

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

April 7, 2022

1. CALL TO ORDER

This regular meeting of the Santa Fe County & City Buckman Direct Diversion Board meeting was called to order by Chair Carol Romero-Wirth at 4:02 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 CALL: Roll was called and a quorum was present as shown:

BDD Board Members Present:

Councilor Carol Romero-Wirth, Chair
Commissioner Anna Hansen
Commissioner Anna Hamilton
Councilor Renee Villarreal
J.C. Helms, Citizen Member [4:25 arrival]
Tom Egelhoff, Las Campanas [non-voting]

Member(s) Excused:

None

BDD Board Alternates(s) Present:

Commissioner Hank Hughes

Others Present:

Rick Carpenter, BDD Facilities Manager
Nancy Long, BDD Legal Counsel
Kyle Harwood, BDD Legal Counsel
Bernardine Padilla, BDD Public Relations Coordinator
Jamie-Rae Diaz, Administrative Manager
Antoinette Armijo-Rougemont, BDD Financial Manager
Randy Sugrue, BDD Operations Superintendent

Others Present (cont.)

Monique Maes, BDD Contracts Administrator

John Dupuis, County Utilities Director

James Bearzi, Glorieta Geoscience

Jay Lazarus, Glorieta Geoscience

Luke Pierpont, Egolf + Felic + Martinez + Harwood, LLC.

Joni Arends, Concerned Citizens for Nuclear Safety

3. APPROVAL OF AGENDA

There were no changes to the agenda and Commissioner Hamilton moved to approve as published. Her motion was seconded by Councilor Villarreal and passed by unanimous [4-0] roll call vote. [Mr. Helms was not present for this action.]

4. APPROVAL OF CONSENT AGENDA

CHAIR ROMERO-WIRTH: I will go to Commissioner Hansen. Commissioner, you had an item you wanted to pull.

COMMISSIONER HANSEN: Yes, I would like to pull 8.c.

CHAIR ROMERO-WIRTH: Anything else from the Board? Yes, Councilwoman Villarreal.

COUNCILOR VILLARREAL: I'd like to pull item 8.b, as in boy, just for a quick question/clarification.

CHAIR ROMERO-WIRTH: Great. Anything else that the Board is interested in discussing from the consent agenda? If not, is there a motion?

COMMISSIONER HANSEN: Madam Chair.

CHAIR ROMERO-WIRTH: Yes, Commissioner Hansen.

COMMISSIONER HANSEN: I move to approve the consent agenda items a and d.

CHAIR ROMERO-WIRTH: Okay. There's a motion to approve items 8 a and d from the consent agenda.

COMMISSIONER HAMILTON: I'll second that.

The motion passed by unanimous [4-0] roll call vote. [Mr. Helms was not present for this action.]

CONSENT ITEMS

- a. **Request for approval of Amendment No. 4 to Professional Service Agreement 19-0302 with Glorieta Geoscience, Inc. for technical support to increase compensation by \$36,624.00 plus applicable tax**
- b. Removed [See page 8]
- c. Removed [See page 10]

- d. **Request for approval to re-purpose Fund from IT Projects, in the amount of up to \$160,000 for new computers and new equipment, maintenance and repair costs and contracts**

5. APPROVAL OF MINUTES

a. March 3, 2022 Buckman Direct Diversion Board Meeting

CHAIR ROMERO-WIRTH: I need to go to staff; is there where I talk about what we did in executive session, Nancy?

NANCY LONG (BDD Board Counsel): Yes, Madam Chair, for the minutes of your last regular meeting of March 3rd that's where you will make that statement.

CHAIR ROMERO-WIRTH: Okay, so we're approving those minutes right now. Are there changes to those minutes? Commissioner Hansen.

COMMISSIONER HANSEN: I'm just going to make a motion to approve the minutes as presented.

CHAIR ROMERO-WIRTH: If I could just also make one statement, that I state for the record and for our minutes that the only matters discussed during the executive session of our last regular Board meeting on March – this says 4th – was the matter as stated in the motion to go into Executive Session and no action was taken.

I'll go back, Nancy, the meeting was the 4th or the 3rd?

MS. LONG: The meeting was on March 3rd.

CHAIR ROMERO-WIRTH: So stating for the record, that the executive session at our last regular Board meeting on March 3rd was the matter as stated in the motion to go into executive session and no action was taken.

I'll just ask to add that to Commissioner Hansen's motion.

COMMISSIONER HANSEN: Yes, I accept.

COUNCILOR VILLARREAL: Second.

CHAIR ROMERO-WIRTH: So we have a motion and a second to approve the March February 3rd minutes including and incorporating my statement for the record and the minutes.

The motion passed by 4-0 roll call vote. [Mr. Helms was not present for this action.]

b. March 15, 2022 Buckman Direct Diversion Special Board Meeting

CHAIR ROMERO-WIRTH: Are there change from anyone; Councilwoman Villarreal.

COUNCILOR VILLARREAL: Thank you, Madam Chair. Just a correction on my last name, there is another "r" in my last name – V-i-l-l-a-r-r-e-a-l. And it's throughout the document.

CHAIR ROMERO-WIRTH: A motion to approve.

COUNCILOR VILLARREAL: Move to approve as corrected.

COMMISSIONER HAMILTON: I'll second it.

The motion passed by 4-0 roll call vote. [Mr. Helms was not present for this action.]

6. MATTERS FROM THE PUBLIC

CHAIR ROMERO-WIRTH: Back to staff, do we have any matters from the public this afternoon?

JAMIE-RAE DIAZ (City Administrative Assistant): Madam Chair, there is one in attendance and you're allowed to talk for two minutes.

CHAIR ROMERO-WIRTH: Thank you.

MS. DIAZ: Joni, if you can unmute yourself and introduce yourself for two minutes. And I'll start your time once you start talking. Thank you.

JONI ARENDS: Good afternoon. My name is Joni Arends and I'm with Concerned Citizens for Nuclear Safety a 34-year old non-governmental organization based in Santa Fe. In light of the issues raised in the March 24, 2022 memorandum to the Board, and I believe that is agenda item 9.a, CCNS respectfully request that the Board invite the Department of Energy to make quarterly presentations about Los Alamos National Laboratory issues concerning Rio Grande water quality. I think it's important – we think that it's important that the Board be briefed on these issues especially as we're moving towards more drought conditions that concentrations become greater in the river as a result of the drought and other conditions. So that's what we respectfully ask. And if we're still doing Zoom meetings that would be easy for the Department of Energy to devote time to update the Board on these very important water quality issues. Thank you.

CHAIR ROMERO-WIRTH: Thank you. Okay, other members from the public?

MS. DIAZ: Madam Chair, there are no other members from the public.

7. PRESENTATION/INFORMATIONAL ITEMS

a. Monthly Update on BDD Operations

CHAIR ROMERO-WIRTH: We have our presentation, the monthly update of the BDD operations, by our Operations Superintendent and Randy, I'm going to ask you to – I need to keep hearing your last name pronounced. Last time I think I did a very poor job. So if you could state your name for the record and help me learn it.

RANDY SUGRUE (Operations Superintendent): Absolutely. It's like sugar, Sugrue.

CHAIR ROMERO-WIRTH: All right. I will try to remember that. Randy Sugrue, would you take it away please.

MR. SUGRUE: Thank you, Madam Chair, members of the Board, this is our BDD operations report for the month of March 2022. Our deliveries – raw water diversions averaged 3.92 million gallons per day. Our drinking water deliveries through Booster Stations 4 and 5A averaged 3.65 million gallons per day. Our raw water delivery to Las Campanas, there were none in March; however, they now have begun in April. Our onsite treated and non-treated storage through the plant was about .27 million gallons per day. As Canyon Road increased their production a bit in March, BDD was providing about 58 percent of the water supplied to the City and County for the month of March. You can see that reflected in our year-to-date comparison in the graph for March – our production was a little bit below our 12 year monthly average.

On page 2 we do have some information on regional demand and an updated drought summary. The demand, City/County for March 2022 about 6.3 million gallons per day. Rio Grande flows are increasing, by March about 600 cubic feet per second. That has now increased to 900 to 1,000 cubic feet per second. Canyon Road water storage and Nichols and McClure are listed. They are somewhat increasing as snow is melting so the inflow has increased. Our total San Juan-Chama storage has not been updated at this time but I believe there were no increases earlier in the year and our summary was updated on March 21st list that certainly La Niña conditions are still present and forecast into early summer as well. So that's our update for March and I stand for questions.

CHAIR ROMERO-WIRTH: Questions from the Board? Thank you, Mr. Sugrue. Did I say it right?

MR. SUGRUE: Oh the nose. Thank you very much.

b. Report from the Facilities Manager

MR. CARPENTER: Thank you, Madam Chair. Good evening, members of the Board. I have a few updates for the Board this evening. First on personnel, we have successfully made an offer to our oncoming maintenance and equipment repairman entry level. That person is just awaiting Covid vaccine status and will start immediately thereafter. So just a few days there. Also, Randy successfully hired an entry level operator. That person is set to start this coming Sunday on the day shift. So that position is also filled. And then lastly our administrative assistant joined our staff, I think it was a week ago Monday, so almost two weeks ago as our administrative assistant. I think she is with us tonight. There she is under the name of Jamie-Rae Diaz but she is Maureen Naranjo and she is our new administrative assistant. So I just wanted to introduce her to the Board and be able to connect the name with the face. So welcome aboard Maureen.

And then lastly from me on this side, Madam Chair, I was asked to begin the thought process on putting together a plan on how to proceed forward with the legal settlement funds that the Board has received. I have had a number of meetings with staff to date and have identified some key staff that I believe should be on that committee including City and County specialists. It also includes Mr. Dupuis. I think he's willing to help us out on this and I think he's on the call. And other, Shannon Jones at least and probably a couple of representatives from the BDD on the maintenance repair and operations side. So my intent is to have had a preliminary meeting with this group of people between now and the next Board meeting and then bring back an actual standing presentational item to the Board. Our plan to prepare the plan and with that would also be a companion item – I just had a meeting a couple of hours ago with members of the finance team with the City on their strategy for investing those funds. And they will be requesting a standalone item on the next Board meeting as well and FSAC to make their presentation how they envision those funds to be invested especially with the oncoming volatility in the investment market and inflation and things like that. So we'll be bringing those back to the Board at the next Board meeting.

With that, I'm happy to stand for questions.

CHAIR ROMERO-WIRTH: Question from the Board. Commissioner Hamilton.

COMMISSIONER HAMILTON: So you would bring a recommendation for the makeup of the committee and proceeding forward to the Board at the next meeting?

MR. CARPENTER: Yes, that's correct. And hopefully we would have an outline on how we'll proceed to develop the actual implementation plan itself. I hope we have gotten that far by the next Board meeting.

COMMISSIONER HAMILTON: That sounds great. I think – not that you have it all nailed down and that's fine, the recommendations of some of the staff that you mentioned make complete sense. I would just respectfully suggest that the chair and vice chair be included on the committee as active members since it is ultimately a Board decision that would be the link between the committee and the Board for final acceptance of how to do the plan.

MR. CARPENTER: Yes, ma'am, we can certainly do that. I'm happy to have the chair and the vice chair included.

CHAIR ROMERO-WIRTH: Other questions from the Board? I'm sorry, Commissioner Hansen.

COMMISSIONER HANSEN: Just on the process; are you going to be looking for possibly a third-party engineer to go over all of the expert information we had from the lawsuit to compile some of that or is that to be considered as part of the plan?

MR. CARPENTER: Madam Chair, Commissioner, yes, I think we're absolutely going to need experts, topical experts, a third-party engineer would be at the top of that list. So, yes, that is part of what I envision.

COMMISSIONER HANSEN: Okay, thank you very much. I look forward to seeing it. And then as far as the investment goes, I think that is also a BDD Board decision of how we invest that money so I would just like to state that for the record.

MR. CARPENTER: Yes, Commissioner Hansen, that's being – is to present the strategy and their recommendation to the Board.

COMMISSIONER HANSEN: Okay, thank you.

CHAIR ROMERO-WIRTH: Other questions from the Board. If not, we'll move on.

c. Report on April 4, 2022 Fiscal Services Audit Committee (FSAC)

ANTOINETTE ARMIJO-ROUGEMONT (BDD Accounting Supervisor): Good afternoon, Madam Chair and members of the Board. We did hold a FSAC committee meeting on April 4th at 2:30. In attendance were Ricky Bejarano from the City's Finance, Steve Miller, Commissioner Hamilton, Councilor Romero -Wirth, Rick Carpenter, Jesse Roach, John Dupuis, Nancy Long, Ira Roybal, Ron Spilman and myself – Tom, I am not sure if you were finally able to join us or not. I did notice you tried to get in earlier and we got off to a late start. So I just wanted to confirm if you were able to get on finally.

MR. EGELHOFF: I wasn't but Ron was on.

MS. ARMIJO-ROUGEMONT: Okay. We discussed three items. We discussed the FSAC amended calendar which we had a request to amend the calendar so we amended it from the Tuesday before the BDD meeting on the same week to the Monday before the BDD meeting. The purpose of that was so that we would have enough time to make any requested changes to the agenda, so that we would have 72 hours to do that. So

we did do that with the new calendar with the exception of two holiday weekends we moved it to the prior week on a Thursday.

We also discussed the budget. We did a full presentation of the budget at the March BDD meeting and it was on hold due to the major repair and replacement fund item. There was some discussion regarding the contribution by the partners and so we were asked to increase that contribution to \$1 million, which we did and it is here for presentation to you here today. And the third item was to repurpose IT funds that have been unexpended and to put those towards other expenses that BDD has.

That was it and I'll stand for questions if anybody has any questions.

CHAIR ROMERO-WIRTH: Questions from the Board? I think we're good. Thank you.

MS. ARMIJO-ROUGEMONT: Thank you.

d. Presentation of the 2021 Annual Report of the Middle Rio Grande Endangered Species Collaborative Program

MR. CARPENTER: Yes, Madam Chair, I'll kick things off. Kyle and I have been representing the BDD at the collaborative program going back 10 or 15 years. They do really important work. Not only habitat restoration and stewardship of the water resources in the Rio Grande but helping us to maintain compliance with all of the environmental constraints, biological opinion and getting along with our neighbors up and down the river. We used to meet monthly and now I think it is quarterly and there are a number of subcommittees that we try to attend, time permitting, and we thought it would be timely to report out on those efforts and Mr. Harwood is prepared to make a brief summary presentation on that.

KYLE HARWOOD (BDD Counsel): Thank you, Rick and good evening Board. We did put in the packet the 16 page color report that the collaborative program contractor, which is a company called WEST which is an acronym, put together than helps manage the collaborative program process for all of us. I won't present that annual report. It has a lot of detail in it. But with our execution of the new Memorandum of Agreement last month, I did indicate to the Board that we would be bringing you an update and I don't want to spend a lot of time on this today unless anyone has any questions. I think Rick has very well described the importance of our participation in the program and a little bit of the history. So I stand for questions, Madam Chair.

CHAIR ROMERO-WIRTH: Okay. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you Rick and Kyle for this nice 16-page color presentation. I think it's really beautiful. I am glad to see that we are part of this endeavor and that we continue to be. I enjoyed reading a number of the accomplishments and the highlights of what the signatories have done and I hope when we get our flow meter station in at Los Alamos Canyon it will be a signatory highlight.

MR. HARWOOD: Very good. We'll make sure we point that out to the folks at the program. So, thank you.

COMMISSIONER HANSEN: And thank you.

CHAIR ROMERO-WIRTH: Other questions from the Board.

MR. HELMS: Madam Chair, I just wanted to report in. I'm sorry I was late. I had an emergency.

CHAIR ROMERO-WIRTH: Thank you. I am glad you're able to join us. Other questions from the Board? If not, we'll move on to the consent agenda.

8. ACTION ITEMS: CONSENT

b. Request for Approval of the Modified 2022 Fiscal Services and Audit Committee Meeting Calendar

CHAIR ROMERO-WIRTH: Councilwoman Villarreal.

COUNCILOR VILLARREAL: Thank you, Madam Chair, just a quick clarification. Since I'm new, I was just curious I know that Antoinette just read off the names of the those that attended but could someone give me some background on the Fiscal Services and Audit Committee and who makes up that entity and the purpose of it.

CHAIR ROMERO-WIRTH: Absolutely. Nancy, do you want to do that or who is best to do that? Rick? I don't know. Somebody jump in.

MS. LONG: Madam Chair.

MR. CARPENTER: Oh, go ahead, Nancy.

MS. LONG: You can add in, Rick, if I miss something. Madam Chair and members of the Board, the Fiscal Service and Audit Committee was established somewhere along the way, it wasn't initially a committee of the Board. But the purpose was to consider those items ahead of the meeting that were audit related or fiscal related. Anything with money attached to it would go to the committee and it allowed staff from both the City and the County and Las Campanas representatives to review those issues ahead of time so that they could flag some issues, work out issues before it gets to the Board if that were required. From the Board traditionally, the chair and the vice chair serve on what we call the FSAC Committee.

So it's a preliminary review of the matters in order to get better prepared for the Board and see if there's any issues at staff levels that need addressing before it comes to you all.

MR. CARPENTER: Madam Chair, I think that's a great summary. The only thing I would add is just to remind everyone that that is sort of an advisory committee. They don't action and it does not usurp any authority of the Board. It is simply to have a forum to discuss what traditionally have been pretty complicated financial issues.

MS. LONG: Yes, so it's a non-quorum and as Rick said, there is no action taken. It's for discussion of those fiscal matters or audit matters.

COUNCILOR VILLARREAL: Great that is helpful. And then for the representatives for the City County, that's the finance director or someone in the finance department who attends.

MS. LONG: It usually is finance. I know someone from the County, they are always invited but I think it's Mr. Bejarano from the County [sic] was there and sometimes someone from the City finance side is there. Our water division representatives from the City are typically there.

CHAIR ROMERO-WIRTH: I'm sorry, Nancy, Mr. Bejarano now works for the City, he's on the City side.

MS. LONG: Oh, okay. Typically there is someone from the County as well.

MR. CARPENTER: Madam Chair, also oftentimes, most times, Mr. Egelhoff from Las Campanas will attend usually accompanied by one of their finance people as well.

COUNCILOR VILLARREAL: Got it. Thank you, that's helpful. And another question, on the attachment it includes the dates for this particular advisory committee and then BDD meeting and then BCC; and I was just curious why City governing body meetings aren't listed on that or why BCC is? Is there a reason for that?

CHAIR ROMERO-WIRTH: My guess, and I'll defer to Rick, City staff puts this together and they know when we meet and if we don't put the County Commission meetings on there, sometimes we schedule on top of them.

MS. ARMIJO-ROUGEMONT: Madam Chair, it's also because City Council meets on Wednesdays, correct? We don't meet on Wednesday and the Board of County Commissioners has meetings on Thursdays [sic] and our meetings are on Thursdays – that's why to make sure there's no conflict.

COMMISSIONER HAMILTON: We meet on Tuesdays.

MS. ARMIJO-ROUGEMONT: Right, the FASC was on Tuesdays and now that has been changed.

CHAIR ROMERO-WIRTH: Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Madam Chair. I just have – I don't know where to insert this question so I'm going to stick it here – where are we with the audit from the City or is that in the budget discussion? Just let me know where you would like to put that because I would like to know where we are with the City budget so we can finish our audit.

CHAIR ROMERO-WIRTH: Yes, so it's not the City budget, it's the City audit. Be happy to have somebody come and inform the Board. But I can tell you right now that the audit has been turned over to the outside auditors, the outside group that we hire to actually conduct the audit, and it is over with them and we were told that Finance – I don't know if it was Monday, it's been a long week – that we will be getting updates about when that will be finished but it is no longer in the City's control because it is with the third-party auditor and outside auditor so we don't know exactly where they are in reviewing it. So we could certainly get somebody over from finance, Director McCoy, to talk about that on the next agenda if that would be helpful.

COMMISSIONER HANSEN: What I want to know is, did Antoinette get all the cash balances and everything that she needs for us to complete our audit?

CHAIR ROMERO-WIRTH: Let me schedule that as an agenda item since that's not really an agenda item here.

COMMISSIONER HANSEN: Okay. Then let's schedule it for the next meeting please.

CHAIR ROMERO-WIRTH: All right. Any other questions on the FASC meeting calendar? If not, is there a motion.

COUNCILOR VILLARREAL: Move to approve.

COMMISSIONER HAMILTON: Second.

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

- c. **Request for approval and recommendation to Santa Fe County Board of County Commissioners and City of Santa Fe City Council to approve the Fiscal Year 2023 Buckman Direct Diversion Operating Budget in the amount of \$8,097,000 and Other Fund Contributions**
1. **Presentation of the proposed FY2023 BDD Operating Budget and Other Fund Contributions**
 2. **Public Comment**
 3. **Request and approval of the proposed Fiscal Year 2023 Operating Budget and Other Fund Contributions and recommendation**

CHAIR ROMERO-WIRTH: And we have Rick Carpenter being the lead on this topic. Rick, how do you want to handle this? Do you want to talk about it first or just go to questions?

MR. CARPENTER: Madam Chair, we're prepared to summarize the presentations that have been made in the past. It has been through FASC and a full presentation at the last Board meeting. I'm just wondering if Commissioner Hansen has specific questions that we can help with.

COMMISSIONER HANSEN: Well, I would like your brief presentation and where and how you adjusted the operations budgets and then on the Buckman Direct Diversion Regional Water Plant Organizational Chart, I don't know if the Board needs to be on this chart or not. But I would like the presentation because it says public comments here also. And I think that it's important that if there is anybody from the public who wants to make any comments that we allow that. And so I would look forward to your brief presentation and recap.

MR. CARPENTER: All right, Antoinette, do you want to summarize the packet materials of what's been done to date that were changed.

MS. ARMIJO-ROUGEMONT: Sure. Madam Chair, members of the Board, the fiscal year 2023 budget request was increased by \$745,711 from fiscal year 2022 -- [audio interruption] is fully funded to our target balance of \$2 million and the Major Repair and Replacement Fund requested contributions is \$1 million. Our recommendation for the Major Repair and Replacement Fund initially was \$876,706 -- there was a request to increase that to \$1 million which we did. So the projected fund balance for the Major Repair and Replacement Fund at the end of this year will be \$1,083,860 and the 2023 contributions are \$1 million. The approval of this contribution and no additional authorizations the fund balance will be \$2,083,866 for fiscal year 2023.

So the Operating Fund, there were changes from last month's presentation that remains at \$8,097,000. Major Repair and Replacement Fund was increased in \$1 million so the total request for fiscal year 2023 is \$9,097,000. With that, Rick and I will stand for questions.

CHAIR ROMERO-WIRTH: Commissioner Hansen.

COMMISSIONER HANSEN: Thank you very much, Antoinette. I would be interested to know what kind of discussion you had in staff about the budget and maybe somebody could do a brief synopsis.

MS. ARMIJO-ROUGEMONT: We basically just talked about increasing the amount to \$1 million, Commissioner. I believe that was a inquiry about if this \$1

million proposed contribution would change after all the adjustments are made with the settlements on the repairs and replacements. And we do think that it will probably decrease after that but we would probably need an updated engineer's report for the replacement schedule and cost.

COMMISSIONER HANSEN: Okay. And then do we want to have public comment.

CHAIR ROMERO-WIRTH: I'll do public comment when I know that you're finished since you pulled this item.

COMMISSIONER HANSEN: Okay. I am done with that, thank you very much.

CHAIR ROMERO-WIRTH: We do have public comment and this is an interesting way to do public comment. I didn't even see that it was there. Maybe in the future we'll do this differently. Staff, do we have anybody who is with us tonight who wants to comment on the budget.

MS. DIAZ: Madam Chair, I do not see any hands up and did not receive any inquiries.

CHAIR ROMERO-WIRTH: Okay, thank you. Other questions from the Board on this item? If not, is there a motion?

COUNCILOR VILLARREAL: Madam Chair, I actually do have a question.

CHAIR ROMERO-WIRTH: Sure.

COUNCILOR VILLARREAL: Since I wasn't in the meeting last time but I did read the notes, thank you for the thorough minutes that was helpful to read about the discussion and some of the concerns. Just so I know, after that discussion you all did then decide to increase the Major Repair and Replacement Fund? You increased the amount?

CHAIR ROMERO-WIRTH: To the recommended level.

COUNCILOR VILLARREAL: Which was the \$1,083,866; is that what you said, Antoinette?

MS. ARMIJO-ROUGEMONT: Madam Chair, Councilor, the recommendation is \$1 million per year. Before that prior to this budget proposal the contribution was \$626,706 so you'll see that as the current year contribution. So because of a decrease in our legal fees now that we reached a settlement and there is a decrease in legal, we proposed an increase in the Major Repair and Replacement Fund contribution to get more in line with the recommendation.

COUNCILOR VILLARREAL: Okay, so there was a balance before – so I'm looking at Table 8 and right under Table 8 it says, with approval of this contribution and no additional authorization the fund balance will be \$2,083,866 for fiscal year 2023.

MS. ARMIJO-ROUGEMONT: Yes, that's correct.

COUNCILOR VILLARREAL: Okay, thank you. I just want to make sure I understood that because you all talked about that quite a bit. I think that's it.

CHAIR ROMERO-WIRTH: I think a key thing to know about this is that, the recommended funding level is a recommendation with the plant at its current status or current condition. And now that the law suit has been settled and we will be going forward with a plan to do the work that is necessary, the amount of money in this line item, there may be a recommended change because the status of the facility will also have changed with the work. So going forward we'll be talking more about this. And at the time, when we had

talked about this, we had not settled the lawsuit and I think there was concern that we continue to do what was recommended not knowing whether we would be settling the lawsuit. We're continuing to do what we have been recommended to do and now that we've settled the lawsuit there will be more discussion about this as we implement those funds.

COUNCILOR VILLARREAL: Okay, thank you. The other question I had I know how had discussed salaries and there was an increase and I think it says 8 percent, so if there is something that changes on our end for City staff increases, would we then need to adjust this accordingly?

MS. ARMIJO-ROUGEMONT: Madam Chair, Councilor, we did include a 4 percent raise – salary raise for our employees at BDD.

COUNCILOR VILLARREAL: I read that and I was just curious because I was looking at the chart on Table C and there was an 8 percent increase.

MS. ARMIJO-ROUGEMONT: You're probably looking for the whole increase over last fiscal year – which includes a 4 percent salary increase. So the 8 percent is with benefits.

COUNCILOR VILLARREAL: So if there's a higher increase that happens at the City level during our budget process, what needs to occur for this particular budget as it relates to salaries?

CHAIR ROMERO-WIRTH: So my understanding is that what happens now is that this budget goes to the City and goes to the County for approval and then comes back again here. Am I correct about that?

MS. ARMIJO-ROUGEMONT: Correct.

CHAIR ROMERO-WIRTH: So we are giving preliminary approval for this. This is rolled into both the City and County's processes and then comes back once its passed both the City and the County in those separate processes.

COUNCILOR VILLARREAL: Okay. And then the final budget decision we make.

CHAIR ROMERO-WIRTH: Yes.

COUNCILOR VILLARREAL: All right. That's all I have. Thank you.

CHAIR ROMERO-WIRTH: Commissioner Hansen.

COMMISSIONER HANSEN: Yes, I would like to make a motion to approve the proposed Fiscal Year 2023 -- Operating Budget with -- contributions and recommendations.

CHAIR ROMERO-WIRTH: All right. You were cutting in and out but I think you're moving to approve this item. Is there a second?

MR. HELMS: Second.

COMMISSIONER HANSEN: Oh, okay, I'm sorry. Yes, that's what I did. Is this any better?

CHAIR ROMERO-WIRTH: Yes. So we have a motion and a second. If we could get a roll call on approval of the budget.

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

CHAIR ROMERO-WIRTH: Okay, thank you everybody for your work on this. We'll be revisiting it once it has gone through the City and the County.

9. ACTION ITEMS: DISCUSSION AND ACTION

a. Update and Possible Action on BDD Board priorities regarding Rio Grande water quality

CHAIR ROMERO-WIRTH: Rick Carpenter and Kyle Harwood are here with us. James Bearzi is a consultant and we have a very detailed memo in the packet. I don't know which one of you wants to start.

MR. CARPENTER: Madam Chair, I'll pick it up and then I'll hand it over to Kyle who wants to provide in a summary fashion the memo which is very detailed. The reason for that and there was an effort to summarize it, but the reason that there's a great many tasks that we have been undertaking related to Rio Grande water quality and most of them are highly technical and to consolidate them and put them all together in one item was something we thought would be helpful to the Board. So that's what we are offering today under this item. Kyle or James, I think Kyle, you probably want to take it away.

MR. HARWOOD: Thank you, Rick. We have both Luke Pierpont, my colleague here at the firm and James Bearzi outside consultant available. I hope the memo is useful. I hope it is the right level of detail in terms of summarizing things that we've brought to you in the past. Obviously, number one is an item that many of you are familiar with from our important work over the last six months and that is the agreement with Los Alamos National Labs MOU and that work continues now that we're under the new MOU. We had two, sort of, special projects last year, the triennial review that happens on a schedule set by the state. And then a special participation in a lawsuit regarding Water of the United States and you'll see our recommendation is to continue to monitor those issues as they might affect water quality for the BDD.

Then in the middle part of the memo we summarize a number of LANL and NMED ongoing matters. It's very hard to anticipate some of these. They come through on schedules that are generally not of our making and as I think you all know we maintain a pretty robust surveillance program, for lack of a better word, to try and keep an eye on the various permits and rulemakings and consent orders as they might affect the water quality that the Buckman project diverts. And so those are number 4 through number 9. The last two pages summarize a mixed bag of other things. We have spoken to the office of Natural Resources Trustee about how issues of interest to the BDD might be included in her work. That's former Albuquerque city councilor or Bernalillo county commission –

CHAIR ROMERO-WIRTH: County Commission.

MR. HARWOOD: County Commission, Maggie Hart Stebbins, who is no longer an elected official and was selected by the governor to be the New Mexico trustee. Eleven is monitoring another party's lawsuit with LANL where we have a recommendation there. Then internally we have the TREAT study effort that has been long on our agenda and is featured in our MOUs with LANL over the many years we've had agreements with LANL. Finally a protest of a remediation, that we felt was improperly legally noticed and that's a project that continues to take a little bit of attention. I think that 13 is a topic I'll be bringing back to you here in the near future, I suspect. Oh, I'm sorry, I think I summarized over an important one earlier which is the segue to the Environmental Impact Statement for LANL which is number 7. I think 13

and 7 are the two that we'll anticipate bringing back to you in the near term for more detailed updates and recommendations.

Sorry, I got a little out of order here but I want to get through it all at a high level of quants. And then number 14 is the water protection plan where the project does have a source water protection plan – looking a little ways upstream. This was an initiative of former Board member Denise Fort asking that we extend the view of that source water protection plan for upstream and the public engagement part of scoping that plan has been long delayed during Covid.

Let me just say a couple of more words at the top for context and we do have a variety of folks available for questions. It's very important to appreciate that while we think it's a very prudent approach for the Board to be interested and engaged on Rio Grande water quality issues, the water that we do produce out of the downstream end of the water treatment plan is safe and reliable for all the purposes that it is used for in those City, County, Las Campanas – well, Las Campanas has a different connection – but at any rate we do want to make sure that the Board appreciates and the public knows that this is about making sure that the source water is as clean as possible so that it takes less energy and less treatment to get it to that high quality that it is served to the utilities. We don't want to conflate our concerns about water quality with the water that we are giving our customers. So, with that summary, I think the Chair and I have talked about this broad list of issues and I think our general proposal, unless it is modified, is to bring back to the Board at a future Board meeting some more detailed prioritization of these initiatives and to start identifying which ones are within the existing budget, primarily for Mr. Bearzi and I and how much of it would be outside of our sort of existing budgets.

As I hope you can appreciate, these things, as I mentioned earlier, do come at us at a schedule that is not entirely of our control. So what I've been doing is surveillance and triage we have, as the Chair well knows because she was very clear about her expectations about this, we have had some comment periods sort of jump up in front of us. Very often we only get 30-day comment periods and of course, as many of you know, our agendas are set some distance from our meetings in order to accommodate the packet and distribution process. So there are some structural issues like that that perhaps we can also improve going forward with the prioritization discussion that we've discussed. But at least this memo should give you a good top-level view of the things in our immediate rearview mirror and I think for the going forward stuff we'd like the opportunity to bring you something at the next meeting. But we do have folks here today if there are any questions about the memo. I hope again that the memo was useful to you and I'm sure you are about to tell me whether it was or wasn't. So I'll stand for questions.

CHAIR ROMERO-WIRTH: Thank you, Kyle. I do think – I wish I had had this memo when I was new to the Board. I think it does give a great bird's eye view, 10,000 foot look at the range of things that have been going on. So I personally found it very helpful because the way my learning has been has been by meeting by meeting and these things come up one at a time and you just like learn – so I think for those folks that are new, you're getting something that the rest of us didn't have the benefit of – so progress.

With that, I had told Kyle I thought what we would do is just open it up to the Board and you could ask questions about the details of this memo. It does cover quite a bit of ground on very substantive areas of water quality activities.

Commissioner Hansen, your hand is up and then we'll go to Commissioner Hamilton.

COMMISSIONER HANSEN: Thank you, Madam Chair. First item number 1, memorandum of understanding, I do think it's a good idea – we have not had DOE EM director Mikolanis at our Board meeting since we approved the MOU and the flow station and I think it would be good to invite him again to give us an update of where we are and hopefully we will be getting the flow meter stations in before the monsoon season.

Number 2, thank you James Bearzi for your hard work on the triennial review. I did, of course, read over the memo. I find that the commission voted not to include emerging contaminants and the definition of toxic pollutant, and I'm wondering why that is although they chose to adopt Amigos Bravos' proposed language. But do you want to say a few words about that.

MR. HARWOOD: Mr. Bearzi, are you available?

JAMES BEARZI (Consultant): I am. I'm having a little trouble with my video oh, hi everybody. Madam Chair, Board, good to see you again. In the Environment Department's proposal with respect to the linkage between toxic pollutants and with emerging contaminants in our view and from our testimony was ill conceived. The commission adopted a definition of emerging contaminants, that's good. We wanted them to do that. The commission also reworked, especially with [inaudible] of toxic pollutants and how they treat toxic pollutants, that's good but we wanted them to do that too but we urged them not to make all emerging contaminants toxic pollutants because there are different criteria for each one. Toxic pollutants, simply put, they have to be toxic and they have to be demonstrated to be toxic. The emerging contaminant have, think of it as a lower burden to show to become an emerging contaminant. Perhaps some STEM-ies would like to show their health concerns but it doesn't rise to the level of being a toxic pollutant, that is, that you can demonstrate [inaudible] increased cancer risk over a lifetime. So we dissuaded the commission from doing that and I think successfully and other parties did. On the good part, Amigos Bravos asked the commission to monitor for some specific emerging contaminants that are not yet, not all of them are toxic pollutants, the so called Per- and polyfluoroalkyl substances or PFAS. So I think on balance the Board got what it urged the commission to do and then some with the monitoring that Amigos Bravos asked them to do.

COMMISSIONER HANSEN: Thank you, James. I appreciate the clarity and I think it was a really important thing that we testified. I know that many of the other participants were very supportive of the fact that we also participated in the triennial review.

Then I'm going to go on to WOTUS which there's been some very, in my humble opinion, some very disturbing news that the Supreme Court has approved the Navigable Water Protection Rule and I also sit on the City of Santa Fe Water Commission and we have been very active in the last couple of years ever since they were working to approve this dirty water rule by the Trump administration. So I don't have a lot of information, but did this – I just see that the Navigable Water Protection Rule has been put back in

place; does anybody have more details or is it the whole rule or exactly how does this affect us and if it does do we need to possibly – I definitely will suggest this at the River Commission, write a letter to the governor requesting primacy in that she started working on that immediately because all of a sudden we're left with, once again, no protection of close to 93 percent of our protection has been removed because we don't have primacy and we don't have our own state water rules. And what I mean by primacy is we don't have an NPED discharge permit process and so it's very, very concerning to me. I was really saddened to see this.

MR. HARWOOD: I think a lot of folks were surprised that they made such a weighty decision on the docket. I would like to ask your patience, Commissioner, and let us, because it's late breaking news and I think it would be good for us to get back to you at the next Board meeting with a carefully thought through answer to your question, if that's okay.

COMMISSIONER HANSEN: Yes, that is an excellent idea and I totally appreciate that. Then on item 11, I want to just congratulate Nuke Watch for their dedication to the Buckman Direct Diversion and for their concern for our flow measurement station and including that in their lawsuit. I was very happy to see that even though our MOA does not have the force of law we now with the Nuke Watch considered order litigation settlement have the force of law to have a flow meter station at Los Alamos Canyon.

And then yesterday, I'm sorry that – or maybe you were James with the technical working group on the hexavalent chromium, if for some reason LANL continues to call it a chromium plume even though we all know it's a hexavalent chromium plume which seemingly makes it not as serious and they were doing a modeling and the presentation or the person who was presenting stated, well, at this point we are concerned about the hexavalent chromium being in the water table and I questioned him and he said that the hexavalent chromium is already in the water table at the Pajarito Plateau which was very disconcerting to me. I mean, we all know Erin Brockovich, we all know the story of hexavalent chromium and so to get this far and get into the water table seems irresponsible to me of LANL and I'm hoping that something will be done more speedily or efficiently on that.

But thank you for the summary and the overview and I look forward to continuing to work and putting these issues together. Thank you Kyle, thank you James, thank you Luke and thank you Rick, I appreciate this summary. Thank you, Commissioner.

CHAIR ROMERO-WIRTH: Thank you, Commissioner. Commissioner Hamilton, you also had your hand up.

COMMISSIONER HAMILTON: Thank you, Madam Chair. I was going to ask about the TREAT Study. It's a small question but I wasn't sure what the little summary that was we've done this before and what we'll recommend is to offer the best sampling methods possible. That didn't mean very much to me and I have no objection to that per se. But I think there were some questions about the sampling protocols before and I thought it was some discussion like pre-Covid that left a potential need for some additional sampling and that's never really been addressed. So that was kind of my question except that it also seems like one of those things that might be postponed until after any major work is conducted on the facility and then be reconsidered; is that what you guys are thinking? It just wasn't real clear to me.

MR. HARWOOD: That is sufficiently far over my pay grade. I will let Mr. Carpenter respond.

MR. CARPENTER: That's a pretty complicated point you raised and yes it does date back at least two years. It's a discussion point that we have had and will continue to have if in the future the Board would like to give us specific direction on additional sampling that we can take back and make that a discussion point again, we are happy to do that. But this is where we landed this time around and we felt it not ideal but sufficient at this point in time.

CHAIR ROMERO-WIRTH: Thanks. Other questions from the Board?

MR. HARWOOD: I will in this silence, Madam Chair, I'll just note that we do have a document archive for all of the documents that are referenced in the memo that we can provide by a drop-box link if the Board or others would like that. It represents quite a bit of material. The training one on its own is voluminous. But I don't know if folks would like that electronically. We can obviously print it if you're more of a paper person. But I did want to note that we did put together an archive of the documents to each of the things that are noted under each item as the documents and we would be happy to get that to Jamie-Rae or get it to you directly or print it for you or put it on a jump drive, whatever your preferred data diet is.

CHAIR ROMERO-WIRTH: I'd like to discourage us from printing because I am sure it is voluminous. But I know that there are some of us who still like that.

MR. HARWOOD: Let us know. I'm an email away if you'd like it or if you'd like something – whatever you'd prefer.

CHAIR ROMERO-WIRTH: That's great that you did that. I think it would be good to have access to it. However we can do it without killing too many trees I think that would be great.

MR. HARWOOD: What I would propose if it's okay, we'll just send out a drop-box link to the Board members and alternates and you all can download as you wish. And if there's any other desired formats just email me and we'll get it to you in another way.

CHAIR ROMERO-WIRTH: Okay, is there anything else on this item?
All right.

10. MATTERS FROM THE BOARD

CHAIR ROMERO-WIRTH: Yes, Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Madam Chair. I think they have left because I don't see Jamie-Rae on there. But I just wanted to welcome Maureen and we all, I'm sure, look forward to meeting her at some point. Please pass that along Bern and Antoinette that we welcome her.

CHAIR ROMERO-WIRTH: Great. Councilwoman Villarreal.

COUNCILOR VILLARREAL: Thank you, Madam Chair. I just wanted to thank staff for all the time you've put in for the budget. It's a heavy load every year I am sure. It was very complete and helpful to see it. I know I wasn't at the first discussion but it had a lot of information that I think just helped us to make a decision in the second turnaround fairly easy. So I just wanted to thank you all for the work on that.

As you were talking about the other document, which was excellent as well, thank you, Kyle and staff for putting that together, I was texting with Kyle, who's this, who is this person? And there's a lot of people on our call that I have never met and I don't know the connection to our work and if they're legal counsel on retainer or how they fit into the work of BDD. So I don't know if there's something a document that explains who all of these folks are but I am not sure of the connection so if there's a cheat sheet for that, that would be helpful for me.

CHAIR ROMERO-WIRTH: Could we do a quick introduction since we have a few people here. I think that's a great point. It's again, you are a great Councilwoman to call these things out, I just sort of muddled along. I admire your forthrightness to be, Hey, who the heck is on this call. Nancy, Rick, who wants to –

MR. HARWOOD: I was going to offer to do the Water Quality Team, really quick.

CHAIR ROMERO-WIRTH: Okay.

MR. HARWOOD: We all report to Rick, you know him. Luke, if you want to turn on your camera. My colleague here at the firm is Luke Pierpont. Many of you know him from his work on the Santa Fe River Commission as a volunteer. Luke, do you want to say anything?

LUKE PIERPONT: Just hello to the Board. Councilor Villarreal, it's good to see you. Glad you're joining the Board. I look forward to seeing more of you all.

MR. HARWOOD: Great, thank you, Luke. James Bearzi, if you want to just turn on your camera real quick. James, long time staffer with NMED and then was with Jay at Glorieta Geoscience and then retired and is now on a small contract to help us get through the LANL MOU negotiation. James, do you want to say something more?

MR. BEARZI: Yeah, I've been working with the Board starting about 2017 or 2018 with Jay and Glorieta Geoscience. And as Kyle said I have worked with the MOU negotiations which are done and so implementation of the water quality guide. Good to see everyone haven't seen Commissioner Hughes in many, many years our kids were in a babysitting co-op about 100 years ago.

MR. HARWOOD: And then another very important member of the Water Quality Team is Jay Lazarus who provided critical support. Jay, do you want to say a couple words about your work please.

JAY LAZARUS: Thank you, Kyle. Madam Chair, I guess Board members, I really don't know what to call you Commissioners, City Councilors, whatever is most appropriate I'll do but hello, good afternoon, I hope you're all doing well. Our company has been working for the Buckman Director Diversion Board, Rick, since 2018 on a variety of matters and we generally work directly for Rick on a task order basis and look forward to continuing it. Thank you.

MR. HARWOOD: Great. Obviously, Mr. Helms is a Board member, Mr. Dupuis is a County staffer. I believe that is everyone logged in at this point. Our staff – did you want Rick to go through staff or were you most interested in the non-staff people, Councilor?

COUNCILOR VILLARREAL: Well, I always care about the staff. I know most of you. I was actually looking at that org chart and wondering who is who in that org chart. I don't know if you all have a populated one with the names of staff in

that org chart, that would be helpful. Since we have a little bit of time maybe I see three – maybe each of you ladies could say what you're responsible for.

MR. CARPENTER: I'll kick it off if you don't mind. An org chart that has the position and the name of the person – I think that actually does exist although – we can provide you that. That is very easy to do. Of course you know Antoinette our Financial Manager and Bernardine our PIO. You may not have worked with Monique Maes yet, she's our contract manager and works on the administrative side of things with us and of course we just introduced Maureen who may or may not still be on the call as our administrative assistant.

COUNCILOR VILLARREAL: Excellent. Thank you so much. Thank you all. I know I've met some of you in different context and I know you in different work worlds and I'm glad to see you're part of the BDD too.

COMMISSIONER HANSEN: So, Madam Chair.

CHAIR ROMERO-WIRTH: Yes, Commissioner.

COMMISSIONER HANSEN: John Dupuis is our water utilities director. I don't know if he can join us by a picture and then the alternate from the County is Commissioner Hughes, which I believe you do know. And there is John and he is our waters utility director.

CHAIR ROMERO-WIRTH: And when you say our, you mean for the County?

COMMISSIONER HANSEN: Yes.

CHAIR ROMERO-WIRTH: There's a lot of ours here. There's ours as BDD. There's ours as the City. There's ours as the County. There's ours as Las Campanas. Just to be clear, John Dupuis works for the County.

COMMISSIONER HANSEN: Yes, thank you, Madam Chair. I don't see any other name that is not recognized. Oh, J.C. Helms. I know that I don't think Madam Chair has actually met him. He is our citizen member and we have been in Covid since all of this time.

CHAIR ROMERO-WIRTH: I actually have met him and was part of the group that reappointed him as public person. So it's been a long time and we're going to get back together hopefully in the near future. Okay, other matters from the Board.

COUNCILOR VILLARREAL: I still have other questions but thank you for giving me the time for that. I appreciate that and I actually have never seen J.C. every in person, because he doesn't have a camera.

MR. HELMS: Can I – I'm sorry I don't have a picture of myself but the machine doesn't have one. Mr. Kyle Harwood was kind enough to give me one and tried to plug it in and make it work and it was just worse than ever. I haven't gotten the skills yet to make it work but sooner or later I'll have a picture up there. But I apologize to Councilor Villarreal for not showing my face. Someday we'll meet.

COUNCILOR VILLARREAL: Sounds good. I look forward to that. And the only other question I had, or two or three, there's if we're going to be rescheduling our site visit that we had planned to do – I mean, I've been to BDD but it would be great to meet in person again, I'm just curious about that. And then if we'll be meeting in person possibly for our meetings. I would appreciate that as well and I don't know how people feel about that or if that makes sense at that time.

CHAIR ROMERO-WIRTH: It's a City call and I understand that decision is with the City Manager and we'll be hearing more about that. We are meeting at the City virtually through the end of this month. Short answer to that.

COUNCILOR VILLARREAL: Great and then maybe staff could let us know about the site visit; are there plans to reschedule?

MR. CARPENTER: Yeah, so it's absolutely intended to be rescheduled and when we come up with some perspective data and an itinerary we'll be happy to forward that out to anybody who is interested. I'll work with Bernardine on getting that together.

COUNCILOR VILLARREAL: That would be great, wonderful. And then last, I didn't a jump drive all important documents related to BDD and then I thought did I miss something. I didn't get anything actually – did someone steal something from my mailbox or did it get lost in the email. So I was wondering if that's still in the works?

MR. HARWOOD: I think that got lost between me and Rick and Jamie-Rae. So we will make sure that it happens no later than Monday. And you requested a jump drive if I remember.

COUNCILOR VILLARREAL: Yeah, that would be great.

MR. HARWOOD: I apologize for that.

COUNCILOR VILLARREAL: Thank you, no problem. That's all I have, Madam Chair. Thank you.

CHAIR ROMERO-WIRTH: Other matters from the Board.

11. NEXT MEETING: Thursday, May 5, 2022 at 4:00 p.m.

12. ADJOURN

Having completed the agenda and with no further business to come before the Board, Chair Romero-Wirth declared this meeting adjourned at approximately 5:20 p.m.

Approved by:

Carol Romero-Wirth, Board Chair

Respectfully submitted:

Karen Farrell, Wordswork

ATTEST TO

KRISTINE BUSTOS-MIHELIC
SANTA FE CITY CLERK