



CITY CLERK'S OFFICE

DATE 1/25/17 TIME 2:05

REMOVED BY Stephanie F. Lopez

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AGENDA

The City of Santa Fe And Santa Fe County

Buckman Direct Diversion Board Meeting

THURSDAY, FEBRUARY 2, 2017

4:15 PM

CITY COUNCIL CHAMBERS

CITY HALL

200 LINCOLN AVENUE

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF MINUTES FROM THE JANUARY 5, 2017 BUCKMAN DIRECT DIVERSION BOARD MEETING
5. REPORT ON JANUARY 30, 2017 FISCAL SERVICES AUDIT COMMITTEE (FSAC). (Mackie Romero)

INFORMATIONAL ITEMS

6. Monthly Update on BDD operations. (Erick LaMonda)
7. 2nd Quarter Financial Report. (Mackie Romero)
8. Report from the Executive Director. (Chuck Vokes) **VERBAL**

2017 03 01 15:20:17

DISCUSSION AND ACTION

9. Request for approval to enter into a Professional Services Agreement with Facility Solutions Group, Inc. for the BDD Lighting Upgrade Project for the amount of \$58,963.01 inclusive of NMGR. (Mackie Romero)
 10. Discussion and possible action on proposed revisions to the Rules of Order for the Buckman Direct Diversion Board. (Nancy Long)
 11. Request for approval to authorize the BDD Facilities Manager to negotiate a revised Memorandum of Understanding, or an extension of the existing Memorandum of Understanding, with the United States Department of Energy, Los Alamos National Laboratory for storm water monitoring of the Rio Grande. (Chuck Vokes)
 12. Request to appoint a county committee member for the Fiscal Services and Audit Committee (FSAC) of the Buckman Direct Diversion Board. (Mackie Romero)
- VERBAL**

MATTERS FROM THE PUBLIC

MATTERS FROM THE BOARD

NEXT MEETING: Thursday, March 1, 2017 @ 4:15pm

ADJOURN

Executive Session

In accordance with the New Mexico Open Meetings Act NMSA 1978, §10-15-1(H)(7), discussion regarding threatened or pending litigation in which the BDDDB is, or may become a participant, including without limitation: Discussion regarding Diversion Structure issues. (Nancy R. Long)

End of Executive Session

PERSONS WITH DISABILITIES IN NEED OF ACCOMMODATIONS, CONTACT THE CITY CLERK'S OFFICE AT 505-955-6520, FIVE (5) WORKING DAYS PRIOR TO THE MEETING DATE

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

February 2, 2017

This meeting of the Buckman Direct Diversion Board was called to order by Councilor Carmichael Dominguez, Chair, at approximately 4:15 p.m. in the Santa Fe City Council Chambers, 200 Lincoln Avenue, Santa Fe, New Mexico.

Roll was called and the following members were present:

BDD Board Members Present:

Councilor Carmichael Dominguez, Chair
Councilor Michael Harris [Alternate]
Commissioner Anna Hamilton
Ms. Denise Fort
Commissioner Anna Hansen [Alternate]
Mr. Tom Egelhoff [Non-voting]

Member(s) Excused:

Councilor P. Ives
Commissioner H. Roybal

BDD Board Alternate Members Present:

Mr. J. C. Helms [Citizen Alternate]
Ginny Selvin [Las Campanas Alternate]

Others Present:

Charles Vokes, BDD Facilities Manager
Nancy Long, BDD Board Consulting Attorney
Mackie Romero, BDD Financial Manager
Erminia Tapia, BDD Administrative Assistant
Bernardine Padilla, BDD Public Relations
Kyle Harwood, BDD Board Counsel
Rick Carpenter, City Acting Water Director
Greg Shaffer, Santa Fe County Attorney
Bruce Frederick, Santa Fe County Assistant Attorney
Michael Kelley, Santa Fe County
Mary Erpelding, Las Campanas Water & Sewer Co-op
Jeremy Anderson, CDM Smith
Will Kessler, CH2M Hill
Cheryl Vokes, Citizen
David S. Rhodes, DOE EM-LA
Stephen Horak, DOE EM-LA

STATEMENT FROM CHAIR:

CHAIR DOMINGUEZ: Before approving the agenda, I want to take a personal privilege here to welcome our two new Board members, County Commissioner Hamilton and County Commissioner Hansen. If I can take just a few minutes to read a quick bio on the both of you and then I'll let you make a few comments, just very quickly, so that we can move on with the agenda, is you'd like, you don't have to.

Anna Hamilton is Santa Fe County Commissioner for District 4. She is an environmental scientist with a 42- plus year career in water resource and environmental evaluation and protection, most recently including the assessment of an adaption to climate change effects on aquatic resources. Commissioner Hamilton is also a certified firefighter, wow, that is nice – we may need that in BDD – vehicle extraction technician and emergency responder with the County at the Glorieta Pass Volunteer Fire & Rescue District and was the president of the Greater Glorieta Mutual Domestic Water Consumer Association for more than a decade where she led the day to day operations, annual budget and policy development and long-term planning. Commissioner Hamilton is very much looking forward to working with everyone as a member of the BDD Board. So thank you very much.

I'll move on to Commissioner Hansen. Commissioner Hansen was elected to the Board of County Commissioners in November 2016. She was elected vice chair of the BCC in January. She currently serves as a commissioner on the Santa Fe River Commission for the City of Santa Fe. She also served as a commissioner on the Parks and Open Space Advisory Commission for which she served as chair in 2013 and 14. From 2003 to 2009, Anna served as board member of the New Mexico Board of Acupuncture and Oriental Medicine; in addition, she served as chair of Concerned Citizens for Nuclear Safety from 1999 to 2004. And is currently a member of the Council of International Relations, Conservation Voters of New Mexico, Sierra Club, CCNS, the Santa Fe Watershed Association. Ms. Hansen established her small business, Dakini Design and Photography LLC from 2004 to 2010. She worked as director of Community Building and Development for Oshara Building a sustainable village located within Santa Fe Community College District of Santa Fe County. In 2009 as art director she helped establish *Green Fire Times*, a monthly sustainable newspaper serving northern New Mexico.

So welcome both of you very much. If you'd like to make a few statements. Commissioner Hamilton?

COMMISSIONER HAMILTON: Well, no, my voice won't hold up for but a few statements. I just want to reiterate, primarily, that I think this is a very important, a very, very important board and an important responsibility and I really look forward to working with everybody on this.

CHAIR DOMINGUEZ: Commissioner Hansen?

COMMISSIONER HANSEN: Thank you, very, very much. I also see this as an important board and I think that the two Commissioners from the County are going to have expertise that are important to this board as we all do, we all come from very different backgrounds and bring different kinds of expertise to this board. So I am looking forward to serving also.

CHAIR DOMINGUEZ: Very good. And just so that everyone knows Commissioner Hamilton is the regular. Commissioner Roybal is also the regular and Commissioner Hansen is the alternate. We do also have our two Las Campanas representatives here as well.

3. APPROVAL OF AGENDA
[Exhibit 1: Agenda]

CHAIR DOMINGUEZ: Any changes on the agenda that we need to take into consideration?

CHARLES VOKES (BDD Facilities Manager): Mr. Chair, members of the Board, the only change I have is item number six, I will be presenting that rather than Mr. LaMonda. Other than that, we have no changes.

CHAIR DOMINGUEZ: Okay, what are the wishes of the Board?

MS. FORT: Move approval of the agenda.

COMMISSIONER HARRIS: Second.

CHAIR DOMINGUEZ: There's a motion and a second. Any discussion?

The motion passed by unanimous voice vote.

4. APPROVAL OF MINUTES: January 5, 2017

CHAIR DOMINGUEZ: Anything changes from staff?

ERMINIA TAPIA (BDD Administrative Assistant): Mr. Chair, members of the Board, there were no changes.

CHAIR DOMINGUEZ: Okay, what are the wishes of the Board?

COUNCILOR HARRIS: Move to approve..

MS. FORT: Second.

CHAIR DOMINGUEZ: We've got a motion and a second; any discussion?

The motion passed by unanimous voice vote.

5. Report on January 30, 2017 Fiscal Services Audit Committee (FSAC)

MACKIE ROMERO (BDD Financial Manager): Mr. Chair, members of the Board, a Fiscal Services Audit Committee meeting was held on Monday, January 30, 2017. In attendance was myself, BBB Finance Manager; Charles Vokes, BDD Facilities Director; Erminia Tapia, BDD Administrative Assistant and from the County attendees were Jeanette Duran, County Accountant; Erik Aaboe, Business Finance Manager; Greg Shaffer and from our Las Campanas entities we had Tom Egelhoff, Las Campanas BDD Board members; Mary Chacon and Skip Polliner from Las Campanas Sewer & Water Cooperative. And there were no attendees from the City.

During our meeting I did give a verbal update on the completion of our financial statements and audit for fiscal year ended June 30, 2016 in which we have received a draft version of those financial statements and they are currently being reviewed by

myself and Terasita Garcia, City assistant finance director. Our goal is to have a final version to be presented to the Board in March or April depending on next month's agenda items.

We also discussed in detailed information item number 7 which is our 2nd Quarter Financial Report. We discussed in detail our expenses to date, our current salary projections and pending hires. We discussed the billing of fixed and variable costs as well as the new process for billing project wide. I will also discuss these during my presentation.

The last item we discussed was the discussion and item number nine, which is our request to enter into a Professional Services Agreement with Facility Solutions Group for our BDD lighting upgrade project. We discussed in detail the economic analysis and benefits for upgrading to an LED-based system and we also discussed this during Item number nine.

Any questions from the Board?

CHAIR DOMINGUEZ: Any questions? No. Mackie, thank you very much.

MS. ROMERO: Thank you.

INFORMATIONAL ITEMS

6. Monthly Update on BDD Operations

MR. VOKES: Mr. Chair, members of the Board, the BDD production for January averaged 4.18 million gallons per day. That was about 54 percent of the water supply to the City and the County. Las Campanas did not take any raw water through the 2A Booster Pump Station. The 2016 year to date raw water diversion total is approximately 1.34 million gallons which is about 28 million gallons more than last year. That's the update that I have. If you have any questions or if you have any water supply questions, I believe the City of Santa Fe acting water director, Mr. Rick Carpenter is in attendance, so thank you.

CHAIR DOMINGUEZ: Any questions on this? Anybody?

7. REPORT: 2nd Quarter Financial Report

MS. ROMERO: Mr. Chair, members of the Board, every quarter I try to present the Board and our partners with our second quarter financial statements which is the financial plan that quantifies our current and future operations. From the report you're going to see our adopted beginning budget, our expenses through December 31, 2016. You see our encumbrances which are executed purchase orders for goods and services. Our next column is our projected expenditures, this includes projected salaries and benefits as we are currently staffed, any pending requisitions and contracts to be executed within the fiscal year. The last column is our available balance which represents vacancy savings and unexpended budget balance as of 12/31/2016.

In FSAC we went into detail on some of the expenditures but as you can see from the first quarter to the second quarter not much has changed. Our expenses have stayed just about \$1.3 million. With that we have expended so far about \$2.7 million through December 31, 2016.

If you go down, you'll also see our 90-day cash reserve credit. This represents our cash reserve credit for our partners and this is used to fund current and future obligations as per the BDD Working Capital and Billing Policies. I also included a snapshot of the billings that have not been billed to our partners yet but here I included fixed and variable costs which represents each partner's reimbursable share. And then you have project wide which as per the new amendment to the FOPA will not be billed until the end of the fiscal year. Then there is revenue that has been received to date from our PNM solar rebates and our federal grant and that totals the \$2.7 million of expenses. If you go onto the next page you're going to see BDD's other funds. We have our major repair and replacement fund which currently gets yearly contributions of about \$411,000 each year. I've demonstrated the breakout contributions between the City, the County and Las Campanas entities. I've also included cash balances for our emergency reserve fund which does not receive contributions as it is fully funded at \$2 million. And then the cash balance under major repair and replacement fund which currently does not have a cap. From the major repair and replacement fund the Board has authorized us to budget funds for expenditures. So you'll see on the bottom I have a budget overview. The Board has approved over \$1 million from the major repair and replacement fund to cover the purchase of our new pumps and our on-call engineering contract. If there are any specific questions?

CHAIR DOMINGUEZ: Just real quick, Mackie, on the budget overview, page 3, how difficult would it be for you to put another column in there that tells us what percentage of what has been expended.

MS. ROMERO: Not difficult and all and I can go ahead and add that for future presentations.

CHAIR DOMINGUEZ: And the reason I think, it's not that big of deal, it's not really major but I'm kind of curious to see like our salary and benefits if we're on track. Obviously, if there's a huge percentage there, you know, where you're having to fill positions and so that's one way to look at it. That is just a suggestion from me. It doesn't have to be like that but I'd like to at least see that. I think that's something that we could do.

MS. ROMERO: Thank you, that's a great idea to see the number instead of having to do the math here.

CHAIR DOMINGUEZ: And then again on the budget overview, the major repair and replacement fund, can you talk a little bit more about that? You said they were for the new pumps and –

MS. ROMERO: So the Board has authorized about \$1 million for the purchase of the new pumps and then we have about \$117,000 approved by the Board for the on-call engineering contract with Deere and Ault.

CHAIR DOMINGUEZ: Oh, that's what I needed.

MS. ROMERO: So expended today is only \$69,000 and that was from our pump contract so they have submitted one invoice for payment and we have not gotten anything from Deere and Ault contract yet.

CHAIR DOMINGUEZ: Okay, any other questions? Anyone? All right.

MS. ROMERO: Thank you.

CHAIR DOMINGUEZ: Thank you.

8. Report from the Executive Director

MR. VOKES: Thank you, Mr. Chair, members of the Board. I would like to start by mentioning some of our activities last month. On January the 11th we hosted a site visit and discussion with Kristin Johansen who is an engineer with the City of Santa Fe Water Division about the new proposed 4 million gallon finished water tank, Staff met with her and discussed how we would utilize the tank and how it would tie into our existing system. On the 12th Mr. Kyle Harwood and I attended a meeting with Doug Hintze and Ben Underwood from Los Alamos National Laboratory. We will share more information about that meeting when we get to item 11 on today's agenda. But it was just a get together and a start to explore the new MOU that is coming up. On January 24th we hosted a tour by the Santa Fe Girls School for their 7th and 8th grade classes. This was a lot of fun and they were very interested. The tour included a laboratory experiment designed by our lab analyst Danny Carter. And then on the 26th Nancy and I met with the BDD Board members, the new Board members, Commissioner Hamilton and Commissioner Hansen for a new member orientation and information session. So those are some of the happenings.

The vacancy report, you mentioned the vacancy budget, I am very excited to mention that our new maintenance superintendent, Mr. Adrian Garcia will be starting on February 13th. I plan on having him at the March Board meeting so that you can meet him. The superintendent positions are an integral part of the leadership at the BDD and I'm very excited to have one of those filled. The operations superintendent I expect to have that filled probably before the first of May. We're in the process. We have also hired a new equipment repairman, Justin Gonzales, who will start towards the end of February. So these hires bring our vacancies down to five. All five of these positions are in various stages of the hiring process which include the advertisement, the WorkKeys assessments and stages of human resources review and approval by the City.

And then the last thing I would like to mention and I mentioned this at the last Board meeting, the biofiltration evaluation projection evaluation was presented to staff on January 25th. The evaluation included BDD staff training on the most recent advances in biofiltration as well as some recommendations for improving our system. To give you an idea of some of the recommendations, we are going to look at some programming changes within our plant control system to improve the biofilter or backwash processes. We're looking at additional monitoring and testing of the media and the microbial populations that live within the biofilters and also developing a biofiltration maintenance standard operating procedure for use when we have the plant shut down, when we have upsets in turbidity in the river or planned maintenance. So with that I'll open it up for any questions or concerns by the Board.

CHAIR DOMINGUEZ: All right, any questions or concerns? Councilor Harris.

COUNCILOR HARRIS: Thank you, Chair. Mr. Vokes, it's been a little while since we had the conversation, but you had described – they weren't insurmountable but there's some hurdles particularly associated with the WorkKeys assessment, I believe, in really looking at applications and really the City's HR process; did those get resolved or did the people who really can meet the criteria – I'm not suggesting that we brought our qualifications standards down but there were some

hurdles is what I remember. Can you give me a little more detail on how that got worked out?

MR. VOKES: Yes, Mr. Chair, Councilor Harris, we did meet with Gary Bartlett with the City of Santa Fe Human Resources Department and Gary and I have worked through looking at the WorkKeys, the values that were required and we have adjusted some of those WorkKey values in hopes of lowering that wall to initially getting into the BDD. It wasn't a great change. It was a minor change but I feel like that will also assist the process. I feel like the staff within the HR Department have been working more hand-in-hand with the BDD staff in helping us to meet our needs to filling the positions. I would describe it somewhat as the analogy of getting the flywheel turning and it has taken us awhile to get it turning but I feel confident that with the current processes that are in place, my expectation is that I'm very optimistic that by say the middle of this calendar year that we should be substantially staffed. I would say that we would be down to maybe one or two positions versus the eight positions that have been opened for the two years since I've been here.

COUNCILOR HARRIS: Exactly. Well, that's good to hear. I know that's been difficult, you've been understaffed. So just to remind us, if you would, the five positions that you still need to fill.

MR. VOKES: Certainly. One of those positions is the operations superintendent that I mentioned and what we had done with that program is we interviewed four of the existing charge operators, the lead operators, and at that time after the interview we determined that they were simply not ready to set into the position. So as a program to train them, we have put them on six month intervals and so they have been serving as an interim within the six months doing the job. It was an agreement signed with the union and the BDD to give them full opportunity and full authority to do the position. And so I have been working with different interim superintendents on six month intervals. Mr. LaMonda's stint will be up I believe March 12th so we're hoping that we have a decision in late March or early April on either filling that position - part of the requirement of the agreement was that we would repost the position to the public and that those interims would have to apply and meet the standards and go through the interview process and then we will select the best candidate based on that. So I'm optimistic that that will be filled sometime in April.

We have a journeyman industrial electrician that has been vacant for a couple of years. This of course is a critical position but we simply have not been able to get people to pass the WorkKeys. The last advertisement we did, we posted it on the website Indeed and the screening process with the Human Relations Department we actually have nine candidates. Right now those nine candidates are working through the WorkKeys so hopefully out of the nine we will get a good number that we can interview and then fill that position.

We have the new fiscal administrator position which is a leadership position. I am very optimistic that once we have that position that we can do some real optimization of our financial affairs. Do things like examine when chemical contracts come open and just keep tighter control on the budget and look for opportunities. That position, I had to create the interview questions and those have been sent over and the advertisement request has been sent forward. So that's in the works. There's a maintenance mechanic

position that is currently advertised and then we have an additional repair person. So those are the five openings at this time.

COUNCILOR HARRIS: Okay. Thanks for the explanation and good luck I hope you find the qualified people. It sounds like you've got a more refined process that will allow you to fill those positions. And I was particularly glad to hear – so just to clarify that the four individuals who have been going through as interim and when you repost it you maybe assume that one or all four will apply for the position and you'll be able to select from that group; is that a fair assumption?

MR. VOKES: I would say that that's a fair assumption. I don't believe I've scared them off. They have been having to do what my perception of the full job is and so it's been a good training opportunity for both them and myself.

COUNCILOR HARRIS: Absolutely. I think you should be congratulated on that and I'm sure that the individuals appreciate that as well. They are getting a real chance. Thanks.

CHAIR DOMINGUEZ: Very good, anyone else, questions? No, okay.

DISCUSSION AND ACTION

9. Request for approval to enter into a Professional Services Agreement with Facility Solutions Group, Inc. for the BDD Lighting Upgrade Project for the amount of \$58,963.01 inclusive of NMGRT

CHAIR DOMINGUEZ: I guess this is what's on the dais for us?

MS. ROMERO: That is correct.

CHAIR DOMINGUEZ: Just so the Board knows, there has been some information provided to us in additional to that. Go ahead, Mackie.

MS. ROMERO: Mr. Chair, members of the Board, the BDD facilities currently have 97 outdoor, high pressure, sodium lighting fixtures that allow for night time operation and also provides security. In the six years that BDD has been in operation approximately one-half of these fixtures have failed requiring new bulbs and new ballasts. We have received a proposal from Facility Solutions Group, who currently does have a State price agreement. This proposal includes a one-year warranty on labor and a ten-year warranty on the pole lights, driver and LEDs. There has been a handout; BDD has provided its own economic analysis for your review. The analysis that was provided in your packet was discovered to have some errors in the electrical rates so therefore BDD has prepared their own analysis.

We can take a little bit more extensive look at that analysis. BDD is estimating that we would have an annual utilities savings of \$1,939 that's with a 3-cent off peak rate. Then we also estimated our annual maintenance cost: we're projecting that if we had to replace all 97 fixtures within a 10-year period we estimated a \$25 bulb cost, a \$100 ballast cost, and then we have labor for two-hours and two staff members. This labor cost was estimated at \$45 an hour which could potentially increase if we had to hire an outside electrician as the lights do contain 480 volts which do require a certified electrician and as you know our electrician position is currently vacant.

We took both the maintenance cost, so for a full 10 years it would about \$28,000 of costs for 10 years to replace all 97 fixtures. So we divided that by 10 years and we got

\$2,842. So we take the annual utilities saving and the annual maintenance savings and take that 10 years and we would get the payback of the estimated net cost of the LED upgrade of \$49,986.

Along with the economic analysis there are other benefits to upgrading to an LED based system. There is long life, 20 years. There is energy efficiency of up to 80 to 90 percent. They are ecologically friendly. They are free of toxins and chemicals. There is durability and less light pollution. Any rebates that BDD receives from PNM would reduce the expenses that get billed to the partners and, therefore, based on all of these benefits we request that the Board go ahead and approve our professional service agreement with Facility Solutions Group. Are there any questions?

CHAIR DOMINGUEZ: So there's a pretty significant discrepancy between I guess the BDD's annual utilities savings and the one that is our packet.

MS. ROMERO: Mr. Chair, members of the Board. That is correct. If you see from the one that was put in your packet the average rate was 10 cents per kilowatt and our off peak rate is actually 3 cents per kilowatt so that was the incorrect information.

CHAIR DOMINGUEZ: Okay. And then even the annual maintenance savings, what is there a \$2,000 difference?

MS. ROMERO: Yes. The vendor obviously has a template that they complete that has analysis of what they think maintenance cost. The one that I provided you is our maintenance cost and it includes labor for our vacant electrician position and what it would cost to replace the bulbs and the ballasts so I felt like our presentation was a little bit more real life to what BDD would actually save in a projected savings for over 10 years.

CHAIR DOMINGUEZ: That position is vacant; right, Chuck?

MR. VOKES: Yes, sir.

CHAIR DOMINGUEZ: And so if we get it filled –

MR. VOKES: That would represent these costs.

CHAIR DOMINGUEZ: Okay.

COMMISSIONER HAMILTON: I'm sorry, could you repeat that?

MR. VOKES: It would represent the costs that you see. It would not be an outside electrician or a company coming in to do that work. So we are projecting that, yes, we will fill this position and if this person had to go out and replace the rest of the fixtures which would be 97 over the period of 10 years, that's what these costs would represent.

CHAIR DOMINGUEZ: Okay questions. Commissioner Hamilton, Board Member Fort and Councilor Harris.

COMMISSIONER HAMILTON: I hope I am not too far behind the curve here, but how is this particular vendor selected?

MS. ROMERO: They currently have a State Price Agreement so we did not go out to bid given the lengthy procurement process and the fact that half of our lights are already out. So we did go to the State Price Agreements and they do have a contract and so we were able to use their pricing.

COMMISSIONER HAMILTON: But there are alternatives to go out for bid and contract –

MS. ROMERO: That is an option we could go out to bid on the contract.

COMMISSIONER HAMILTON: I only ask this because I have been given to understand that it could be a better price for that. So I just wonder if you might say something about the rush on – I mean it seems like I am asking an obvious question, half the lights are out so of course it's a rush. I meant a little more detail on that.

MS. ROMERO: Our current procurement process for going out to RFP takes several months just within the City's procedures so it would probably take us I would estimate around four months just to get a contract on site and get this job done. I don't know if Mr. Vokes wants to –

MR. VOKES: Yes, Mr. Chair, members of the Board, part of the criticality of the lighting system, of course, is that we are a 24-hour operation; therefore I believe currently there are in the neighborhood of 30 lights that are out scattered throughout the facility. Because they are 480 and because of the difficulty of procurement it has been a real struggle to get those replaced. You simply cannot just go and change a 480 light bulb without an electrician and a backup and the crane and things to do that. So part of it is, yes, we probably could save a little bit money if we went out for bid but we are also looking at four to six months by the time we get through the bid process. In the interim we could have a security breach in the interim. We could have an employee that trips and falls down or is attacked by a snake or whatever and so that's a sense of urgency. The fact that it is a state contract and we can go out and this company has been very customer oriented in that they have supplied us with samples of both the pole lights and the wall pack light. They came out at their expense and installed them so that the staff could see them and agree that that was enough lighting and that they were pleased with the quality of the lighting and how bright it was.

So that's how we approached this. It really needed to be done and this company was available because of the statewide price agreement. We did ask them for a bid on say a GE, I think it was a Lithia brand which is a better known brand, to see what the impact of that was and the cost was more than double in what we're getting. And their work is guaranteed for a year and then there's a 10-year warranty on the lights. I think five years on the battery pack for the wall mounts. So that was our approach. Quite simply, yes, we could have in a perfect world maybe saved a few thousand dollars but if you look at the cost of an accident or an incident, that would be assumed quickly.

COMMISSIONER HAMILTON: And you have no technical issues with the off-brand, any generic off-brand concerns?

MR. VOKES: Mr. Chair, Commissioner Hamilton, the company has represented that they have installed these in many locations and they are very confident in the quality of this brand, it is called Max Light. Again, would it be better had we gotten a GE brand, are you willing to pay double for that? I figure I could replace all the lights again for the difference in the cost. So that was the basis of the decision.

MS. FORT: Mr. Chairman, I am delighted that we're saving energy any way we can. Are these the most energy efficient light bulbs?

MS. ROMERO: Mr. Vokes.

MR. VOKES: Mr. Chair, Member Fort, the LEDs as you know are on a curve as far as becoming more efficient and more cost effective. The fact that these were not installed five years ago when the plant was built, that's how far they've come. Certainly, probably over the next five years they will become more efficient but I think we've indicated from our analysis that they will pay for themselves in 10 years plus the

security concerns and plus the staff concerns. So, I would say, yes, they are efficient. Are there are more efficient, possibly, but at what cost.

CHAIR DOMINGUEZ: Councilor Harris, Commissioner Hansen and Board Member Selvin.

COUNCILOR HARRIS: Well, I am struck by the mistake they made in their analysis. I would hope that their field work is far more rigorous than their analysis. I mean, 10.5 cents at least indicates – I mean, when I looked at this initially I thought well, this is an easy one. But quite frankly they missed it by a factor of 3 which I find to be inexcusable. So, who else has a state price agreement?

MS. ROMERO: I believe they were the only vendor when we looked for the LED replacement lighting.

COUNCILOR HARRIS: I would ask you to look again.

MS. ROMERO: Okay.

COUNCILOR HARRIS: Thank you, Chair.

CHAIR DOMINGUEZ: Commissioner Hansen then Board Member Selvin.

MR. VOKES: I'm sorry, Mr. Chair. If I could go back to the Councilor's concerns. So you're asking me to put this on hold for another month very possibly?

CHAIR DOMINGUEZ: It sounds like that's where he is leaning but there is no action that has been taken.

COUNCILOR HARRIS: That's right. That's right.

MR. VOKES: Thank you, I just wanted to clarify.

CHAIR DOMINGUEZ: So I think in any case, regardless of what happens here, you probably need to go and at least answer that question.

COUNCILOR HARRIS: Yeah, I mean, really: it's a big mistake. It's a simple calculation and that's my opinion. We'll hear what others have to say.

CHAIR DOMINGUEZ: Commissioner Hansen.

COMMISSIONER HANSEN: I'm sorry since I'm new I'm going to ask a few questions. I might be repeating myself – what is the location of the lights to be replaced? Are they completely all over the Buckman or are they everywhere?

MR. VOKES: Mr. Chair, Commissioner, yes, everywhere. They are at the diversion, they are at the first pump station, they are at the second pump station and they are at the plant. There's a scattering of lights that are out all over the facility.

COMMISSIONER HANSEN: And then, how will the costs of the installation be allocated to the partners?

MS. ROMERO: Commissioner Hansen, members of the Board. We will allocate the cost to the partners. We will attempt to try to break out what facilities the lights are being replaced at. As you know, there is shared and separate facilities cost so we will try to allocate that to each facility and then break out the labor costs so that would be billed to the partners based on those percentages, the shared and separate facilities.

COMMISSIONER HANSEN: And if you did move forward with this contract, when do you think the lights would be installed?

MS. ROMERO: I'll have Mr. Vokes answer.

MR. VOKES: Mr. Chair, Commissioner, it is my belief that they will have them all done within a month. They are waiting for the approval on the contract and

will go forward. When we asked them for the first sample lights, it took approximately three weeks for them to get them ordered and installed.

COMMISSIONER HANSEN: So they will be the ones installing everything?

MR. VOKES: Yes.

COMMISSIONER HANSEN: That was part of the contract?

MR. VOKES: Yes, yes, the installation is included. The disposal of the old lights is included in the contract. It's a turnkey contract.

COMMISSIONER HANSEN: Okay, so, in your estimate, you plan to have in the future have an electrician onsite and so therefore he or she would be able to replace any of these lights that you are installing right now.

MR. VOKES: Yes. That is our plan is hopefully that through this interview process we will then have an electrician. We do have a bucket truck to where we can get up to 30 feet to the pole lights and we will have staff to take care of this. That's the goal.

COMMISSIONER HANSEN: Who caught the mistake, the financial mistake?

MS. ROMERO: It was County staff that had reviewed the proposal had caught the kilowatt mistake. And we did meet, we did have a conference call with Facility Solutions Group and they did apologize for the error and then asked for the PNM invoices so they could update it. But we still felt that BDD should step forward and provide our own analysis rather than use their template analysis of the economical savings.

COMMISSIONER HANSEN: Okay, thank you.

CHAIR DOMINGUEZ: Member Selvin.

MS. SELVIN: Mr. Vokes, Mackie, Ms. Romero -- trying to get the protocols right here -- mentioned that this would have lower light pollution and I'm just wondering if you feel that the surrounding neighbors who do quite see the BDD plant will notice a reduction of light or will they see more light or a different light?

MR. VOKES: Mr. Chair, Member Selvin, it's been my experience with LED lighting that if they are say on a series of street lights that you will see the light that you're under, the next light and then the next light disappears. It is a more directed light. It is a cleaner light. So my expectation of the view from your neighborhood, Las Campanas, is that for the most part, I am hoping that we will disappear as far as the lighting from that distance.

MS. SELVIN: Thank you.

CHAIR DOMINGUEZ: All right. Any other questions? Anyone else.

NANCY LONG (BDD Board Counsel): Mr. Chair, as it seems that Commissioner Roybal will not be joining the meeting, I just wanted to remind you that Commissioner Hansen is entitled to vote as the alternate in his place. At least it appears he won't be joining us.

CHAIR DOMINGUEZ: I'd ask you to move up here Commissioner, but we're almost done.

COMMISSIONER HANSEN: That's all right.

CHAIR DOMINGUEZ: It sounds like before we get too far ahead of ourselves, if we postpone this for another month we almost might want to think about

taking it out to bid. I'm not quite sure what the timing looks like. I'm just trying to instigate some conversation here. Councilor Harris.

COUNCILOR HARRIS: Well, you know, I really don't have a problem with this state price agreement. We've used them a lot. I understand the advantages to them and I think the advantages are real. So I don't know how long half of the lights have been off or out I should say – approximate –

MR. VOKES: I would say that this has been a compounding effect. Again, when you have five lights in an area in a distance, when one goes out, again, we have been optimistic that we would get an electrician that we could get it in, again, the procurement process has literally been anywhere from three to six months. So when Mackie approached me with as statewide agreement it was a good fit. So I would say that, again, I know that the last count from our security company was between all the facilities there's approximately 30 lights out and they are not simply a matter of just changing the bulbs. The majority of these are ballasts. We have changed bulbs within the facility. But, again –

COUNCILOR HARRIS: Well, I understand the issue and again I don't have a problem with the state price agreement but it gives me pause when I see that simple of a mistake that really misrepresents the financial analysis to such a degree when it goes after 10 years if we're looking at accumulation of \$2,500 versus \$240,000 – you know, it just gives me pause. Unless it's a critical issue – if you were to say that this is critical that it gets done immediately, I would go ahead and support it. But, if, in fact, it can be further reviewed, and see if there's another state price agreement available which I kind of think there probably is, granted it would take a little bit to put it on – to put that in place. Do you have an answer?

MS. ROMERO: Yes, Mr. Chair, Councilor Harris. For the outdoor LED lighting Facility Solution Group is the only vendor that has been awarded that particular contract.

COUNCILOR HARRIS: Okay, that answered my question. So I'll move to approve.

MS. FORT: Second.

CHAIR DOMINGUEZ: There's a second. Any discussion? No? No discussion? This is your opportunity to make final comments on this.

MS. FORT: Well, I think there must be a joke about how many people it takes to turn on the lights – but I won't [laughter]

CHAIR DOMINGUEZ: Why don't we have roll call vote on this.

The motion passed by unanimous roll call vote:

Councilor Carmichael Dominguez, Chair	Yes
Councilor Michael Harris	Yes
Commissioner Anna Hamilton	Yes
Ms. Denise Fort	Yes
Commissioner Anna Hansen	Yes

MS. ROMERO: Thank you.

10. Discussion and possible action on proposed revisions to the Rules of Order for the Buckman Direct Diversion Board

CHAIR DOMINGUEZ: Nancy, this is something that we've kind of talked about a little bit before and why don't you go ahead and bring us up to date.

MS. LONG: Yes, Mr. Chair and members to the Board, I have alluded to this in previous meetings that with the addition of non-voting members to the Board, with the amendment of the JPA allowing for the Las Campanas members that it was time to revisit the rules and set out the roles and the quorum requirements for the Board with the new members. So our rules were last revised two years ago and that was primarily to account for the election of the Chair and Vice Chair which we moved from January to April. And so the rules before you, you were provided with a redline version and a clean version and it does now define a quorum as including voting members only in compliance with the fact that non-voting members cannot effect policy they cannot conduct the business of the Board. So, quorum still includes, which is a carryover from prior rules, that you must have one City member and one County member to constitute a quorum but the non-voting members do not count toward the quorum.

We provided for the seating arrangements in the rules that we have already implemented and that's just to alleviate confusion about who is voting and who are the alternates and now that we have additional board members and alternates that attend regularly.

So those were some of the housekeeping things I found in the rules that seemed appropriate to make changes to. And that's primarily the changes that I am recommending to you that you consider for adoption today.

CHAIR DOMINGUEZ: So just like as an example, Commissioner Hansen, Councilor Harris is actually the alternate to the City but he was able to coordinate with Councilor Ives that Councilor Ives was not going to be here so it's probably appropriate to when you know that then you can automatically take your seat over on the dais. Pretty minor, I think.

Questions?

COMMISSIONER HANSEN: In the future I will check with Commissioner Roybal to make sure that we know because I wasn't sure if he was going to be here.

CHAIR DOMINGUEZ: No problem. Staff does some outreach as well to find out. Any questions on this one? Okay, what are the wishes of the Board.

MS. FORT: Move approval.

COMMISSIONER HAMILTON: Second.

CHAIR DOMINGUEZ: Any discussion? Hearing none.

The motion passed by unanimous voice vote.

11. Request of approval to authorize the BDD Facilities Manager to negotiate a review Memorandum of Understanding, or an extension of the existing Memorandum of Understanding with the United States Department of Energy, Los Alamos National Laboratory for storm water monitoring of the Rio Grande

MR. VOKES: Thank you, Mr. Chair, members of the Board. The staff would like some direction to begin meetings with the Los Alamos staff and the BDD staff. As I mentioned Mr. Harwood who has served as our environmental attorney in lots of issues and myself met with Doug Hintze and Ben Underwood who is their staff attorney, to begin exploring a new MOU or an extension of the MOU. We are on the second MOU. There was an original one for five years that was initiated in 2010. The current MOU, the 2015 MOU, expires on December 1st. What our intent is is to meet with the LANL staff to determine which goals have been accomplished as part of the MOU and which priorities require attention with the new MOU. I think the meeting was extremely positive with Mr. Hintze. He has been the project manager for that program for less than a year and he came from, I believe, North Carolina with the Department of Energy. It was a very positive interaction. So what we would seek to do is have meetings with LANL to review what has happened, what positive things we have been able to accomplish and what some of the downfalls have been and then look for a path forward. Our proposal is to bring back the meeting results to the Board at the May meeting and say, these are what we are proposing to do, these are what Los Alamos is willing to participate in, and these are the things that we need to do and then seek input from the Board as to either an acceptance of where we are at that point or whether we need to course correct and make some modifications. So that's all we're asking for right now is your direction to go forth and have those meetings and bring something back at the May meeting as far as what we propose the MOU would look like going forward.

CHAIR DOMINGUEZ: Anything else, Chuck?

MR. VOKES: No, I'll take questions.

CHAIR DOMINGUEZ: Okay, so part of the idea here is to articulate to staff if we think that we want to move forward on this what are some of the things that we want them to pay attention to specifically. I'm going to go this way, Board Member Fort, Commissioner Hamilton, Commissioner Hansen.

MS. FORT: Thank you, Mr. Chairman. I guess one question, it would be helpful for me, is the DOE under any legal obligation to enter into an MOU or to provide us any funding, Mr. Harwood?

KYLE HARWOOD (BDD Counsel): The answer, Board Member Fort, is no.

MS. FORT: Thank you. And there's an allusion in here to the legislature, the state legislature, having expressed some desire for us to enter into an MOU; what was the origin of that legislative action?

MR. HARWOOD: It was a House Memorial in 2009.

MS. FORT: Did we seek it, Mr. Harwood?

MR. HARWOOD: Yes we did. The Board sought it and the legislature passed it. I can send that around to the Board now if that would be of use to you.

MS. FORT: And for purposes perhaps of the two new Board members that are here, I guess two meetings ago we talked about some of the exceedances of water quality standards in the Rio Grande. And then we've had some conversations about the loss of a monitoring station within a canyon at Los Alamos which gives us less ability to know how to operate Buckman facility and I guess my question – it is just helpful to think that we're entering into these conversations with LANL, do we have sort of a wide

array of things we can do? We've been asking for funding for doing our own sampling but we could additionally be asking for additional monitoring on behalf of LANL; perhaps additional instrumentation. Do we think \$100,000 is a bottom line or a top line or something? What do we enter into these negotiations with in addition to a memorial from the state legislature?

MR. HARWOOD: I think part of the history and I'll let Chuck fill in if my answer is not sufficient but part of the history is that in years past the Board has identified a certain monitoring program and then those costs have been estimated and then they rolled over in the current MOU to a grant from Department of Energy to the Board. So it started with mapping out what the desired information was and became a budget and then became a grant.

I don't know that we know what financial appetite they have going forward. As Chuck mentioned, this current MOU expires December 1st of this year. And in our meeting that Chuck described the current LANL staff seem quite open to having some version of this relationship going forward into the future. So what we're hoping to do is bring you back this framework in May on what we recommend at the project staff level that we've discussed with LANL and sees if it's satisfactory to you as policy makers.

MS. FORT: Thank you.

MR. HARWOOD: Sure.

COMMISSIONER HAMILTON: Would that framework include the sampling plan, the recommended sampling and approaches in what our methods are?

MR. VOKES: Mr. Chair, members of the Board, I believe that the current plan has several key features. One is the early notification system because I believe our commitment has been that when there has been flow of above 5 cfs coming out of the canyons that we will not be diverting water. That we will allow that water to bypass diversion. That's an important part of that. I forget what year it was that we lost the monitoring station in the lower canyon and it became difficult to replace. There were some, I believe, it was asked for by the San Ildefonso for a \$25,000 application fee simply to get permission to put it back. So the loss of that station has been an issue and really the Los Alamos approach has been, it is now your problem and not our problem together. So we will be discussing that in the MOU. As an interim measure the BDD staff was able to get permission from San Ildefonso to place a radar station in the vicinity of the old monitoring station so that we could detect flow down the canyons. That technology we think is working but our level of expertise in making those things work is somewhat limited but we feel like that, yes, we were getting signals out of the radar. And that station is actually located in the DOT right-of-way rather than on the property. However, it is pointing at the property so we have to have permission to have it there and to go out and service it and so the early notification is the main thing. The understanding of the contaminants and what the quantities are and when they happen and the amounts that happen, that was another key feature. And that's really the majority of the funding of the \$100,000 was part of that sampling scheme.

I would ask the Board to recognize that this is a very, very complex environmental system. We have not just one canyon but I believe three to four canyons that are contributing to that at different flow rates. There are contaminants that area based in the Rio Grande themselves that aren't LANL contaminants and so what we have - what my view of what our program is, is we have a regulatory compliance officer and a