 2022**
- d. Requests for approval of Amendment No. 2 to Professional Services Agreement 19-0301 with Alpha Southwest, Inc. in the amount of 30,000 plus applicable gross receipts tax and to extend the term to June 30, 2022 to provide on-call emergency repair services**

CHAIR HANSEN: Commissioner Hamilton, you had a question on items c and d.

COMMISSIONER HAMILTON: Yes. I just wanted to get clarification because it looked to me that the amendment c, was just a time extension or – it was just confusing to be able to terminate the extension and then it was called amendment 6.

MR. CARPENTER: Yes, Madam Chair. They are both Alpha Southwest. The raw water lift station amendment number 2, that is a term extension. And then item d, that is –

COMMISSIONER HAMILTON: Yeah, that's an addition.

MR. CARPENTER: Yes, that is an on-call. They are different contracts.

COMMISSIONER HAMILTON: That was going to be my question. I wanted it clarified because of the amendment numbering.

MR. CARPENTER: I thought that might be a little confusing. They are different contracts for different purposes.

COMMISSIONER HAMILTON: Okay, so, that's great. No problem with that. And just the wording to go to extinction because when I read c, the term extension it looked like in the way it was presented that the term already was due 2022 or whatever and so – is this just changing the wording in the contract? It's not a problem. I just was really confused.

MR. CARPENTER: Madam Chair, we can extend the term. Those are valuable services that Alpha provides. There is really no other game in town.

COMMISSIONER HAMILTON: You know, it's great to extend it – I just don't understand what the extinction terminology was.

MONIQUE MAES: Madam Chair, I can provide a clarification.

CHAIR HANSEN: Okay, thank you. I'm going to call on Monica.

MS. MAES: It's Monique Maes.

CHAIR HANSEN: Monique, I'm sorry.

MS. MAES: Amendment 6 for Alpha Southwest is just to extend the term. It's for turbine pumps – the budget is going to rollover so there is no dollar amount and that's the term of that contract.

COMMISSIONER HAMILTON: Okay, that's great. That was my whole question. Thanks very much. I get it.

CHAIR HANSEN: Okay, and then d, Commissioner Hamilton.

COMMISSIONER HAMILTON: That got answered. I just wanted to clarify because the amendment number was a little confusing. It is two separate contracts and Rick answered that. Thank you.

CHAIR HANSEN: Okay, would you like to make a motion to approve these two items.

COMMISSIONER HAMILTON: Sure. I'd like to make a motion to approve items 8.c and d, that had been on the Consent Agenda.

COUNCILOR ROMERO-WIRTH: Second.

CHAIR HANSEN: Motion by Commissioner Hamilton and second by Councilor Romero-Wirth.

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



**8. h. Request formal adoption of the Fiscal Year 2022 Annual Operating Budget in the amount of \$8,842,711 plus \$626,706. In contributions to Major Repair and Replacement Fund**

CHAIR HANSEN: I just felt that item h is our annual operating budget and I felt that we should approve that as a separate item and allow for any questions or issues that arise from that and give Antoinette an opportunity if she would like to say anything also. So we are on 8.h, the budget.

MR. CARPENTER: Madam Chair, if I could provide some introductory comments for clarification for the Board.

CHAIR HANSEN: That would be fantastic, thank you.

MR. CARPENTER: So this item is required by the Joint Powers Agreement. If you recall that was the original agreement that created the BDD and it requires that the BDD prepares its own budget and recommend that budget for approval and pass that along to the City and the County for formal approval by those governing bodies. And once that has happened, which it has, the JPA requires that that approved budget come back to the Board a second time for formal approval. I call it ratification. But it's a process and is something that we do every year. If the Board members were wondering why it has shown up again after you've already approved it, it's just that it is a requirement of the JPA.

CHAIR HANSEN: Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you. So the numbers that we're seeing in this budget are the same that we had approved a month ago or whenever it was?

MR. CARPENTER: We can't make any changes once it has been approved.

COMMISSIONER HAMILTON: So the overage that is being transferred – I actually thought it was 180 or whether it's a 180 or 160 for electricity, that is not reflected in these budget numbers for the line item for electric – that's almost 14 percent different.

MR. CARPENTER: Commissioner, Madam Chair, the overall budget numbers have not changed. I've been working with Mackie Romero and now Antoinette and she's only been onboard briefly, to find that money within the budget not in addition to the budget. There is some detail provided in the memo on the PNM bill when we get to discussing that that gets to that.

But we are not as staff requesting for additional funds to the budget that was already approved.

CHAIR HANSEN: What I understand is that item i is on this last year's budget and does not affect the budget that we are approving right now.

MR. CARPENTER: That is correct, Madam Chair.

COMMISSIONER HAMILTON: Would you mind explaining that –

MR. CARPENTER: I misspoke. I am sorry. What you have approved and what's on the budget now is this upcoming fiscal year. The PNM item is we have invoices that I think are from May and now June that exceeded what we had planned for in that PNM line item. So we've gone back into that budget to move those funds and pay those bills.

CHAIR HANSEN: But we're working off of last year's budget not our new budget.

MR. CARPENTER: We are confusing budgets. So the budget for this item that we're discussing now is for the upcoming fiscal year. That is what the Board had already approved starting July 1<sup>st</sup> today.

CHAIR HANSEN: It does concern me that we're going to have to move money from the 2021 budget and we have not allocated additional money for electric out of the 2022 because we are seeing a shortfall. So that is one of the things that is concerning.

MR. CARPENTER: Madam Chair, I understand your concern and we've had some discussion about this. We were required to maintain a flat budget from last fiscal year to this fiscal year. So that's what we have done for the coming fiscal year – it's a flat budget. We'll see, hopefully, we have projected the upcoming invoices from PNM for the upcoming year correctly, we'll see what nature has in store for us specifically. If we have to produce more water then we'll use more electricity. That's just the way it's going to be.

CHAIR HANSEN: And it looks and appears that we are doing that. Commissioner Hamilton.

COMMISSIONER HAMILTON: I just want to say for the record that you are not required to maintain a flat budget by the Board. I agree that it is the overage from last year suggests that we really did need to put contingency for electric this year.

MR. CARPENTER: Commissioner, Madam Chair, we were asked to produce a flat budget.

CHAIR HANSEN: By the City.

MR. CARPENTER: By the City.

CHAIR HANSEN: Not by the Board.

MR. CARPENTER: The minute will reflect that we had those discussions at those Board meetings.

CHAIR HANSEN: That was part of the reason that I felt it was important to talk about the budget right now because we are producing more water and even though we cannot change the budget for year 2022 – I always get confused about the years that we are talking about – but I am talking about the budget starting today and I'm calling out the budget for 2022. I am concerned that this new budget does not have additional resources for electric from PNM as we produce more water and so therefore we will once again be needing to do a BAR adjustment. Councilor Vigil Coppler.

COUNCILOR VIGIL COPPLER: Thank you, Madam Chair. I have one comment and one question. So when these solar panels are installed or I don't even know where we are with that project but we talked about it a lot, aren't we suppose to save on electricity that way?

CHAIR HANSEN: I'm hoping that we are. I have that same question. But we can ask Rick.

COUNCILOR VIGIL COPPLER: What's the status of that project, Rick?

MR. CARPENTER: Madam Chair and Councilor, the project is still kind of in its infancy. We, at the City, just paid the BLM a fee to get their process rolling. I don't believe any permits have been required, if so, they're still in the beginning stages. It's not a project that BDD staff is working on. But it's a long way I believe to coming to

fruition. I don't think we'll use less electricity to get to the first part of your question. It's just hopefully we'll use electricity from a different source, in this case renewable power. But I see that Dr. Roach is on the call and he may have more up to date information on that project than I do.

JESSE ROACH (City Water Division Director): Madam Chair, members of the Board, Rick's answer was quite good. I don't know when they'll be breaking ground. And to your other question, ultimately there will be savings but I don't think we can rely on savings in the short-term because the idea is to pay the capital costs with the initial savings.

COUNCILOR VIGIL COPPLER: Okay, thank you. I guess, I hope we would see some light at the end of the tunnel with that but it sounds like it's not going to be available to help us in fiscal year 2022. Obviously, we have to have some kind of contingency for that.

My comment overall about the BDD budget is that I just want to state that this the BDD budget is under the purview of the BDD Board and we make the decisions about the budget. It is a fund which was created by funds appropriated from the City and from the County and of course we have our other partners, Las Campanas and – am I missing something? We seem to get caught up in the quagmire of this organizational chart that we have. I just want to remind the Board, when I was chair we did for the first time go before the City Finance Committee during budget hearings to emphasize that the monies that we needed, the monies that we received from both the County and the City and that once those are approved the Board has the final say-so over budget development and budget expenditures.

I think we need to keep reminding, especially the City, because for some reason we have had some requests recently denied which are not under the purview of the City. There still seems to be some education of some sort that needs to go on to make this point: that this Board is the final authority and it has the authority through our chair and through our director to make decisions that involve budget expenditures whether they be operational costs or human resources decisions – especially human resource decisions and that that is only under our purview. And, Madam Chair, we've had a discussion about this recently and if the measures that you have take to resolve this aren't acceptable, then I would encourage you to have a meeting with the City Manager and those in utilities to go over the organizational chart and the Joint Powers Agreement and the powers of this Board. Recently, in the last few months I did have a similar meeting. As you know, I'm chair of the Solid Waste Management Board and I think it's just a matter of sitting down and having a discussion to make things understandable and so far it seems like maybe that has worked but for some reason it is breaking down on this Board. I just want to express that as a Board member that we do have a Joint Powers Agreement and that we all represent different organizations but when we are here, we are here as board members and we have to neutralize the ties that we have in our specific organizations. We don't have that working operationally down the chain of command. It's still not as smooth as it should be and I think it is causing some damage to our workforce. They are the ones that are feeling this rather than this Board. I believe it has to do with our Executive Director and while he does report to this Board, there seems to be a pulling of his authority into the City and getting caught up in that and I just think

that it's not right because if this Board were disbanded and we didn't need water – then we wouldn't have Rick Carpenter, none of that would exist.

So this Board serves at the pleasure of the Joint Powers Agreement and its contents therein and that's what we all have to remember. And one person can't serve two bosses and Rick Carpenter reports to the Chair and that is how we need to continue to emphasize this. We don't often see any interference from the County that I know of but I'm feeling it and seeing it from the City. I don't know what it is but it's a breakdown and it's happening and it's affecting staff and don't think we need that.

I thank you, Madam Chair, for doing your best to now address it and address it early on and I support you.

CHAIR HANSEN: Thank you, Councilor Vigil Coppler. I think all of the Board members know that I have sent a letter to Director Shannon Jones and Director Roach, Dr. Roach, about this issue. I was going to bring it up under Matters from the Board that we could discuss it further at that point and at another meeting put it on the agenda as recommendations from our attorney.

I appreciate everything that you said and I agree with what you have said. I think that we need to pay more attention so that we have contingency for the electrical so that we're not having to do BAR adjustments and that we can create a budget that will actually represent and work for this organization. That is one of the reasons why I wanted to talk about the budget. And I appreciate your question about the solar and I recognize that putting solar out in the next phase that will go out in the Buckman field will take time and we probably won't see that being hooked up until probably the following year at least. Hopefully, we'll see some rebate from that at that time.

Are there any other questions from anyone on the Board about the budget? If not, what is the pleasure of the Board?

COUNCILOR VIGIL COPPLER: Move to approve.

MR. HELMS: Second.

CHAIR HANSEN: Motion from Councilor Vigil Coppler and second from Mr. Helms.

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

**i. Request for approval of Budget Amendment Resolution to move \$160,000 to the electricity category to cover projected shortfall**

CHAIR HANSEN: This is concerning last year's budget the 2021 budget and I am grateful to Mackie and Rick for being able to find money to be able to move to pay the bills for the PNM budget. It would have been helpful for us to have that money in the budget ahead of time. Are there any other questions from the Board on item 8.i?

Seeing none, what is the pleasure. Commissioner Hamilton.

COMMISSIONER HAMILTON: I don't have any questions. I'll move to approve.

MR. HELMS: Second.

CHAIR HANSEN: Motion by Commissioner Hamilton and second by Mr. Helms.

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

**10. MATTERS FROM THE BOARD**

CHAIR HANSEN: I did want to mention that I have shared the letter that I wrote to Director Jones and Dr. Roach with the Board. I believe you have all gotten a copy. I tried to do it so I didn't send it out in a quorum and then also Nancy Long sent it out to members also. It has been suggested that I try and set up a meeting with the City Manager and send the letter to her which I will do after this meeting. I first wanted to share the letter with the Board.

Are there any other comments from the Board?

MR. HELMS: I'm not sure what you're looking for.

CHAIR HANSEN: I'm not looking for anything. I'm just letting you know. I wanted to give you a copy of the letter so you would know what I had written and how I am moving forward.

MR. HELMS: I have already told you that I think it's a wonderful letter and I agree with it.

CHAIR HANSEN: Thank you. Are there any other matters from the Board?

MS. LONG: Madam Chair, this is Nancy Long. If you could just make the statement regarding the minutes from our last meeting or I could read it, whatever you would like.

CHAIR HANSEN: Okay, under Matters from the Board, statement from the chairperson of the Board. I will state for the record and our minutes, that the only matters discussed in the executive session of our last Board meeting on June 3, 2021, was the matter as stated in the motion to go into executive session and no action was taken.

MS. LONG: Thank you.

**11. NEXT MEETING: Thursday, August 5, 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 District Court Case No. D-101-CV-2018-016-01610**

CHAIR HANSEN: Nancy, can we make a motion to adjourn and go into executive session?

MS. LONG: Yes, Madam Chair. The motion would be to adjourn and go into executive session in accordance with the New Mexico Open Meetings Act, NMSA 1978, Section 10-15-1 (H)(7) for discussion regarding pending litigation in which the BDDDB is a participant, regarding the case as captioned on your agenda.

COUNCILOR VIGIL COPPLER: So moved.

MR. HELMS: Second.

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

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

[The Board adjourned and met in executive session at 4:50 p.m.]

### **ADJOURNMENT**

Chair Hansen wished everyone a safe July 4<sup>th</sup> and declared this meeting adjourned at approximately 4:50 p.m.

Approved by:

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Anna Hansen, Board Chair

Respectfully submitted:

Karen Farrell, Wordswork

### **ATTEST TO**

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KRISTINE BUSTOS-MIHELIC  
SANTA FE CITY CLERK