MINUTES OF THE

THE CITY OF SANTA FE & SANTA FE COUNTY

BUCKMAN DIRECT DIVERSION BOARD MEETING

January 5, 2023

1. CALL TO ORDER

This regular meeting of the Santa Fe County & City Buckman Direct Diversion Board meeting was called to order by Councilor Carol Romero-Wirth, Chair, at approximately 4:10 p.m. in the Council Chambers, City Hall, 200 Lincoln Avenue, Santa Fe, New Mexico.

2. ROLL CALL: Roll was called and a quorum was present as shown:

BDD Board Members Present:
Councilor Carol Romero-Wirth, Chair
Commissioner Anna Hamilton
Commissioner Anna Hansen
J.C. Helms, Citizen Member
Tom Egelhoff, Las Campanas [non-voting]

Member(s) Excused:
Councilor Renee Villarreal

Others Present:
Rick Carpenter, BDD Facilities Manager
Nancy Long, BDD Legal Counsel
Kyle Harwood, BDD Legal Counsel
Jamie-Rae Diaz, City Public Utilities Administrative Manager
Monique Maes, BDD Contract Administrator
Randy Sugrue, BDD Operations Superintendent
Jesse Roach, City Water Division Director
Justin Greene, County Commissioner
Michelle Hunter, County Water Resource Manager
Bradley Prada, BDD Maintenance and Repair Superintendent
Jay Lazarus, Glorieta Geoscience
Joni Arends, Concerned Citizens for Nuclear Safety, Executive Director

[Chair Romero-Wirth read the agenda captions throughout the meeting.]

3. APPROVAL OF AGENDA

There were no changes to the agenda and Commissioner Hansen moved to approve as published. Commissioner Hamilton seconded and the motion passed by unanimous [4-0] voice vote.

4. APPROVAL OF CONSENT AGENDA

There were no changes to the Consent Agenda and upon motion by Commissioner Hansen and second by Commissioner Hamilton, the motion passed by unanimous [4-0] voice vote.

7. ACTION ITMES: CONSENT

a. Request for Approval of Amendment No. 1 to the Service Agreement #22-0522 with Condor Security Services of America, Inc., for changes to the contract agreement detailing days and holidays

b. Request for Approval for a Service Agreement for on-call HVAC and Plumbing Services with B&D Industries, Inc., in the Amount of $65,000 for FY 2023

4. APPROVAL OF MINUTES

There were no changes to the minutes of the December 1, 2022 BDD Board meeting minutes. Commissioner Hansen moved to approve as presented. Member Helms seconded and the motion passed by [4-0] voice vote.

5. PRESENTATION/INFORMATIONAL ITEMS

a. Monthly Update on BDD Operations

CHAIR ROMERO-WIRTH: We have our presentation of the monthly update of the BDD operations, by Randy Sugrue our BDD Operations Superintendent.

RANDY SUGRUE (Operations Superintendent): Thank you, Madam Chair, members of the Board, my update this afternoon is on BDD operations for the month of December, 2022

Our raw water diversions averaged about 2.12 million gallons per day. Our drinking water deliveries through Booster Stations 4 and 5A averaged 1.96 million gallons per day. Las Campanas did not divert water in December. Our onsite treated and non-treated storage about 160,000 gallons on average per day. BDD is providing around 31 percent of the water supplied to the City and County system. Our year-to-date diversions are listed below.

Our regional demand and drought summary on page 2, looks pretty good. Regional demand for December was around 6.2 mgd. Rio Grande flows continue pretty healthy. A couple of weeks ago when I made this report it averaged around 1,000 cubic feet per second. That is somewhat reduced at this time to between 6 and 700 cubic feet

per second. Canyon Road water treatment plant reservoir storage combined about 45 percent, about 2 mgd inflow on average.

We got our final City-County-Las Campanas, San Juan-Chama allocation memo and it was a zero allocation for December. So for the year, the City received 3,371 acre-feet out of 5,230 acre-feet. The County received 243 acre-feet out of 375 of San Juan-Chama storage. Our El Niño summary for December, states that La Niña is certainly present and a chance to continue through spring 2023, that's at about 71 percent. That's essentially it and I stand for questions.

CHAIR ROMERO-WIRTH: Okay, questions from the Board? Doesn't look like you have any questions.

MR. SUGRUE: Thank you very much.

CHAIR ROMERO-WIRTH: Thank you.

b. Report from the Facilities Manager

RICK CARPENTER (BDD Facilities Manager): Thank you, Madam Chair. I only have one item to report out on to the Board. This is in regards to the RFP for engineering services for the legal settlement funds. We've been working on that for a number of weeks. However, Monique and I feel that we have worked out all of the issues with our procurement office and we have a date set to advertise the RFP of July 24th. That's progress. And I think that is it, Madam Chair.

CHAIR ROMERO-WIRTH: Okay. Commissioner Hansen. [Light banter]

COMMISSIONER HANSEN: Thank you, Madam Chair. I would just like to know how everything is going with your new administrative assistant.

MR. CARPENTER: Yes, Madam Chair and members of the Board, she seems to be working out so far. She is a quick learner and we're very pleased so far.

COMMISSIONER HANSEN: I am happy to hear that. I think that's all the questions I have at the moment.

CHAIR ROMERO-WIRTH: Okay, thank you.

8. ACTION ITEMS: DISCUSSION AND ACTION

a. Request for Approval of Services Agreement for Pumps and Motors with Alpha Southwest, Inc., in the Amount of $499,623.71 for FY 2023

1. Request for Approval of a Budget Adjustment Resolution (BAR) for $499.623.71 in the Total Amount of $499,632.71

CHAIR ROMERO-WIRTH: I understand we have a tricky motion here so let's first talk about the substance.

MR. CARPENTER: Thank you, Madam Chair. This is a contract so that we can begin work as soon as possible to install shafts and motors at two of our pump stations, Booster Station 1A and Booster Station 2A. It's important so that would give us an additional pump at each station and increase our capacity. We are trying to move this along as fast as we can. We have learned recently that the lead time on these parts is anywhere from 18 to 22 weeks. So we're trying to move swiftly and I'd be happy to stand for questions.

CHAIR ROMERO-WIRTH: Questions from the Board? Commissioner Hamilton.

COMMISSIONER HAMILTON: So can you explain the need for the pumps and how it will fit with – how it jibes with the bigger picture repairs that we're just getting the engineer on for.

MR. CARPENTER: That is a really good question, Commissioner. So when funds were taken from Major Repair & Replacement like this is seeking to do, generally speaking there is going to be some overlap but generally speaking those are items that were not necessarily design flaws and not necessarily the intent of the settlement fund – things that we need to repair and replace anyway. These are high ticket but very important items.

When the RFP is responded to for that $70 million settlement fund our technical working group can resume again and probably have some pretty intense meetings on exactly what our prioritization is and what we're going to fix and is there overlap with major repair and replacement. We are trying to not have that happen.

COMMISSIONER HAMILTON: Well, of course. It was also characterized as increasing pumping capacity in each station; is it literally an increase in capacity because of increased demand? So is it an upgrade that we're looking at or replacement of pumps because they're wearing out and we need them?

MR. CARPENTER: Another good question. If I could clarify; it is because we are adding additional pumps that are currently out of service. The pumps themselves are not higher capacity than what we might end up with several years from now with the settlement funds.

COMMISSIONER HAMILTON: So we are repairing, essentially.

MR. CARPENTER: We are repairing.

COMMISSIONER HAMILTON: Okay, thank you.

CHAIR ROMERO-WIRTH: Other questions from the Board? Okay, Ms. Long do you want to speak to the motion and I think this is going to be – you tell us all of the components and we'll see if we can echo what you need.

NANCY LONG (BDD Board Legal Counsel): Madam Chair, members of the Board, the motion would be for approval of the services agreement with Alpha Southwest and approval of the Budget Adjustment Resolution in the amount of $499,623.71 to come from the Major Repair & Replacement Fund. That's the addition to that BAR approval.

CHAIR ROMERO-WIRTH: So the motion has three parts. It would be a motion to approve the request for a services agreement for pumps and motors with Alpha Southwest, Inc. in the amount of $499,623.71 to come from the Major Repair & Replacement Fund and – no, I should say and to approve the Budget Adjustment Resolution which will pull the funds from the Major Repair &Replacement Fund.

MS. LONG: That's correct.

COMMISSIONER HANSEN: So moved.

COMMISSIONER HAMILTON: Second.

CHAIR ROMERO-WIRTH: Very smart. We have a motion and a second to approve this item. I think we need to do a roll call on this one; right?

MS. LONG: That's your prerogative.

The motion passed by unanimous [4-0] roll call vote as follows:

Commissioner Anna Hamilton	Yes
Commissioner Anna Hansen	Yes
J.C. Helms, Citizen Member	Yes
Councilor Romero-Wirth, Chair	Yes

B. Consideration and Possible Action on Resolution 2023-1, Determining Reasonable Notice for Public Meetings of the Buckman Direct Diversion Board and Allowing for Remote Attendance of its ~~Public~~ Members when it's Difficult or Impossible to Attend in Person

CHAIR ROMERO-WIRTH: We have Nancy Long our legal counsel here to speak to this and this is something that we do at the beginning of every year that sets the stage for how we handle our meetings. Maybe you want to add in on that, I don't know if there is more to say.

MS. LONG: Madam Chair, members of the Board, as the Chair has stated this is our annual consideration of the Open Meetings Act Resolution that you all are used to do every year and for your respective bodies you do the same thing.

The change that was made was to allow for remote participation. I think it's standard in these times to allow for that. We have never allowed that before. So we are allowing it and we realize that there may be some logistical issues to get that up and going but I think we should allow for it to be consistent with standard practice. It is allowed by law, by the Open Meetings Act if it difficult or impossible to attend you can remotely. And also we keep some of the pandemic language in there that if a meeting has to be cancelled because of a public emergency or the public needs to be restricted in terms of attendance they can, of course, still have the ability to listen, the Chair can do that. But that's just to have that in place, and we hope there is not, that there's another public emergency this year. So that is the Open Meetings Act Resolution that is before you.

CHAIR ROMERO-WIRTH: Commissioner Hamilton.

COMMISSIONER HAMILTON: I think that all makes sense and I strongly agree with everything. The only thing that I find confusing is that the phrasing of that, "public members" can attend remotely. It makes it sound like the Commissioners –

MS. LONG: Oh, that's a good point. I think it should say members. We define members as non-voting and voting and so I think that that word should actually be deleted.

CHAIR ROMERO-WIRTH: That was going to be my question as well. And I was looking for the resolution but I'm not seeing it. It's in the title but when I go to the Open Meetings Act Resolution I don't get a resolution – oh, here it is. A resolution: reasonable notice for public meetings, because that's really what we're voting on, whereas, whereas, whereas –

MS. LONG: So you're referring to the caption, Commissioner Hamilton.

COMMISSIONER HAMILTON: It's in the caption.

MS. LONG: But it's not in the resolution. So I think we're okay.

COMMISSIONER HAMILTON: If the intent is that individual members, if there is a problem, so we could have a meeting and if there's five feet of snow in Glorieta and I can't make it into town, I would be allowed to – or the Chair could call and everybody

attend remotely. It allows for – as long as it allows for the necessary permutations, I just wanted to make sure that you thought the wording allowed for that.

CHAIR ROMERO-WIRTH: If you look at the resolution it speaks about the Board and not about the public members. I think it's just the caption.

MS. LONG: Yes, I think it was just the caption.

CHAIR ROMERO-WIRTH: In the first part of the, Now Therefore be it Resolved, unless otherwise specified regular meetings of the Board shall be held each month … notice shall be given…a special meeting of the Board may be called by the Chair. So I think it – and an emergency meeting of the Board may be called by the Chair – so every time we're talking about this we're referring to the Board it looks like throughout.

MS. LONG: Yes, and, Madam Chair, we define member in the resolution as voting and non-voting members of the Board. We didn't say public members so I think that was just a glitch in the caption. I think we're okay.

CHAIR ROMERO-WIRTH: Agree. Any other questions on this?

COMMISSIONER HANSEN: Madam Chair.

CHAIR ROMERO-WIRTH: Yes, Commissioner.

COMMISSIONER HANSEN: I think the resolution itself refers to members. So I think we're fine and with that I would like to make a motion to approve the 2023 Open Meetings Act Resolution.

CHAIR ROMERO-WIRTH: Is there a second?

MEMBER HELMS: Second.

CHAIR ROMERO-WIRTH: We have a motion and a second. Is there further discussion or questions or concerns? We're all good. Okay, let's do a roll call on this as well.

The motion passed by unanimous [4-0] roll call vote as follows:

Commissioner Anna Hamilton	Yes
Commissioner Anna Hansen	Yes
J.C. Helms, Citizen Member	Yes
Councilor Romero-Wirth, Chair	Yes

9 MATTERS FROM THE PUBLIC

CHAIR ROMERO-WIRTH: Does anyone want to speak? Not seeing anyone, we'll move on.

10. MATTERS FROM THE BOARD

CHAIR ROMERO-WIRTH: Commissioner.

COMMISSIONER HANSEN: I would like to introduce our new Commissioner, Justin Greene who is representing District 1. He came here to observe and see what's going on. We welcome him to the Board and look forward to working with him.

CHAIR ROMERO-WIRTH: And just to clarify: we welcome him to these meetings but he is not sitting on the Board.

COMMISSIONER HANSEN: Right.

CHAIR ROMERO-WIRTH: I don't want anybody to be confused. He may someday very soon sit on the Board but not at this moment. Welcome and congratulations. You are all sworn in and official. Other matters from the Board?

COMMISSIONER HANSEN: Actually, Madam Chair, I was referring to my board, the BCC. Just to clarify that.

CHAIR ROMERO-WIRTH: Oh, there we go. That's good. Lots of boards. Other matters from the Board?

11. NEXT MEETING: Thursday, February 2, 2023 at 4:00 p.m**.**

10. MATTERS FROM THE BOARD (cont.)

CHAIR ROMERO-WIRTH: Yes, Mr. Helms.

MEMBER HELMS: Yes, I received a document prepared by –

CHAIR ROMERO-WIRTH: Yes, a resolution.

MEMBER HELMS: Resolution 2022-2; is that open for comment.

CHAIR ROMERO-WIRTH: Is that the thing you received from Mr. Harwood this afternoon?

MEMBER HELMS: Yes.

CHAIR ROMERO-WIRTH: We approved that, it was an agenda item at our last meeting and we approved it at that meeting and it is not on the agenda tonight.

MS. LONG: Madam Chair and Member Helms, there were some revisions that were made on the floor at the meeting. Those were made to the resolution and now sent around for everybody. It was revised from what was in the December packet but it was approved with the language that you see in there today.

MEMBER HELMS: So there is no further review?

MS. LONG: That's correct.

CHAIR ROMERO-WIRTH: No, but if you want to –

MEMBER HELMS: One comment.

CHAIR ROMERO-WIRTH: Okay, and if you want to talk, we can talk after the meeting. He [Mr. Harwood] was here, maybe he ducked out.

COMMISSIONER HANSEN: He was on the phone in the back but I think he left.

CHAIR ROMERO-WIRTH: Mr. Helms, I would be happy to talk to you about it and if there is an issue we can –

MEMBER HELMS: It's not a big issue; can I just air it real quick here?

CHAIR ROMERO-WIRTH: I think you can in Matters of the Board, it's kind of one-way; right. So you can say what your issue is and then we can figure out how to go forward with it.

MEMBER HELMS: At the bottom of page 1, item 2, "to foster the BDD's engagement with key partners, stakeholders, regulators including Department of Energy, EPA, Los Alamos County, New Mexico Environment," I wonder if we shouldn't include San Ildefonso? Do we not encroach on their land; doesn't that make sense?

CHAIR ROMERO-WIRTH: Again, this is not on the agenda. I thank you for that and let's talk. If we need to put it on the agenda for the next meeting in order to

resolve that, we will. But we really can't I think have a back and forth on this because we did not notice it. Sorry about that.

Other matters from the Board? All right.

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 4:30 p.m.

Approved by:

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Carol Romero-Wirth, Board Chair

Respectfully submitted:

Karen Farrell, Wordswork

ATTEST TO

_____
KRISTINE BUSTOS-MIHELCIC
SANTA FE CITY CLERK

D R A F T

- subject to approval -