

ACTION SHEET

PUBLIC UTILITES COMMITTEE MEETING OF 12/2/15

ISSUE NO. 12

Request for approval of Amendment No. 4 to the Project Management and Fiscal Services Agreement for Buckman Direct Diversion Project to extend the term of the agreement from December 1, 2015 to June 30, 2016. (Nancy Long)

Buckman Direct Diversion Board – 11/5/15
Public Utilities Committee – 12/2/15
City Council – 12/9/15

PUBLIC UTILITES COMMITTEE ACTION: Approved to forward to 12/9/15 City Council.

SPECIAL CONDITIONS OR AMENDMENTS:

STAFF FOLLOW UP:

VOTE:	FOR	AGAINST	ABSTAIN
COUNCILOR RIVERA, CHAIR	X		
COUNCILOR MAESTAS	X		
COUNCILOR BUSHEE	X		
COUNCILOR DIMAS	Excused		
COUNCILOR IVES	X		



Buckman Direct Diversion

A joint regional project of the City of Santa Fe and Santa Fe County to build a reliable and sustainable water supply.

Memorandum

Date: For December 2, 2015 meeting
To: City of Santa Fe; Public Utilities Committee
From: Nancy R. Long, BDDDB Attorney *NRL*
Subject: Consideration of Extension to the Term of the PMFSA

ITEM AND ISSUE:

Discussion and possible action to extend the term of the Project Management and Fiscal Services Agreement (PMFSA) effective from December 1, 2015 to June 30, 2016.

BACKGROUND AND SUMMARY:

A committee appointed by the BDDDB recommended that the BDDDB select the City of Santa Fe to continue to serve as the Support Entity for the BDDDB and enter into a new agreement for support services with a term through June 30, 2020. The Board adopted the Staff Advisory Group's recommendation.

Negotiations are ongoing regarding the terms of the new Support Entity Agreement. The agreement will not be finalized prior to the expiration of the term of the PMFSA which is December 1, 2015. It is therefore recommended that the term of the PMFSA be extended through June 30, 2016 when the new agreement with the City of Santa Fe will be effective.

RECOMMENDATION:

It is recommended that the PUC recommend approval Amendment No. 4 to the PMFSA, extending the term of the agreement to June 30, 2016.





Buckman Direct Diversion

A joint regional project of the City of Santa Fe and Santa Fe County to build a reliable and sustainable water supply.

Memorandum

Date: For November 5, 2015 meeting
To: Buckman Direct Diversion Board
From: Nancy R. Long
Subject: **Consideration of Extension to the Term of the PMFSA**

ITEM AND ISSUE:

Discussion and possible action to extend the term of the Project Management and Fiscal Services Agreement (PMFSA) from December 1, 2015 to June 30, 2016.

BACKGROUND AND SUMMARY:

The Staff Advisory Group recommended that the Buckman Direct Diversion Board select the City of Santa Fe to continue to serve as the Support Entity for the BDDDB and enter into a new agreement for support services with a term through June 30, 2020. The Board adopted the Staff Advisory Group's recommendation.

Negotiations are ongoing regarding the terms of the new Support Entity Agreement. The agreement will not be finalized prior to the expiration of the term of the PMFSA which is December 1, 2015. It is therefore recommended that the term of the PMFSA be extended through June 30, 2016 when the new agreement with the City of Santa Fe will be effective.

RECOMMENDATION:

It is recommended that the Board approve Amendment No. 4 to the PMFSA, extending the term of the agreement to June 30, 2016.



**AMENDMENT NO. 4
TO
PROJECT MANAGEMENT AND FISCAL SERVICES AGREEMENT
BUCKMAN DIRECT DIVERSION PROJECT**

This Amendment No. 4 to the Project Management and Fiscal Services Agreement (hereinafter referred to as "Amendment No. 4") is entered into by and between the Buckman Direct Diversion Project Board (the "BDD Board"), an entity organized and existing under that certain Joint Powers Agreement by and between the City of Santa Fe ("City") and Santa Fe County ("County"), dated March 7, 2005, and the Sangre de Cristo Water Division of the City of Santa Fe ("Project Manager").

WHEREAS, the BDD Board and the Project Manager entered into the Project Management and Fiscal Services Agreement (the "Agreement") for the Buckman Direct Diversion Project ("Project") on November 8, 2007;

WHEREAS, the purpose of the Agreement was to specifically describe the duties and responsibilities of the BDD Board, the duties and responsibilities of the Project Manager, how the project will be operated and maintained by the Project Manager on behalf of the BDD Board, how contributions by the partners will be paid and credited against the obligations in connection with the Buckman Direct Diversion Project, the duties and responsibilities of the Project Manager as fiscal agent for the Project, and other necessary terms;

WHEREAS, the Agreement was amended pursuant to Amendment No. 1 to the Agreement to increase the Project Manager's monetary authority to enter into contracts and expenditures for the Project from \$20,000 to \$30,000; pursuant to Amendment No. 2 to the Agreement to increase the Project Manager's monetary authority from \$30,000 to \$50,000; and pursuant to Amendment No. 3 to the Agreement to clarify that the monetary authority is exclusive of gross receipts tax; and

WHEREAS, the BDD Board and the Project Manager desire to enter into this Amendment No. 4 to extend the term of the Agreement.

NOW, THEREFORE, for the covenants, promises and consideration described in this Amendment No. 4, the BDD Board and the Project Manager agree as follows:

1. **ARTICLE 2, TERM, EFFECTIVE DATE**, is amended to extend the term of the Agreement effective as of December 1, 2015 to June 30, 2016.
2. In all other respects, the Agreement shall remain in full force and effect in accordance with its terms.

IN WITNESS WHEREOF, the BDD Board and the Sangre de Cristo Water Division of the City of Santa Fe, New Mexico, have caused this Amendment No. 4 to be executed and delivered by its duly authorized representatives as of the date specified below the signatory for the Sangre de Cristo Water Division of the City of Santa Fe.

BUCKMAN DIRECT DIVERSION BOARD

**THE SANGRE DE CRISTO WATER
DIVISION OF THE CITY OF SANTA FE**

By: _____
Liz Stefanics, BDDDB Chair

BDDDB Approved 11/5/2015

By: _____
Javier Gonzales,
Mayor

Date: _____

ATTEST:

APPROVED AS TO FORM:

Geraldine Salazar, Santa Fe County Clerk
File Date: _____

[Signature]

City Attorney
Date: *12/2/15*

APPROVED AS TO FORM:

[Signature]

Nancy R. Long, BDDDB Counsel

Yolanda Vigil, City of Santa Fe Clerk
Date: _____

APPROVED:

Oscar Rodriguez, City Finance Director

Business Unit/Line Item