Buckman Direct Diversion

AGENDA

The City of Santa Fe
And
Santa Fe County

Buckman Direct Diversion Board Meeting

THURSDAY, JANUARY 9, 2020
4:00 PM
CITY HALL
CITY COUNCIL CHAMBERS
200 LINCOLN

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF CONSENT AGENDA
5. APPROVAL OF MINUTES FROM THE DECEMBER 5, 2019 BUCKMAN DIRECT DIVERSION BOARD MEETING

INFORMATIONAL ITEMS

6. Monthly Update on BDD Operations. (Randy Sugrue, BDD Operations Superintendent, rcsugrue@santafenm.gov, 955-4501)
7. Report from the BDD Facilities Manager. (Rick Carpenter, Interim BDD Facility Manager, rrcarpenter@santafenm.gov, 955-4206) **VERBAL**
8. 2019 BDD Public Relations Report. (Bernardine R Padilla, Public Relations Coordinator, brpadilla@santafenm.gov, 955-4519)

CONSENT AGENDA

9. Update on BDD Board's letter to EPA and EPA's decision regarding Clean Water Act NPDES determination for Los Alamos County MS4 permitting. (Rick Carpenter, Interim BDD Facility Manager, rrcarpenter@santafenm.gov, 955-4519 and Kyle Harwood, BDD Counsel, kyle@eagolflaw.com, 986-9641)

DISCUSSION AND ACTION

10. Consideration and Possible Action on Resolution 2020-1, Determining Reasonable Notice for Public Meetings of the Buckman Direct Diversion Board. (Nancy Long, BDD Legal Counsel, nancy@longkomer.com, 982-8405)

11. Discussion and Possible Action on proposed revisions to the Rules of Order for the Buckman Direct Diversion Board. (Nancy Long, BDD Legal Counsel, nancy@longkomer.com, 982-8405)

MATTERS FROM THE PUBLIC

MATTERS FROM THE BOARD

NEXT REGULAR MEETING: Thursday, February 6, 2020 at 4:00pm

ADJOURN

EXECUTIVE SESSION

In accordance with the New Mexico Open Meetings Act NMSA 1978, §10-15-1(H)(7), discussion regarding pending litigation in which the BDDB is a participant, including, without limitation, *Buckman Direct Diversion Board v. CDM Smith, et al.*, First Judicial District Court Case No. D-101-CV-2018-01610. (Nancy Long, BDD Legal Counsel, nancy@longkomer.com, 982-8405)

END OF EXECUTIVE SESSION

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

RECEIVED AT THE CITY CLERK'S OFFICE
DATE: December 30, 2019
TIME: 8:44 AM

MINUTES OF THE

THE CITY OF SANTA FE & SANTA FE COUNTY

BUCKMAN DIRECT DIVERSION BOARD MEETING

January 9, 2020

This meeting of the Santa Fe County/City Buckman Direct Diversion Board meeting was called to order by Commissioner Anna Hamilton, Chair, at 4:05 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:
Commissioner Anna Hamilton, Chair
Councilor JoAnne Vigil Coppler
Councilor Carol Romero-Wirth [4:20 arrival]
Commissioner Anna Hansen
Citizen Member Denise Fort

Mr. Tom Egelhoff [non-voting]

Member(s) Excused:
[None]

BDD Board Alternate Members Present:
Ginny Selvin [Las Campanas alternate]
Mr. J.C. Helms [4:40 arrival]

Others Present:
Rick Carpenter, Acting BDD Facilities Manager
Nancy Long, BDD Board Consulting Attorney
Mackie Romero, BDD Finance Manager
Bernardine Padilla, BDD Public Relations Coordinator
Randy Sugrue, BDD Operations Superintendent
Bryan Armstrong, BDD Maintenance Superintendent
Alex Puglisi, City of Santa Fe
Jamie-Rae Diaz, City Administrative Assistant
Rachel Brown, Acting County Attorney
Sara Smith, County Constituent Liaison
Jesse Roach, City of Santa Fe
Kyle Harwood, BDD Counsel
Stephen Hoffman, EM-LA
Jay Lazarus, Glorieta GeoScience

3. APPROVAL OF AGENDA

[*Exhibit 1: Agenda*]

CHAIR HAMILTON: Are there any changes from staff?

RICK CARPENTER (Acting Facilities Manager): Madam Chair, there are none.

CHAIR HAMILTON: Thank you. I would like to suggest that item 11, I believe, under discussion and action items, rules of order – that was an item that was put in as a placeholder because we thought, in deference to the City, if they had all new City Councilors appointed to the BDD Board it might be difficult to immediately switch the Chair and Vice Chair to the City Councilor Chair, if somebody had absolutely no experience with BDD and how it operated and what not. So that item was to move the elections back to April, which BDD had done for years. I suggest we can just remove that since Councilor Vigil Coppler has been an alternate for one or two years. She is familiar with BDD and we can probably leave it on the February election the way we switched it earlier this year.

COMMISSIONER HANSEN: Do you need a second?

CHAIR HAMILTON: I don't know. Do I have to make a motion to remove it? Or can we just –

NANCY LONG (BDDB Counsel): Madam Chair, there should be a motion to approve the agenda with that item removed.

CHAIR HAMILTON: Got it. Okay. I'm suggesting it be removed.

COMMISSIONER HANSEN: Madam Chair.

CHAIR HAMILTON: Yes.

COMMISSIONER HANSEN: I would like to move to approve the agenda with the removal of item 11.

CHAIR HAMILTON: Thank you. I have a motion. Do I have a second?

COUNCILOR VIGIL COPPLER: Second.

CHAIR HAMILTON: Thanks.

The motion passed by unanimous [4-0] voice vote. [Councilor Romero-Wirth was not present for this action.]

4. APPROVAL OF CONSENT AGENDA

9. Update on BDD Board's Letter to EPA and EPA's Decision Regarding the Clean Water Act NPDES Determination for Los Alamos County MS4 Permitting

CHAIR HAMILTON: What's the pleasure of the Board?

COMMISSIONER HANSEN: I move to approve the Consent Agenda.

COUNCILOR VIGIL COPPLER: Second.

CHAIR HAMILTON: Thanks. A motion and a second. Is there any discussion? A motion and a second.

The motion passed by unanimous [4-0] voice vote. [Councilor Romero-Wirth was not present for this action.]

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5. APPROVAL OF MINUTES: December 5, 2019

CHAIR HAMILTON: Are there any changes?
COMMISSIONER HANSEN: Yes, Madam Chair.
CHAIR HAMILTON: Commissioner Hansen.
COMMISSIONER HANSEN: On page 4, line 40, it was about 150,000 – 150,000 is missing a zero. And that was the only item that I noticed.
CHAIR HAMILTON: Excellent. Thank you. So with that change, what's the pleasure of the Board?
COMMISSIONER HANSEN: I move to approve with changes.
MEMBER FORT: Second.
CHAIR HAMILTON: Thanks. I have a motion and a second.

The motion passed by unanimous [4-0] voice vote. [Councilor Romero-Wirth was not present for this action.]

INFORMATIONAL ITEMS

6. Monthly Update on BDD Operations

CHAIR HAMILTON: Happy New Year.
RANDY SUGRUE (Operations Superintendent): Happy New Year. Madam Chair, members of the Board, we had another month without any major faults. The water quality in the Rio Grande continues to be quite excellent and that makes treatment a much easier process. Our diversions averaged about 2.8 million gallons per day. Our drinking water deliveries through our booster stations also averaged 2.8 million gallons per day. Las Campanas did not pump water in the month of December. Untreated and non-treated water storage was about 10,000 gallons per day average.

The BDD is providing approximately 49 percent of the water supply to the City and County. That is increasing as the Canyon Road treatment plant continues to taper off through the winter until we start getting runoff in the reservoirs. The drought summary is included. The year to date diversions are depicted below for the year. We produced about 1.5 billion gallons of drinking water. So that's essentially it and I stand for questions.

CHAIR HAMILTON: Excellent. Are there any questions for Mr. Sugrue?
COMMISSIONER HANSEN: I have a question.
CHAIR HAMILTON: Yes, Commissioner.
COMMISSIONER HANSEN: Thank you, Randy, for the report and I'm happy to hear that the turbidity is less in the river. Is that because we're not getting any storms?

MR. SUGRUE: It's a combination. Yes, I agree. There's not much runoff of any kind in the river at this point so it's just a clear shot from Abiquiu and from southern Colorado down into the lower Rio Grande and our treatment facility. As we get more snowfall we get some warmer days in February and March, it will start to creep back up again.

COMMISSIONER HANSEN: Okay. Thank you very much.

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MR. SUGRUE: You're welcome.
CHAIR HAMILTON: Any other questions? Thank you.

7. Report from the BDD Facilities Manager

MR. CARPENTER: Thank you, Madam Chair and good evening, Board members. I just have a few updates for the Board. To start with, we've discussed with the Board a couple of times the Board's permission for staff to send a letter to the Middle Rio Grande Collaborative Program Executive Committee requesting that the Board become a member. That letter has been sent out and it will be taken up at the next Collaborative Program meeting on February 10th of this year. So that's an update on that.

Also, Kyle Harwood and myself have a meeting scheduled in two weeks with LANL to discuss and review the 2019 data and plan out a work schedule for 2020. And our plan is to come back to the Board in March with the staff recommendation on what we think should come of that meeting.

As far as staffing goes, I have a few updates, all good news. The lead operator position, which was the last remaining open position in the operations section, that has been filled and the paperwork is with Human Resources now being processed. We do have a list of eligibles for the contract administrator position. The instrumentation and control position, we do have a list of eligibles for that too. That may take a little while because those candidates will have to go through Work Keys but we do have a list of eligibles for that.

The planner-scheduler position in the maintenance section is in process now. You may remember we are going to reclassify that but that is being worked through at HR as well. And lastly, we have received a list of eligibles for the facility manager position. And I stand for questions.

CHAIR HAMILTON: How many?
MR. CARPENTER: I have not seen it.
CHAIR HAMILTON: Anybody else have questions? Commissioner Hansen.

COMMISSIONER HANSEN: Congratulations on having a list. We don't know how many are on there but we're happy to hear there's a list. That means there's got to be more than two, I hope. I have a question. I'm wondering if BDD staff has had any issues with shooting in the Buckman corridor. Since I represent that district I've had a lot of issues with wildcat shooting, which is what BLM and the Forest Service like to call it. I've had a lot of complaints from Las Campanas on wildcat shooting towards their facility and so I'm wondering if staff has been impacted by this and has noted issues with shooting, because the sheriff has been called out there a number of times and we're working with BLM on their contract for the sheriff to provide oversight over there at certain times, and BLM has hired another ranger to be out there which is – since they've only had one ranger for all of northern New Mexico, two rangers is an improvement.

So I'm just wondering what you're hearing or if you're hearing anything. Has there been any shooting towards the tank? I know the tank is lined. I know that it's protected but at the same time I just am interested.

MR. CARPENTER: Madam Chair, Commissioner Hansen and members of the Board, I have some knowledge. Just recently I talked to two of our staff and asked

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them if they have had any experience with shooting at our facilities. I personally have not witnessed any. I'm out there all the time. They have not either. But what I would like to do is get with my staff and also Chavez Security and I just spoke with the new BLM ranger yesterday, by the way, so hopefully we'll have a higher presence out there for that as well. And what I would like to do is get you a more detailed response and maybe bring it back at the next Board meeting.

COMMISSIONER HANSEN: I would really appreciate that because we're really trying to – Alamo Canyon, which is really right off of Buckman Road is a large source of problems for a lot of residents out there and they no longer feel comfortable riding their horses in Alamo Canyon or Creek, Alamo Canyon Creek, whatever you would like to call it. People don't walk there and people's houses have been shot at, and also I know that the Las Campanas maintenance facility has had actually cars shot at and the building shot at. There is definitely an issue out there and I have been working with BLM and the Forest Service on trying to figure out how we can mitigate this.

MR. CARPENTER: I agree. In years past we have had a problem with our facilities being vandalized due to shooting, not just the BDD but the City wells also.

COMMISSIONER HANSEN: Right.

MR. CARPENTER: I'm not aware of anything recently. The last time that I think we've had something shot, someone shot out one of our security cameras down at the river, but that was a while ago, a couple of years. But if I could I'd like to get with staff and also interview Chavez Security and put together a more detailed report for you and bring it back at the next Board meeting.

COMMISSIONER HANSEN: That would be great. Thank you. I really appreciate it.

MR. CARPENTER: Thank you.

CHAIR HAMILTON: Councilor Vigil Coppler.

COUNCILOR VIGIL COPPLER: Thank you, Madam Chair. This week at the – I think it was this week – at the Public Utilities Committee meeting we had a line of questioning from the committee about the filling of the vacancies, and one of the questions that stuck out in my mind is the question asked by one of the other Councilors, which was how long have, like for instance, the offers for hire been in HR between that and the job offer? Because apparently there's still quite a gap in the time that offers are made and new hire paperwork is completed. So that's what I'd like to pay attention to. And I congratulate you, as Commissioner Hansen has, on having your positions worked on and taking great strides to fill them, but there's also a point in time where we have to get these people on the job. So that's something I think is really important and I just kind of want you to know what the thinking of Utilities has been, that we're interested in not just all the paperwork but how long it actually takes to get someone on the job. And so I'm just kind of giving you a heads-up that that's something we are looking at.

MR. CARPENTER: Thank you. I appreciate that and I agree. It's something that we should pay attention to.

COUNCILOR VIGIL COPPLER: Okay. Thank you.

CHAIR HAMILTON: Member Fort.

MEMBER FORT: Thank you, Madam Chair. Just a quick question. Where are we on the source water protection process?

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MR. CARPENTER: Board member Fort, we have met with Lynn Komer and developed a scope of work and developed that into a contract for her. That contract is in process and as soon as it's signed I intent to meet with her again and develop a plan of action. So we're moving forward on that.

MEMBER FORT: And then to clarify, this would be a plan to plan? Or this would actually be the development of the source water protection plan?

MR. CARPENTER: Per past discussions of the Board, it's a plan to plan the public outreach process and develop a scope of work for the actual source water protection plan.

MEMBER FORT: Thank you, Madam Chair. And with the very good news that EPA is now going to require stormwater permits. We're addressing a few other sources that affect our water supply and I think there's going to be – if we work at this we'll be able to get a lot of citizen interest in looking at this plan, so I thank you for your efforts in getting through the plan to plan. Thank you.

CHAIR HAMILTON: Thanks. Are there any more questions? Was that it, Mr. Carpenter?

MR. CARPENTER: Madam Chair, yes.

CHAIR HAMILTON: Excellent. Thank you.

8. 2019 BDD Public Relations Report

BERNARDINE PADILLA (Public Relations Coordinator): Madam Chair, members of the Board, I'm going to present to you the annual BDD PR Report. It is in your packet with the data but I always like to come and show you pictures of the actual events and the people that attend and the people that we affect. And you can see the numbers but it's nice to always see a face to those numbers and it looks like we have Councilor Romero-Wirth has walked in. So I'll let her take a seat.

So my report encompasses all the outreach that we do. Actually that first picture is the kids' summer recreation program. It's the end of the summer event where we have 700 kids that go to Alta Vista Park. We provide a water tank and water for these 700 kids, not to mention the volunteers and the staff members that are there, which is probably close to 800 people and we provide water for them. I happened to be preparing the water and these two kids decided to do cheers, which I thought was so cute.

We provided outreach to 5,400 people in 2019. I track these numbers by every event, every tour that we do. We had 26 tour days last year. Ten of those were industry professional tours, 12 were youth tour days. And I call it tour days because in one day we could have two tours from an elementary school. There's probably closer to 18 or 20 of those tours. Out of those school tours, two of them were private schools, three university level tours, and one community member tour.

We had a total of 639 visitors come to BDD, most of which were September through December. That's our busiest tour season. We affected 1,610 youth on our tours and events. This is Milagro Middle School. On that day we had 65 kids come through. They go through a presentation then they go through a tour. This is their second year and it's part of their science curriculum. BDD continues to focus on STEM learning. Whenever possible we have Danny in the lab do some sort of science activity. It could be where he just explains something or they get to do some hands-on activity and they really

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enjoy that. Danny speaks at a very high level and they seem to enjoy it.

This is the Piñon Atlas afterschool STEM program. This was a new program for us. There were only about eight or ten kids at this tour, and they got to do hands-on water hardness for their activity. They walk away just with a knowledge of how to use the lab, how to do experiments and the procedures, and most of them have not had that experience in school yet, so this is their first attempt at learning scientific procedures.

This is the Rio Grande Middle School. This is their third year visit coming to the BDD. They participate in what's called Dia del Rio water sampling, and this is a program out of Texas from the Rio Research Roundup Group, and several communities along the Rio Grande, on this exact same day will do water testing and sampling for pH, turbidity, temperature, and all of these schools along the Rio Grande from northern New Mexico all the way down to southern Texas and including Mexico, so it's an international program, they will send their data to this organization and they'll collect all that data and they'll track it. It's pretty interesting and it's good that we get to participate in that, and it's our third year. The teacher is really excited that we give them a lot of information and help them with their experiments.

We also have tours that include professionals and VIPs, such as senior staff meeting. We had Bureau of Reclamation. The picture on the right is Santa Fe County PIO Carmelina Hart and the Finance Director – which I'm drawing a blank on her name right now. And they want to know more about BDD so that they can participate more and also be knowledgeable about BDD and what we do.

We also as part of public relations we have continuing education. The New Mexico Water and Wastewater Association always has tours, at least one or two a year for their recertification classes, as well as Santa Fe Community College, the water technology classes, math classes, biology classes. These students have to come and participate in a tour and speak to the operators. It's like a hands-on learning experience for them.

As well as training and partnerships – our training officer, Cesar Garcia is very good about keeping our staff trained. He also invites Santa Fe County employees whenever possible, Canyon Road water treatment staffing, T & D staff as well. These are just a tiny amount of activities that Cesar has. The activity on the top right is Josh and Danny actually went to a class at Santa Fe Community College through the Rocky Mountain Water Association and they provided training for that seminar. Staff also participates in CPR/AED training, many types of training that Cesar provides for us.

Community outreach events. We don't do that many. It depends on what we find out, out in the community and we get invited to. A couple of kids' events that we usually go to are the Water Fiesta and the recreation program. The Fore Kids Golf Tournament and the century bike ride. There was a decrease in numbers for the century bike ride this year. Normally, there are 5,000 riders. There were only 3,000 this year.

For the Kids Water Fiesta we had 502 kids in two days. We have ten activities each day. Those activities are 20 minutes each and we have five staff members that help the kids with the activity.

We partner also with wastewater treatment staff and water conservation staff at the activities and Parks & Rec at the golf tournament. We also participated in the employee barbecue and we did the water taste test through Kristin Johansen, and that's where the City employees get to vote on our waters – Canyon Road, BDD, and then the

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blend of water between the both, and BDD ended up winning the best tasting water for the City of Santa Fe this year. Last year I think it was Canyon Road. Yay. It was all good. It's really hard to tell because it's all so good.

We also took a water tank to Fiesta this year, just because there's so many people at that event and they need a source of drinking water. I also have a picture of the roll-off truck that we purchased from the County. I didn't really have anywhere else to put it so I put in there. We've already got the logo on there and it's been in use for a little while now. We're taking some solids over to the landfill.

So basically, our peer program is – we focus on education and knowledge for the students and anybody who comes to BDD. We want to make sure that people know where their water comes from and how it's treated. All our sources of water, the four sources that we have in Santa Fe and that we continue to work hard to keep our facility maintained and we try to encourage the kids to consider career paths and focus on science and technology as their studies so that hopefully one day they may want to become water operators or environmental lawyers or anything having to do in the water realm.

So that's pretty much my presentation and I stand for questions.

CHAIR HAMILTON: Thank you. Very good. Very active. Do you anticipate the same high level of activity this coming year?

MS. PADILLA: Each year we've increased our participation with numbers on tours, events. It's funny. Events, it pretty much stays the same even though the types of events change. Last year I got invited by the County for a couple of events and this year I didn't. But the numbers stay the same. We are anticipating – I've been talking to Rick a little bit about getting a little more out there in the community and doing a little more outreach and seeing what we can do as far as the kids' education and events.

CHAIR HAMILTON: Would members have questions? Member Fort and then Commissioner Hansen.

MEMBER FORT: As everyone knows, I abhor plastic water bottles and it's always great when we bring water supplies to different events where people are doing it. I was happy to see the kids are using cups of some sort there and not using plastic water bottles. Would it be legal for us – I don't know if there's a lawyer in the room – for us to do it like on the pilgrimage to Chimayo. Could we – were there many plastic water bottles being used? And just other big community events. Could we say, here's some good water? You don't need to buy a plastic water bottle.

MS. PADILLA: So the water tank that was in the presentation is managed by the T & D Department.

MEMBER FORT: I'm sorry. I don't know what that is.

MS. PADILLA: Transportation and Distribution, part of the Water Department, and they manage that, and they have taken that tank out there to the pilgrimage in the past. It is a difficult thing because of the location and having – just leaving it out there overnight and for a long amount of time, because you pretty much have to monitor that. You don't want any contamination with the spigot so there's usually a staff member there to monitor. So that's the hard part. As long as we have somebody to monitor so there's no contamination.

MEMBER FORT: Excuse me, Madam Chair. Are you suggesting I volunteer now in my spare time?

CHAIR HAMILTON: Commissioner Hansen.

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COMMISSIONER HANSEN: Thank you for your report. I know that the tour – I sit on the River Commission for the City of Santa Fe and that was a very successful tour. I know the River Commission is planning to do it again this year. It's a way to get people who are interested in the river and water out to see what we're doing at the Buckman.

I also wonder if – this is the 50th year celebration of Earth Day and I wondered if you had any activities planned for Earth Day. I know that people in the community are working to work on Earth Day as a month-long event in April and I know we at the County are trying to come up with some ideas to work on Earth Day and I wondered if you had any special things that you thought that you might do around that that would help people be educated about how good our water tastes and reduce the use of plastic and keeping plastic out of our waterways, to keep our water clean. Along the lines with Member Fort, I care about the use of plastic and what we can do to reduce that. But maybe there's some other ideas that you have thought about that I haven't thought about that could help promote the Buckman but also at the same time promote Earth Day and the Earth Month and recognition of climate change and what we're doing here to protect our water.

MS. PADILLA: I don't have anything in the works now but I like to partner with other organizations and events that are already occurring because you don't want to duplicate an event on a popular day that everybody else is going to that event. It's best to just partner with them, and I like to do that. We could definitely do an open house tour date some time in April when there's nothing else going on. But I would totally like to partner with the County whenever they decide what they're going to do.

COMMISSIONER HANSEN: I know from Sara, my constituent liaison, and Claudia, that there is a group being formed that is organizing the month-long event in the city and county of events so it might be a good way to get something on that calendar for the Buckman during that month.

MS. PADILLA: Definitely.

COMMISSIONER HANSEN: I will have Sara and Claudia connect with you and give you the connection or the information about the group that is being formed so you could connect with them.

MS. PADILLA: That sounds great.

COMMISSIONER HANSEN: Okay. Thank you.

CHAIR HAMILTON: Thank you. Councilor Vigil Coppler.

COUNCILOR VIGIL COPPLER: Thank you, Madam Chair. Thank you for your report. I just wanted to mention that I do see the Santa Fe Association of Realtors on here and I want to also mention that our local association developed a Santa Fe designation in which many subjects are covered, but one of the required classes is a class on water rights.

MS. PADILLA: Yes, ma'am.

COUNCILOR VIGIL COPPLER: And I did take that class with Kyle Harwood, who many of you know, and he did a fabulous job of course. He knows things. But we didn't get that in our class but I know – have they had the class at the Buckman plant?

MS. PADILLA: Yes. We had one this year that was held at BDD and then we did a tour, and then last year we also held the class there and then they had the tour.

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The other class that was held over at Santa Fe Realtors Association building. Some people did come for a tour afterwards.

COUNCILOR VIGIL COPPLER: Right. That was offered to us. And I thought that – well, it was advertised as the class being located at BDD but –

MS. PADILLA: And then had to change it.

COUNCILOR VIGIL COPPLER: Some reason, but the point is the comments that I've received from realtors who have taken a tour have found it to be very valuable and certainly eye-opening and informative. I know my eyes were wide open when I went so I just want to thank you for your hospitality for that course because it's very much appreciated and I think if Kyle was still here he would probably vouch that he probably got 100 percent on his evaluations.

MS. PADILLA: Probably. Well, that's the thing about doing the tours is that when we teach the realtors about how the water is treated and our four sources of water, they are then able to recommunicate that information to the buyers that are coming in and they have that knowledge and expertise behind them, and that training – I've been working a lot with Donna Reynolds on her classes and partnering up with tours every single time she needs that. And we've been actually doing that for a few years, even before that designation was in place.

COUNCILOR VIGIL COPPLER: I just want to thank you for making the realtors feel welcome and for your time with them. Thank you.

MS. PADILLA: You're welcome.

COUNCILOR VIGIL COPPLER: Thank you, Madam Chair.

CHAIR HAMILTON: Thank you. So if there aren't any other questions, thank you so much for the report.

DISCUSSION AND ACTION

10. Consideration and Possible Action on Resolution 2020-1, Determining Reasonable Notice for Public Meetings of the Buckman Direct Diversion Board

MS. LONG: Yes, Madam Chair and members of the Board. Annually the Board as a public body must address what constitutes public notice for its meetings under the Open Meetings Act. I like to remind the Board that the Board has consistently, since 2013 imposed a requirement that the Open Meetings Act does not impose upon public bodies and that is in order to attend a meeting by telephone we have to need you to make a quorum. Otherwise, you cannot attend by telephone.

So this resolution is identical to the resolution passed last year and we recommend its approval.

CHAIR HAMILTON: Commissioner Hansen.

COMMISSIONER HANSEN: Is this kind of a template or is this a special copy of the Open Meetings Act for the BDD or is this a template that a lot of boards use?

MS. LONG: Madam Chair and Commissioner Hansen, it's probably emanated from a template but it is structured specifically for BDDB.

CHAIR HAMILTON: So for clarity, do we have it just in this Open Meetings Act resolution that you must attend in person unless there's a need for a quorum, and then you can phone in? Is that a restriction that comes from bylaws? From

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the JPA? Or did we just put it into this resolution and it's now traditional?

MS. LONG: Madam Chair, it is just in this resolution. So the Open Meetings Act allows a public body to make its rules for what constitutes notice, so long as you comply with those minimum requirements of the act. The Open Meetings Act allows a member to attend a public meeting by telephone if it impossible or impractical for them to attend. But it says if you allow that, that must be in your resolution.

CHAIR HAMILTON: Okay.

MS. LONG: So it does address telephone attendance. It's just that we have the additional restriction that we do not want attendance by telephone unless it's required for a quorum.

CHAIR HAMILTON: Okay. So Board members, this is the way it's always been but this would be the point to discuss it if anybody has any differing preference or opinions.

COUNCILOR VIGIL COPPLER: Move to approve.

COMMISSIONER HANSEN: Second.

CHAIR HAMILTON: Discussion? If not, I have a motion and a second.

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

MATTERS FROM THE PUBLIC

CHAIR HAMILTON: Is there anybody here from the public who wishes to address the Board? I always ask twice. Is there anybody here from the public who wishes to address the Board? Seeing none – it's so much easier to have everybody here in the room though than our BCC meetings. I'll close Matters from the Public.

MATTERS FROM THE BOARD

CHAIR HAMILTON: Are there any matters any Board members wish to bring up.

COUNCILOR VIGIL COPPLER: I have none.

CHAIR HAMILTON: Commissioner? Wonderful. That moves us right along.

NEXT REGULAR MEETING: Thursday, February 6, 2020 at 4:00 pm

EXECUTIVE SESSION

In accordance with the New Mexico Open Meetings Act NMSA 1978 Section 10-15-1(H)(7), discussion regarding pending litigation in which the BDDB is a participant, including without limitation: *Buckman Direct Diversion Board v. CDM Smith, et al.*, First Judicial Court Case No. D-101-CV-2018-01610

CHAIR HAMILTON: And we do have executive session, correct?

MS. LONG: Yes, Madam Chair, you do. So you should ask for a motion to adjourn this meeting and go into executive session in accordance with the New Mexico Open Meetings Act 10-15-1(H)(7) for discussion regarding pending litigation in which

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the BDDB is a participant, to include the case listed in the caption for executive session. You'll need a roll call vote.

COMMISSIONER HANSEN: So moved.

COUNCILOR VIGIL COPPLER: Second.

CHAIR HAMILTON : I have a motion and a second. Can I have a roll call?

The motion to go into executive session passed by unanimous [5-0] roll call vote as follows:

Commissioner Hamilton	Aye
Councilor Vigil Coppler	Aye
Commissioner Hansen	Aye
Councilor Romero-Wirth	Aye
Board Member Fort	Aye

[The Board adjourned to in executive session at 4:43 p.m.]

ADJOURNMENT

Having completed the agenda and upon motion, Chair Hamilton declared this meeting adjourned at approximately 4:43 p.m.

Approved by:

Anna Hamilton, Board Chair

Respectfully submitted:

Debbie Doyle, Wordswork

ATTEST TO

GERALDINE SALAZAR
SANTA FE COUNTY CLERK

BUCKMAN DIRECT DIV MIN
PAGES: 14

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

I Hereby Certify That This Instrument Was Filed for Record On The 3RD Day Of March, 2020 at 03:31:59 PM And Was Duly Recorded as Instrument # 1910871 Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Geraldine Salazar
Deputy County Clerk, Santa Fe, NM

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Buckman Direct Diversion

EXHIBIT 1

AGENDA

The City of Santa Fe
And
Santa Fe County

Buckman Direct Diversion Board Meeting

THURSDAY, JANUARY 9, 2020
4:00 PM
CITY HALL
CITY COUNCIL CHAMBERS
200 LINCOLN

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF CONSENT AGENDA
5. APPROVAL OF MINUTES FROM THE DECEMBER 5, 2019 BUCKMAN DIRECT DIVERSION BOARD MEETING

INFORMATIONAL ITEMS

6. Monthly Update on BDD Operations. (Randy Sugrue, BDD Operations Superintendent, rcsugrue@santafenm.gov, 955-4501)
7. Report from the BDD Facilities Manager. (Rick Carpenter, Interim BDD Facility Manager, rrcarpenter@santafenm.gov, 955-4206) **VERBAL**
8. 2019 BDD Public Relations Report. (Bernardine R Padilla, Public Relations Coordinator, brpadilla@santafenm.gov, 955-4519)

CONSENT AGENDA

SFC CLERK RECORDED 01/03/2020

9. Update on BDD Board's letter to EPA and EPA's decision regarding Clean Water Act NPDES determination for Los Alamos County MS4 permitting. (Rick Carpenter, Interim BDD Facility Manager, rrcarpenter@santafenm.gov, 955-4519 and Kyle Harwood, BDD Counsel, kyle@eagolflaw.com, 986-9641)

DISCUSSION AND ACTION

10. Consideration and Possible Action on Resolution 2020-1, Determining Reasonable Notice for Public Meetings of the Buckman Direct Diversion Board. (Nancy Long, BDD Legal Counsel, nancy@longkomer.com, 982-8405)

11. Discussion and Possible Action on proposed revisions to the Rules of Order for the Buckman Direct Diversion Board. (Nancy Long, BDD Legal Counsel, nancy@longkomer.com, 982-8405)

MATTERS FROM THE PUBLIC

MATTERS FROM THE BOARD

NEXT REGULAR MEETING: Thursday, February 6, 2020 at 4:00pm

ADJOURN

EXECUTIVE SESSION

In accordance with the New Mexico Open Meetings Act NMSA 1978, §10-15-1(H)(7), discussion regarding pending litigation in which the BDDB is a participant, including, without limitation, *Buckman Direct Diversion Board v. CDM Smith, et al.*, First Judicial District Court Case No. D-101-CV-2018-01610. (Nancy Long, BDD Legal Counsel, nancy@longkomer.com, 982-8405)

END OF EXECUTIVE SESSION

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

RECEIVED AT THE CITY CLERK'S OFFICE
DATE: December 30, 2019
TIME: 8:44 AM

SFC CLERK RECORDED 12/31/2019