

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

September 5, 2024

1. CALL TO ORDER

This meeting of the Santa Fe County & City Buckman Direct Diversion Board meeting was called to order by Carol Romero-Wirth, BDD Board Chair, at approximately 4:01 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:

<u>BDD Board Members Present:</u>	<u>Member(s) Excused:</u>
Councilor Carol Romero-Wirth, Chair	None
Commissioner Anna Hansen	
Commissioner Anna Hamilton	
Councilor Jamie Cassutt	
Rolf Schmidt-Petersen, Citizen Member	
Tom Egelhoff, The Club at Las Campanas [non-voting member]	

Alternates Present:
Commissioner Justin Greene, County Alternate
Peter Ives, Citizen Member Alternate

Others Present:
Jonathan Montoya, Interim Facilities Manager
Matthew Sandoval, Interim Operations Superintendent
Nancy Long, BDD Legal Counsel
Kyle Harwood, BDD Legal Counsel
Delfin Peterson, BDD Administrative Assistant
Valerie Romero, BDD Accounting Supervisor
Monique Maes, BDD Contracts Administrator
Bernardine Padilla, BDD PR & C Officer
Brian Snyder, Public Works Director, Santa Fe County
Jesse Roach, City PUD Water Division Director
Jay Lazarus, Glorieta Geoscience, Inc.
Peter Hunt, Glorieta Geoscience, Inc.
Larry Boot Pierce, Glorieta Geoscience, Inc.
Carina Julig, *Santa Fe New Mexican*
Joni Arends, Concerned Citizens for Nuclear Safety

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

3. APPROVAL OF AGENDA

There being no changes recommended by staff or the Board, Commissioner Hamilton moved to approve the agenda as published. Councilor Cassutt seconded and the motion passed by unanimous [5-0] roll call vote.

4. APPROVAL OF CONSENT AGENDA

CHAIR ROMERO-WIRTH: We have one item on the Consent Agenda. Are there change to the Consent Agenda at all, from staff? Okay. Changes from the committee?

COMMISSIONER HANSEN: Madam Chair, yes. I want to –

CHAIR ROMERO-WIRTH: You'd like to pull that item?

COMMISSIONER HANSEN: Yes.

CHAIR ROMERO-WIRTH: Okay. So then we have no Consent Agenda to approve, because there was only one item on the Consent Agenda which has now been pulled for discussion. So we will move on to Approval of the Minutes of our August 1st meeting.

5. APPROVAL OF MINUTES

a. August 1, 2024 Buckman Direct Diversion Board Meeting

CHAIR ROMERO-WIRTH: Are there changes to those minutes from staff?

JONATHAN MONTOYA (Interim Facilities Manager): No changes.

CHAIR ROMERO-WIRTH: All right. Any changes from the committee? Did you find anything this month, Commissioner Hansen?

COMMISSIONER HANSEN: I did but I marked it up on my other copy, and thank you very much dropping a copy off at the County. It was minor.

CHAIR ROMERO-WIRTH: Okay.

COMMISSIONER HANSEN: It was just a –

CHAIR ROMERO-WIRTH: A typo or a space or something.

COMMISSIONER HANSEN: Yes.

CHAIR ROMERO-WIRTH: Nothing substantial. All right. Is there a motion?

COMMISSIONER HANSEN: I'll move to approve the minutes.

COUNCILOR CASSUTT: Second.

CHAIR ROMERO-WIRTH: We have a motion and a second to approve the August 1st meeting minutes of this Board.

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

6. PRESENTATION/INFORMATIONAL ITEMS

a. Monthly Update on BDD Operations

CHAIR ROMERO-WIRTH: We have Matt Sandoval, our BDD Interim Operations Superintendent here to give a monthly update on BDD operations. Welcome, Mr. Sandoval and thank you for being here.

MATTHEW SANDOVAL: Thank you, Madam Chair, members of the Board. So the BDD operations update for the month of August 2024 is as follows: Raw water diversions averaged 6.47 million gallons per day. Drinking water deliveries through Booster Station 4A/5A averaged 5.64 million gallons per day, and raw water delivery to Las Campanas at Booster Station 2A is .71 million gallons per day.

The BDD has provided approximately 45 percent of the water supply to the City and County for the month. If you have any questions I'll stand for your questions.

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

COMMISSIONER HANSEN: Thank you, Madam Chair. It looks like we're higher. Is that because of Nichols being empty?

MR. SANDOVAL: It's because of the demand, Madam Chair, members of the Board. The demand is up this time of year. But Nichols is at zero percent. They're still working on that.

COMMISSIONER HANSEN: Okay. Thank you. That's all I had.

CHAIR ROMERO-WIRTH: Board Member Schmidt-Petersen.

MEMBER SCHMIDT-PETERSEN: Thank you, Madam Chair. Just a question about upcoming river flows. I understand the Middle Rio Grande Conservancy is going to be out of stormwater, maybe even right now. So it's anticipated the flows at Buckman would be down by half. Do you guys see any issues there with operations set 300 cfs as opposed to 600 from the river?

MR. SANDOVAL: Madam Chair, members of the Board, no, we don't foresee that because we're calling for SJC water so we put our call in advance, so it shouldn't affect raw water deliveries.

MEMBER SCHMIDT-PETERSEN: Thank you.

CHAIR ROMERO-WIRTH: Other questions from the Board? All right. Thank you. Thank you for being here. Appreciate it.

6. b. Report from the BDD Facilities Manager

CHAIR ROMERO-WIRTH: So with that we go on to our second presentation, which is a report from the BDD Facilities Manager, that's Jonathan Montoya, the Interim Facilities Manager. Thank you, Mr. Montoya and welcome.

MR. MONTROYA: Thank you, Madam Chair, members of the Board. I'd like to report we didn't have any major repair or replacement charges to our MR&R fund for the month of August. As noted in my memo here, the BDD rebuild project process is still ongoing. We're continuing work with the City of Santa Fe Procurement Office to further along in selecting a design-build firm. As soon as we have more updates we'll provide more unfortunately I don't have anything major to share right now.

So some good progress has been made on our partner billing for FY24. We were a little behind and we have caught up with Quarter 1, Quarter 2 and Quarter 3 of FY 24 and progress is being made on Quarter 4, and hopefully that's coming very soon.

Also we've posted several vacancies through the City of Santa Fe. We've posted equipment repairmen, several different levels, automation and security administrator, and different levels of water operations, and there's actually, since I've developed this memo there's been a couple more that have come out. So we're working really hard to fill those

vacancies.

A couple late developments I wanted to share. So we had GGI take a look at the Nuke Watch that the Prokop Ketterer report that came out in the media a couple weeks ago, and they're working to provide recommendations to us, any recommendations or considerations that we may need to take through the findings of that report.

The other thing is our LANL MOU, we're still continuing work on that, on negotiating the success agreement, and we will also be – unless new developments come along we'll provide updates at the next or at an upcoming Board meeting. The current MOU is scheduled to expire on December 10, 2024.

And then very recently, we all learned that a new consent order between NMED and LANL has come out and we're working on reviewing that and our team is going to see if there are any recommendations or potential effects to our project or any developments or major impacts to us all, we'll bring information forward as I learn it. With that I'll stand for questions.

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

COMMISSIONER HANSEN: Thank you, Madam Chair. So with the Ketterer Report, I don't remember – I only remember it affecting the flow meter that's running off – the flow running down off the hill would be affected by that report. If some of you don't know, Mr. Ketterer designated that there was a really high concentration of plutonium in the canyons above Los Alamos and he documented it. I hope I'm saying his last name right. It was done with Nuke Watch. But are you looking into the effects that it would have on the Buckman?

MR. MONTOYA: Madam Chair, members of the Board, yes. We're having GGI take a look at that and they're going to provide recommendations and any considerations that we need to make with the operation of the facility or any impacts that it could potentially have. But as of right now they're reviewing it.

COMMISSIONER HANSEN: So I also understand that the flow meter has been – that was installed a couple of years, a year and a half ago, is underwater or – the one that we just had installed near the Rio Grande.

MR. MONTOYA: Madam Chair, members of the committee, so I believe that's going to be something that's discussed in our MOU and there could be developments that are made regarding that catchment station. I think you're talking about early notification flow station.

COMMISSIONER HANSEN: Yes.

MR. MONTOYA: It's not related to the plutonium report.

COMMISSIONER HANSEN: No, it's separate, but plutonium is moved by water sometimes and since we don't – is it functional still? The flow meter?

MR. MONTOYA: Yes. It is functional.

COMMISSIONER HANSEN: It just got buried.

MR. MONTOYA: It did at one point.

COMMISSIONER HANSEN: Okay. Kyle, you want to say something?

CHAIR ROMERO-WIRTH: If you could just introduce yourself for the record and for people who are in the room that would be great.

KYLE HARWOOD (Board Co-Counsel): Thank you, Madam Chair. Kyle Harwood, Board co-counsel with Nancy Long.

Just to add to Jonathan's answer, the E-1-10.7 gauge is occasionally inundated when there's very high flows in the Rio Grande, which we haven't seen since about last spring, the spring of 24. So it is functioning but it is a topic of the MOU discussions. So we'll be bringing the update back on that when we bring an update back on the MOU. Is that okay?

CHAIR ROMERO-WIRTH: Yes.

MR. HARWOOD: Thank you, Madam Chair.

CHAIR ROMERO-WIRTH: Commissioner Hansen. So basically – Commissioner, if I can. So the issue around the report, Nuke Watch report, is going to be looked at by our contractor GGI. We'll be getting back to you all on that once they've had a chance to review it. The meter that was just spoken of is part of our MOU conversation and you'll also be getting that once we're ready to do that. So I think two separate, sort of related things and they are both on the radar for staff and we'll be hearing more about those.

COMMISSIONER HANSEN: I'm happy to hear that, but then my next question is, so the design-build firm, so it's been put out to bid? Or it's still in Procurement?

CHAIR ROMERO-WIRTH: So – I'm going to refer that to our attorney because we do have – we are in an active procurement and there are rules about what we can and can't talk about at this point. So I apologize for all of this but all of this is coming forward soon and it is all being worked on.

NANCY LONG (Board Counsel): I would just add, Madam Chair, that that is correct. It's still an active procurement. We are now entering Phase 2 of that procurement and preparing the necessary documents for Phase 2 that will be submitted to qualifying firms.

COMMISSIONER HANSEN: Okay. Thank you.

CHAIR ROMERO-WIRTH: Commissioner Hamilton.

COMMISSIONER HAMILTON: At the same time, can we get a brief update on the status of the procurement for the owner's rep, Manager?

MS. LONG: Yes, Madam Chair and Commissioner, that procurement is closing, I believe in the next week. Perhaps Monique knows the date. It's closing this month. And we do already have the team put together, the evaluation team, so as soon as we get all of that information from the proposers, and we hope we get some nice qualified firms to choose from then that evaluation committee will meet and hopefully we can have something to you by November.

COMMISSIONER HAMILTON: Great. Thanks. Thank you, Madam Chair.

CHAIR ROMERO-WIRTH: Other questions? Board Member Ives.

PETER IVES: Thank you, Madam Chair. Just a quick question on the partner billing updates. Obviously, at the last meeting we covered new hires and the fact that hopefully this process is going to be smoothed out. The only question I had is how long should it take to get a quarterly billing out after the end of that particular quarter?

MR. MONTOYA: Madam Chair, Mr. Ives. That's a good question. Hopefully, we can expedite the process to where it doesn't take very long at all and hopefully we can move away from quarterly eventually and go monthly so it's not so cumbersome and have to do a huge data crunch. But to put a number on that, I'm not exactly sure until we get our process ironed out completely.

MR. IVES: I'd love to hear an answer to that, maybe at an ensuing meeting or two if possible just next week if at all, to get our heads around it, so to speak. So thank you.

CHAIR ROMERO-WIRTH: Yes, I'd just remind the Board that we do have a new hire in that area which is going to make, I think, a big difference and part of the reason

why things have gotten behind. And that position, remind me, is the accounting manager we just hired.

MR. MONTROYA: Correct.

MS. LONG: And she's here. Valerie.

CHAIR ROMERO-WIRTH: So just so you know, we have filled that position and it's a really critical position to the BDD and to being able to deal with the financial end of it. So I think our new hire has now been on the job roughly a month and was brand new at the last meeting. And I'm happy to hear there's been progress as part of the Facility Manager's report and I think we'll be able to report more progress soon.

I just want to remind everybody about that new hire and how that's making a difference in all this work. Other questions from the Board?

7. ACTION ITEMS: CONSENT

- a. Request for approval of purchase for laboratory analysis services with Eurofins Environment Testing South, LLC, for FY25 in the total amount of \$86,082.95**

CHAIR ROMERO-WIRTH: I don't know if Danny is in the room, but we do have Monique Maes who's our BDD contracts administrator. Welcome. Thank you for being here tonight, and Commissioner Hansen, did you want Monique to give you and the folks here a brief talk about what this exactly is and then go to questions or did you just want to dive right into questions? [Response away from microphone]

So Monique, if you wouldn't mind just giving us a brief synopsis of what this item is, why these services are needed and then we can go to any questions from the Board.

MONIQUE MAES (Contracts Administrator): Madam Chair, members of the Board, Commissioner Hansen, I am more than happy to answer any procurement questions or anything related to finance. This is a purchase for some testing and analysis for Danny's laboratory analysis work. If you have any other particular questions we have Jay Lazarus here and he can fill in any of the work that Danny does that this would be related to.

COMMISSIONER HANSEN: Madam Chair, Thank you, Monique, maybe Jay Lazarus. So this is special, but I'm assuming this is part of what the MOU, DOE pays for, for our sampling and I'm wondering if we have another contract that we have also fulfilled, because this one's for \$86,000 and our agreement with LANL for its testing the sampling is I think \$92,000 or \$96,000. So I'm wondering if we have another contract to do more sampling, because one of the recommendations that has been suggested to me is that we do more sampling after an event besides before an event. I'm all for – I support this completely but I want to make sure that we have enough sampling dollars and availability to do sampling, especially in light of all of these reports that have come out of plutonium in the ground and then also what happens after a flood event or a runoff. What is the level of contaminants at that point? So those are some of my questions and I don't expect you to be able to answer that since it's not in your department.

MS. MAES: Madam Chair, members of the Board, Commissioner Hansen, yes. This is in addition to our normal sampling. This is directly related to the MOU contract and this is – some of this funding, the funding for this is reimbursable from LANL.

COMMISSIONER HANSEN: The DOE.

MS. MAES: From the DOE, yes. We are working with – I am working with Valerie to get reimbursed for this purchase.

COMMISSIONER HANSEN: But there's been more.

MS. MAES: Madam Chair, members of the Board, this is a separate contract from what we normally use for our laboratory sampling.

COMMISSIONER HANSEN: So this is in addition.

MS. MAES: Yes. This is an additional supplementary contract that is strictly for the MOU with DOE, sampling.

COMMISSIONER HANSEN: So maybe that needs to be taken into consideration in the negotiations with DOE.

CHAIR ROMERO-WIRTH: I don't think that's something we need to discuss here, but I hear you.

COMMISSIONER HANSEN: I'm just making that suggestion.

CHAIR ROMERO-WIRTH: So I don't think anybody can respond to you on that.

COMMISSIONER HANSEN: Right. I get it. Okay. I think Commissioner Hamilton has another question.

CHAIR ROMERO-WIRTH: I'll chair. Board Member Schmidt-Petersen, thank you.

MEMBER SCHMIDT-PETERSEN: Thank you, Madam Chair, and one question, pretty simple and it's just what constituents are being sampled for or analyzed, and how many? And if anybody has a general kind of answer for that that's all I'm looking for.

CHAIR ROMERO-WIRTH: So we have Jay Lazarus, if you want to just – I think most of the people in the room know who you and who you're associated with but maybe just state it for the record.

JAY LAZARUS: Jay Lazarus, Glorieta Geoscience. Madam Chair, members of the Commission, Member Schmidt-Petersen, it's almost a laundry list of heavy metals and radionuclides. In terms of the actual list itself, Danny has that but he does it on a regular basis as well as after the flood events and as Chair Romero-Wirth says, it's part of the MOU negotiations and we can't discuss it right now in public like this.

MEMBER SCHMIDT-PETERSEN: But generally the constituents that are being analyzed for are done consistently with the same methodologies. So we can have a record and when we look at that we can know we're looking at these things in a consistent manner and we're analyzing them the same way.

MR. LAZARUS: That's right. Danny has very detailed spreadsheets on it for all these sampling events.

MEMBER SCHMIDT-PETERSEN: Thank you.

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

COMMISSIONER HAMILTON: No questions.

MR. LAZARUS: Thank you.

CHAIR ROMERO-WIRTH: Is there a motion on this item?

COMMISSIONER HANSEN: I guess I will move to approve the purchase of laboratory analysis services with Eurofins Environment Testing South, LLC, for FY25 in the total amount of \$86,082.95.

COMMISSIONER HAMILTON: Second.

CHAIR ROMERO-WIRTH: We have a motion and a second to approve our Consent item this evening. I guess we do need a roll call on this.

The motion passed by unanimous [5-0] roll call vote as follows:

Chair Carol Romero-Wirth	Aye
Commissioner Anna Hansen	Aye
Commissioner Anna Hamilton	Aye
Councilor Jamie Cassutt	Aye
Rolf Schmidt-Petersen	Aye

8. MATTERS FROM THE PUBLIC

There were no Matters from the Public.

9. MATTERS FROM THE BOARD

There were no Matters from the Board.

10. NEXT MEETING: Thursday October 3, 2024 at 4:00 p.m.

11. ADJOURN

12. EXECUTIVE SESION

In accordance with the New Mexico Open Meetings Act, NMSA 1978, §10-15-1(H)(2), discussion regarding the hiring of specific applications for the position of Facilities Manager

CHAIR ROMERO-WIRTH: We are going to go into an Executive Session but just so everybody knows how we do this, we will go into – I think this is a little backwards on the agenda. We’re going to go into Executive – I just don’t know how we entertain a motion after we adjourn. So we’re going to make a motion to –

MS. LONG: Madam Chair, it will be a joint motion, a motion to adjourn and go into executive session. So it’s really one motion.

CHAIR ROMERO-WIRTH: Okay. So one motion to do both those things. We will not be coming back after the end of the Executive Session tonight, but we will do the necessary motions on October 3rd that are required under the Open Meetings Act after an Executive Session has been closed. So this Board operates a little differently than we do at the City. I don’t know how you all do this at the County, but just so everybody here knows, don’t wait around because we going to disperse after Executive Session.

And I guess my other question is, are we staying in this room for Executive Session? Or did we reserve the conference room?

MS. LONG: The Councilors Conference Room is reserved.

CHAIR ROMERO-WIRTH: Okay. All right. So the Board will be adjourning to the Councilors Conference Room down the hall.

All right. So all that being said, in accordance with the Open Meetings Act – our Attorney, Nancy Long, will correct me if I’m wrong, but here we go. I am moving – pursuant to the Open Meetings Act, NMSA 1978, §10-15-1(H)(2), I move that the Buckman Direct

Diversion Board go into Executive Session to discuss the hiring of specific applications for the position of Facilities Manager, and I also move that the Board meeting for this evening is adjourned.

COUNCILOR CASSUTT: Second.

CHAIR ROMERO-WIRTH: Does that work?

MS. LONG: That will work. You'll need a roll call.

CHAIR ROMERO-WIRTH: I have a motion and a second, if we could get a roll call.

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

Chair Carol Romero-Wirth	Aye
Commissioner Anna Hansen	Aye
Commissioner Anna Hamilton	Aye
Councilor Jamie Cassutt	Aye
Rolf Schmidt-Petersen	Aye

Having completed the agenda and with no further business to come before the Board, this meeting adjourned at approximately 4:27 p.m.

Approved by:

Carol Romero-Wirth, Board Chair

Respectfully submitted:

Wordswork

ATTEST TO

GERALYN F. CARDENAS
CITY OF SANTA FE INTERIM CLERK