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AGENDA

THE CITY OF SANTA FE
And
SANTA FE COUNTY

BUCKMAN DIRECT DIVERSION BOARD MEETING

THURSDAY, NOVEMBER 4, 2010
4:00 PM
CITY COUNCIL CHAMBERS
200 Lincoln Avenue

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF MINUTES FOR THE OCTOBER 7, 2010 BUCKMAN DIRECT DIVERSION BOARD MEETING
5. APPROVAL OF CONSENT AGENDA
6. MATTERS FROM STAFF
7. FISCAL SERVICES AND AUDIT COMMITTEE REPORT

CONSENT AGENDA

8. Project Manager's Monthly Project Exception Report. (Rick Carpenter)
9. Update by Rick Carpenter on Financial Status of Contracts. (Rick Carpenter)
10. Project Manager's Report on Staffing and Training Program Progress. (Rick Carpenter)
11. BDD Public Relations Report for October 2010. (Lynn Komer)

DISCUSSION AND ACTION ITEMS

12. Update on Capital Budget and Proposed Strategy for Project Management and Fiscal Agent Cost Reimbursement. (Rick Carpenter and Shawn Stack)
13. Request for Approval of Amendment 2 to the Professional Services Agreement Between the Buckman Direct Diversion Board and Norman Gaume, P.E. for the Amount of \$121,500.00 Plus \$9,947.81 (NMGRT @ 8.1875%) for the Total Amount of \$131,447.81. (Rick Carpenter)
14. Request for Approval of Change Order 16 to the Design Build Contract Between the Buckman Direct Diversion Board and CH2MHill/Western Summit Constructors Joint Venture in the Amount of \$55,136.00 Plus \$3,652.76 (NMGRT @ 6.625%) for a Total Amount of \$58,788.76 for the Modifications to Existing SCADA System. (Rick Carpenter and Mark Ryan)
15. Request for Approval of Change Order 17 to the Design Build Contract Between the Buckman Direct Diversion Board and CH2M Hill/Western Summit Constructors Joint Venture in the Amount of \$127,839.41 Plus \$8,500.00 (NMGRT @ 6.625%) for a Total Amount of \$136,339.41 for the LANL MOU and Permit Mandated Samplers. (Rick Carpenter and Mark Ryan)
16. Request for Approval of Amendment 4 to the Professional Services Agreement Between the Buckman Direct Diversion Board and Jill Cliburn d/b/a Cliburn and Associates, LLC to Monitor PRC Proceedings for the Amount of \$25,000.00 Plus \$2046.87 (NMGRT @ 8.1875%) for the Total Amount of \$27,046.87. (Rick Carpenter and Nancy Long)
17. Request for Approval of a Professional Services Agreement Between the Buckman Direct Diversion Board and WRISC (Don Waddell) for Insurance Services in the Amount of \$36,528.00 Plus NMGRT for the Total Amount of \$38,902.00. (Rick Carpenter)

INFORMATIONAL ITEMS

18. Staff Update – Budget Adjustment Request Completed to Transfer Funding That Was Previously Approved by the BDDDB, From the BDD Capital Budget – Professional Contracts Line Item to the Personnel Line Item to the Personnel Line Item, for Temporary Emergency Hires and Supplies in the Amount of \$43,037.50. (Rick Carpenter)
19. Update on BDD Project Equipment and Vehicles Purchases. (Rick Carpenter and Steve Hoffman)

MATTERS FROM THE PUBLIC

MATTERS FROM THE BOARD

NEXT MEETING: THURSDAY, DECEMBER 2, 2010 @ 4:00 P.M.

ADJOURN

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.

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

November 4, 2010

This meeting of the Santa Fe County/City Buckman Direct Diversion Board was called to order by Chair Rebecca Wurzburger at 4:10 p.m. in the Santa Fe City Council Chambers, Santa Fe, New Mexico.

Roll was called and the following members were present:

BDD Members Present:

Councilor Rebecca Wurzburger
Board Member Conci Bokum
Commissioner Liz Stefanics
Councilor Chris Calvert

Member(s) Excused:

Commissioner Virginia Vigil

Others Present:

Rick Carpenter, Project Manager
Brian Snyder, Water Division Director
Nancy Long, BDDDB Contract Attorney
Marcos Martinez, Assistant City Attorney
Mark Ryan, CDM, BDD Board Engineer
Teresa Martinez, County Finance Director
Stephanie Lopez, BDD Staff
Neva Van Peski, League of Women Voters
Joni Arends, CCNS
Elana Sue St. Pierre, Citizen
Betsy Millard, Citizen
Charles Harrison, Citizen
Mike Sanderson, Las Campanas
Lyn Komer, Public Relations
Sean Stack, Meyners & Company
George Rael, Los Alamos Liaison

APPROVAL OF AGENDA

[Exhibit 1: Agenda]

MR. CARPENTER: Madam Chair, there are two changes staff would like to request. We would like to remove item 14 and item 16 from the Discussion and Action Items. Staff believes at this time that there's a good chance that we could seek alternative

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methods of achieving these objectives without bringing a change order to the Board and we'd like to pull those off the agenda.

CHAIR WURZBURGER: Okay. Thank you. Are there any other additions or corrections to the agenda?

COUNCILOR CALVERT: Move for approval as amended.

COMMISSIONER STEFANICS: Second.

CHAIR WURZBURGER: Discussion?

The motion passed by unanimous [4-0] voice vote.

APPROVAL OF MINUTES: October 7, 2010

CHAIR WURZBURGER: Are there any additions or corrections from staff:

MR. CARPENTER: Madam Chair, staff has no additions or corrections. However, I received an email from Ms. Joni Arends who asked that I point out that Elana Sue St. Pierre was present at the last Board meeting. She was left off the list of attendees, and also she was misquoted on page 11, where the minutes read where she said there would be a 12-year delay when in fact it is a 12-month delay.

CHAIR WURZBURGER: We'll make that correct. Are there any additions or corrections from the Board? Could I have a motion please?

COUNCILOR CALVERT: Move for approval as amended.

COMMISSIONER STEFANICS: Second.

The motion passed by unanimous [4-0] voice vote.

5. **APPROVAL OF CONSENT CALENDAR**
8. **Project Manager's Monthly Project Exception Report (Rick Carpenter)**
9. **Update by Rick Carpenter on Financial Status of Contracts (Rick Carpenter)**
10. **Project Manager's Report on Staffing and Training Program Progress (Rick Carpenter)**
11. **BDD Public Relations Report for October 2010 (Lynn Komer)**

COUNCILOR CALVERT: Move for approval.

COMMISSIONER STEFANICS: Second.

CHAIR WURZBURGER: Discussion?

The motion passed by unanimous [4-0] voice vote.

6. MATTERS FROM STAFF

MR. CARPENTER: Madam Chair, I believe that the Chair herself will be out of town, out of the country as a matter of fact during the regular scheduled date of our

December Board meeting. There are quite likely some very important matters that the Board would be asked to take up and staff would suggest, given that an alternative date of Thursday, December 16th could work for a new date for the December Board meeting.

CHAIR WURZBURGER: Would you mind checking that –

MEMBER BOKUM: It's the third Thursday of the month.

COMMISSIONER STEFANICS: I am available and back from my trip as well.

CHAIR WURZBURGER: Okay.

MEMBER BOKUM: I'll be gone the 7th and I should be back on the 15th.

CHAIR WURZBURGER: Fine. And we'll check with Commissioner Vigil. Thank you. I appreciate that very much.

7. FISCAL SERVICES AND AUDIT COMMITTEE REPORT

[Exhibit 2: Fiscal Services & Audit Committee Agenda]

MR. CARPENTER: Thank you, Madam Chair. I'll make the report. The Fiscal Services and Audit Committee met Tuesday of this week on November the 2nd at 4:30 and we discussed a number of items. The first item was an update on the draft audit report from the auditors. They have asked for comments from staff and others and we'll finalize that audit I believe in December.

Next was discussed the update to the capital budget and the project management and fiscal project management and fiscal cost reimbursement issue, which is actually on your agenda for further discussion as item 12. The committee discussed a draft of the billing and capital management policy, which is basically how the timing of billing will take place and will function with regard to implementing the operational budget once we're actually operating the project. We discussed the requirement for an annual operating budget. That needs to be presented in December and the progress that we've made, and we're scheduled to bring that to the Board in December. And we discussed the equipment and repair of facilities, repair emergency fund and we will be bringing a report to the Board in December on that item as well.

CHAIR WURZBURGER: Okay. I had a question. Is it possible that we could, as a Board get copies of – I know it comes so close, the day after or two days, but documents like the fiscal working capital management policy? I'd like to see that we get it. Is that a problem?

MR. CARPENTER: That's not a problem, Madam Chair. I can forward it to the Board.

CHAIR WURZBURGER: If it's a handout today we can get up to speed.

COMMISSIONER STEFANICS: Madam Chair, I think the timing is tricky and I'm trying to think of when – it would be more appropriate, probably to have it soon after this meeting so it could be prepared, but we have a lot of other conflicts.

CHAIR WURZBURGER: One solution would be that we [inaudible] We generally accept the report and go off and work with other documents.

COMMISSIONER STEFANICS: Well, Madam Chair, if there's any action that we end up recommending for this meeting it leaves a very short period of time for any noticing. So having the meeting another time –

COUNCILOR CALVERT: Well, it will eventually become an action item at some point, right?

MR. CARPENTER: That is correct.

COUNCILOR CALVERT: So it will be in your packet when that happens.

CHAIR WURZBURGER: Okay. But in the meantime if we could get it earlier. [inaudible]

COUNCILOR CALVERT: But if I could raise a question. If you're changing the meeting date in December do we want to change -- I know schedule-wise you might not necessarily want to change it but if one of the things that will be brought to us is their operating budget I'm thinking people might want to have more time, because our next meeting of the Fiscal Services and Audit Committee is at the end of November. I'm looking at staff on that. They're the ones that have to pull it together and I don't think they'd want us to see it at that before it came here. So it's going to --

MR. CARPENTER: Madam Chair, members of the Board, the operating budget is in pretty good shape as we stand today. I think we could take it to the committee. I wouldn't anticipate large changes but we'd still have a few days to make those changes and bring a final to the Board.

CHAIR WURZBURGER: I think the Councilor is asking if you needed more time.

MR. CARPENTER: I think we can do it.

CHAIR WURZBURGER: Okay.

COMMISSIONER STEFANICS: So for the next Fiscal meeting, it's December 7th?

COUNCILOR CALVERT: No. It's at the end of November. Because this meeting was going to be on the 4th.

COMMISSIONER STEFANICS: Because Tuesday, November 30th we have a County Commission meeting, so that wouldn't have worked for myself or Virginia to attend.

CHAIR WURZBURGER: It sounds like maybe we could ask you to set your committee meeting outside of this meeting, because you get more time.

COMMISSIONER STEFANICS: Well, I think that it will need to be between Councilor Calvert and Commissioner Vigil because I'm going to be gone many of those days so I do think there'll have to be some off-line discussion about the dates.

CHAIR WURZBURGER: Okay. So we'll do it. the budget's going to be later [inaudible] Okay. Anything else?

COMMISSIONER STEFANICS: Well, actually, Madam Chair, there are two issues that I'd like to bring up. One is that I think that as we look at audit results that might come out later on that there was some question about earlier in the BDD process whether the right controls were in place. I would recommend that we make sure that we keep control over line items of the budget that we've approved, so that for example, a budget adjustment should not be made without it coming through us for a vote because we did approve a line item budget. So a budget adjustment request would require our approval as part of a control.

CHAIR WURZBURGER: So I'm inferring that we had some of those that we didn't do.

COMMISSIONER STEFANICS: Right. And for immediate action as well. I'm just saying that. The second issue that I just wanted to bring up that I brought up in conversation that day is that my position is that as we run out of money, as we reach the limit on our monies, that we might have to prioritize what's important. And we might have to prioritize that for some people the health and safety and the quality of the water might be the most important thing, for others it might be continuing contracts for people, but that we might have to prioritize because we might not have enough funds for everything that we would like to continue on. And I did bring up those comments at the meeting and I just wanted to bring it up to the Board.

CHAIR WURZBURGER: Thank you for sharing that with us.

DISCUSSION AND ACTION ITEMS

12. Update on Capital Budget and Proposed Strategy for Project Management and Fiscal Agent Cost Reimbursement. (Rick Carpenter and Shawn Stack)

MR. CARPENTER: Thank you, Madam Chair. Stephanie has passed out two handouts for you in the form of a one-page memorandum [*Exhibit 3*] and a second memorandum that has some spreadsheets that go with it. [*Exhibit 4*] This is an update on the capital budget, especially as it relates to contingency.

CHAIR WURZBURGER: Let's back up. So all of us are together up here, I see a memorandum dated November 3rd on the capital budget and funding update. It is three pages. I don't see a spreadsheet.

MR. CARPENTER: There's a one-page spreadsheet that goes with the one-page memo.

CHAIR WURZBURGER: That's the uncommitted contingency fund projection?

MR. CARPENTER: Capital budget uncommitted contingency fund. And then a little bit longer memo that goes with the multi-page spread sheet which is actually the capital budget. We were directed to produce these at the Fiscal Management and Audit Committee meeting, and this is actually a carryover and addition from an item that was on the October agenda. And we would like for Mr. Stack, who prepared those spreadsheets to step you through them to show you exactly how they work and what the implications are. He's prepared to do that but I have some overall comments I could make.

CHAIR WURZBURGER: Let's start with the contingency fund balance and then we'll come back to the overall.

SHAWN STACK (Meyners & Company): Madam Chair, members of the board, Thank you. We're going to start with the projected contingency fund, the one-pager. This report starts with the uncommitted contingency fund balance coming into today's meeting, which comes directly from the capital budget, which is accounting for the original contingency and all items taken against that contingency.

COMMISSIONER STEFANICS: Excuse me, Madam Chair. I don't know that everybody in the audience has copies or Finance staff has copies. So –

CHAIR WURZBURGER: At least Finance staff should have it.

STEPHANIE LOPEZ (BDD Staff): No, they don't. I'll go make some more copies.

CHAIR WURZBURGER: Thank you.

MR. STACK: So we begin with the uncommitted contingency fund balance, coming into tonight's meeting and then we've listed those items which we're asking, recommended that those be Board-approved during tonight's meeting, which will be funded from that contingency, coming down to a forecasted contingency balance of \$2.75 million. Then we've identified those scopes of work that the staff expects to fund from contingency in the future. The effect of the respective PNM energy efficiency rebate, which will zero out the contingency fund at the end of the project.

The purpose of this is to help the Board understand exactly where we stand on the contingency today, what the effect of the items that are before you this evening will have on that contingency, and what items are expected to be funded in the future.

CHAIR WURZBURGER: Okay. Questions for Mr. Stack? Councilor.

COUNCILOR CALVERT: Down where you have the Prospective Costs to be funded by the Contingency Fund, are these ones that we have already agreed to and just haven't been expended? Or are these what we think might happen in these categories?

MR. STACK: This is what we expect to happen in these categories.

COUNCILOR CALVERT: Well, these aren't things that we have already committed to but not expended. These are things that we haven't even committed to yet and are also not expended.

MR. STACK: That is correct.

COUNCILOR CALVERT: Okay. Because I thought – at the top of the page – I thought we were down to \$2.16 million and at our discussion at the meeting I thought we were down to – all we had left was that one percent that had been sort of budgeted for administrative fee. So I look up here and I see \$3.042 million and I'm going, really? And I guess I have that question. I don't know where that figure came from because I thought we said we were down to if we had that item taken out of contingency then we were down to zero. And so if that's what that is, then that could be put back in, that's what the uncommitted contingency should be. I don't know where this \$3 million comes in unless it's new information from Tuesday.

MR. STACK: Councilor, the \$3 million is where we stand today. The previous discussions were focused on a projected deficit in the contingency fund if the project proceeded to pay the \$2.1 million administration fee.

COUNCILOR CALVERT: Right. But I thought we had talked, we had said that we had already committed down to that \$2.16 million figure. These ones down here are ones that we have not, according to what the question I just had was had not been committed.

MR. STACK: Correct. The contracts have not come before the Board and these funds have not been committed. However, according to staff if we don't undertake these scopes of work the success of completing the project efficiently and effectively it's going to be in jeopardy.

COUNCILOR CALVERT: That's the same as the ones we have under consideration today. I guess I would ask this to you, Rick, these ones down there on the

bottom, are those ones we've had discussion on before? Or those are just your best guess at what you think is going to happen in the near future?

MR. CARPENTER: What Mr. Stack has in his spreadsheets are change orders that are on the agenda that's before you today and what we can look out into the future and reasonable expect that could be brought before this Board for consideration.

COUNCILOR CALVERT: Let me just say one other thing. The other thing that I asked on this is where the \$1.1 million is delineated that we're going to hold to the side? Well, I don't see – I see one, two, if that's the one, that's fine. That's fine, but so that stays uncommitted, right?

MR. STACK: Correct.

COUNCILOR CALVERT: Okay.

CHAIR WURZBURGER: I think, building on what Commissioner Stefanics said, I think it's important that no later than our next meeting that we at least have what we haven't approved that you're saying are necessary to finish the project. So I think at this point in time we should really have an understanding of what that scope of work is. So I'd like to see all of those change orders. That's why I asked you the question. That if we think we know what's coming down I'd like us to go ahead and see those change orders in advance before we [inaudible] and either there is some modification – I don't know. I'm not running the project. I don't know the exact details. But we have the responsibility for any change orders. So we're going to wait until – we don't have that much more time. We need to see what these are and see if there is any flexibility in them. And that includes also this number. So I guess the Reimbursement of the Project Management and Fiscal Agent for Services, that number comes out of the recommendation that's been negotiated? That's in the process of being negotiated by our County Attorney and our fiscal consultant. That \$2.16 million? Is this in the form of a recommendation coming out of the Fiscal Committee?[inaudible] No?

COUNCILOR CALVERT: I think there was some agreement but I think they said it still had to come before this Board to be agreed upon.

CHAIR WURZBURGER: [inaudible] the agreement. What was the word that was used in the committee meeting? Because we're at the end here.

MR. CARPENTER: Madam Chair, we were asked to prepare the spreadsheets and update the capital budget that Mr. Stack is in the process of walking through that zeroes out the contingency line item, calls out what surplus might be remaining and assumes that a release, is what the attorneys call it.

CHAIR WURZBURGER: Release is the word I was thinking of.

MR. CARPENTER: That would be prepared at a later date that memorializes and formalizes how the remaining surplus at the end of the project would be reimbursed back to the City.

CHAIR WURZBURGER: Is that an accurate statement of what is coming out of the Fiscal Committee.

COMMISSIONER STEFANICS: I believe so, but because I was not involved in the negotiation between the City and the County about the actual amount I would defer to staff for that. The second thing is I have some other issues or some other questions about this chart or this accounting here. I think that – why don't you finish it and I'll go on.

CHAIR WURZBURGER: Well, I was just trying to clarify. The first point was that I want to see the changes for all that's coming at the next meeting.

COUNCILOR CALVERT: Can you actually do that? Are there things that you don't know you have to do?

CHAIR WURZBURGER: In order to do this if you think you know what's going to happen, I have no idea what kind of changes are we asking the Board Engineer to do? What's the BDD contractor type of changes? At least we ought to know that. Can you come up with a number based on – [inaudible]. That's what I'm asking for.

MR. STACK: Madam Chair, it's a well taken point. In the detailed presentation of the capital budget we do have detailed line items that spell out the –

CHAIR WURZBURGER: So we will get that at our December meeting.

MR. STACK: You have it already in your packet.

COUNCILOR CALVERT: Today?

MR. STACK: Today.

CHAIR WURZBURGER: Which we have not read.

MR. STACK: You have not read it yet.

CHAIR WURZBURGER: Okay, so I guess I'll just hold off on that until it's clarified. What I heard from that committee was the suggestion that the City with the initial \$2.16 million is now down to \$1.16 million [inaudible] Nevertheless, this is where I think we are now. So we can go over the other questions that you have, Commissioner.

COMMISSIONER STEFANICS: Thank you, Madam Chair. The contingency fund was approved, Rick, for a certain amount, correct? By the Board.

MR. CARPENTER: The Board approved the overall budget of \$216.34 million in September 2009. There was a line item in that budget that was for contingencies and had a number associated with it. I don't have the number in front of me, but yes.

COMMISSIONER STEFANICS: Okay. So now we're changing the contingency number.

MR. CARPENTER: I think we're updating the contingency number based on what we know now.

COMMISSIONER STEFANICS: But we're changing it, Madam Chair, from what we voted on.

MR. STACK: I would disagree with that characterization. The budget was allocated with a \$7.9 million contingency. Of that it was broken between the design-build contract for \$3.591 million and the allowance for legal/professional services and administration of \$4.255 million, and these were – this was an understanding there were items that were going to come up that we were going to need to fund throughout the project. We don't specifically – and correct me if I'm wrong, Rick – but we don't specifically know who the vendors are and we don't have the PSAs in place, but we're setting aside this budget for unknown contingencies.

So what we've done today and what we're updating today is what the balance of that uncommitted contingency amount was. So we started with that \$7.9 million.

COMMISSIONER STEFANICS: Okay. Excuse me. So, Madam Chair, I am hearing that we approved a \$7.9 million contingency with two sublevels.

MR. STACK: Correct.

COMMISSIONER STEFANICS: One of \$3.591 million for design build, and a \$4.255 million for legal/professional.

MR. STACK: Correct.

COMMISSIONER STEFANICS: So what we should be doing is reporting on what we have approved. And if we've approved the \$7.9 million and then those two divisions, how the money is coming out of those two divisions. Because that's what we as a body approved as a formal document.

MR. STACK: I agree.

COMMISSIONER STEFANICS: So I think what's getting a little confusing here is that we're not talking in the same manner as a printed budget that we actually approved.

CHAIR WURZBURGER: Well, we could be.

COMMISSIONER STEFANICS: So if we're going to take any of these items, projected or current, and actually take them from those two sublevels, where are we with the sublevels and the \$7.9 million?

MR. STACK: We can actually see that within the detailed capital budget, which is another report in the packet.

CHAIR WURZBURGER: How about a page number and a line item?

COMMISSIONER STEFANICS: I have the packet and I don't – are we talking – I don't think we have this budget in our packet.

COUNCILOR CALVERT: We don't have anything in item 12.

MR. CARPENTER: There was nothing included in your packet. There was a handout and the spreadsheets that go with the cover memos was just handed to you by Stephanie. [Exhibit 5] They were supposed to have been given to you at the beginning of the meeting but apparently they were not. So Shawn can walk you through those spreadsheets that were just given to you by Stephanie.

MR. STACK: So the capital budget update spreadsheet refers to the capital budget and contingency update. One is labeled Summary Presentation, one is labeled Detailed Presentation.

COMMISSIONER STEFANICS: Okay. I'm going to go to my more general question, Madam Chair.

CHAIR WURZBURGER: I'm sorry. I'd like to finish what we started. Show me somewhere the \$7 million-something, and show me somewhere \$3.42 million this detailed capital budget. Isn't that where it should be?

MR. STACK: Yes. On the detailed presentation of the capital budget, page 1, line 1 is the DB contractor and we break out our contract budget and project budget across, contracts, allowances and contingencies, discretionary change orders and non-discretionary change orders. So the design-build contract had a \$3.591 million contingency which is denoted on that first line of the detailed presentation.

CHAIR WURZBURGER: Okay. You are on page 1 of 2, even though it's stapled as page 2.

MR. STACK: Correct. 1 of the detailed.

CHAIR WURZBURGER: So, do that again. I'm sorry. So I've got a total project budget of \$7,946,950, and now you're telling me what about the design-builder?

MR. STACK: The first line of that subtotal is the design-build contractor denoted as DB Contractor, with a \$3.591 million contingency allocation. So this first

section of the detailed spreadsheet will also show how the \$216 million prospective capital budget has been allocated from contracts, allowances and contingencies, and change orders.

COUNCILOR CALVERT: Could I just ask one question? So this \$3.042 million you have which is shown as contingency on the summary page, is that a combination of the remainder of the two categories, correct?

MR. STACK: It is.

COUNCILOR CALVERT: And where –

MR. STACK: Even on this detailed presentation we could derive into another level of detail breaking out the \$3.5 and the \$4.2 million contingencies. However, as we presented it here it's combined into one column.

COUNCILOR CALVERT: Right. And I guess that then – I think the question that that leads to, if I understand Commissioner Stefanics' question is do we know that some of these things that are being put against this combined \$3 million are coming from – that there's enough left in each of those two separate buckets and they're coming out of the right bucket, if you will, based upon what they are?

MR. STACK: I can personally assure you that we have not exceeded either of the contingencies in either of the categories.

COUNCILOR CALVERT: So the ones that we show on this sheet that was handed out earlier and these things that are posted and will eventually get to zero, things are taken out of the right portion of the remaining contingency as defined in those two categories.

MR. STACK: Correct.

COUNCILOR CALVERT: Okay.

MEMBER BOKUM: Are the discretionary change orders and non-discretionary change orders recorded to reflect the categories? Or is that something different?

MR. STACK: That's something different. Staff has defined discretionary change orders as enhancements of the project that may or may not have affected the effectiveness, if you will of the implementation of the project. Non-discretionary change orders are things that absolutely had to be done to complete operating order.

CHAIR WURZBURGER: Out of that description to clarify is that discretionary change orders were indeed voted on by this Board. Like the Community College training. That was a discretionary activity that was [inaudible] And the same thing is how we got the wildlife line item. That one wasn't discretionary. That one we had to do.

COUNCILOR CALVERT: That's part of the Record of Decision.

CHAIR WURZBURGER: But I'm not aware that there is a discretionary item here that the Board did not approve.

MR. STACK: That's absolutely correct. All change orders have come before the Board and been approved.

MEMBER BOKUM: So is there something in here that shows the breakout that you described?

MR. STACK: Not as straightforward as what it should be. That's correct.

MEMBER BOKUM: You did say that nothing in this spreadsheet will move money from one of the categories to the other category.

MR. STACK: That's actually a combined code.

COUNCILOR CALVERT: The top figure is.

MEMBER BOKUM: I know that, but you talked about these categories and I thought I heard you say that in the detail there wasn't any movement between them.

MR. STACK: Neither contingency has been fully exhausted. No.

MEMBER BOKUM: And to the extent of the information here that would change that.

MR. STACK: It will not change that. No.

COMMISSIONER STEFANICS: Okay. So can I go back to my question? My question is the contingency was set up strictly for the capital budget?

MR. CARPENTER: Yes. There are two contingency line items in this budget that are strictly for the capital budget. The operational budget is something completely separate.

COMMISSIONER STEFANICS: So that in order to move to a zero balance for contingency we would want to make sure that the capital side of the project is absolutely completed.

CHAIR WURZBURGER: That's one theory. Or you could take the approach that you are confident within a certain degree of expertise and projection that you have at this point in the project [inaudible] rather than waiting.

COMMISSIONER STEFANICS: The reason I'm bringing up this question is – and I understand where you're going in terms of advanced change orders. My position is I can't really on behalf of the County say there will be more money if we go beyond what we have planned.

CHAIR WURZBURGER: That is the position of the City as well.

COMMISSIONER STEFANICS: Okay. I'm finished for right now.

MEMBER BOKUM: It seems to me that this is a report, and this is report, and what we're being asked to do today is we're being told that this is the status of the contingency fund and I think all we're being asked today to do is accept the report and then using that as a background approve or not approve 13, 15 and 17?

CHAIR WURZBURGER: That's correct.

MEMBER BOKUM: We're not being asked to do anything else.
[inaudible]

CHAIR WURZBURGER: That's correct.

MEMBER BOKUM: Beyond those three items. That would let us know the status of the contingency fund.

CHAIR WURZBURGER: Right. That's correct.

MEMBER BOKUM: And if I could just ask another question. When the project is over, the contingency fund and project – this may have been answered. They're just locked together. The contingency fund is [inaudible] and the project is going to be completed very shortly and there's no dissonance between those two events, except for the closing out accounts. They're tied together to the end and they both stop at the end. Is that correct?

CHAIR WURZBURGER: Rick, do you want to respond to that?

MR. CARPENTER: Madam Chair, staff's recommendation or request is two-fold. First that the Board accept the updated capital budget that has been passed out to you and discussed, and secondly, we would suggest that the Board direct the Legal

team to repair the release that would formalize the disposition of the remaining surplus funds.

COUNCILOR CALVERT: Well, it's basically –

CHAIR WURZBURGER: Rick or Marcos, or Nancy –

NANCY LONG (BDDDB Contract Attorney): Well, Marcos can correct me. I have not been working on the precise issue but I think what is anticipated is that there would be an agreement and release, so that the parties would be releasing each other from further claims as to that specific issue, based upon those contained in the document. So it's basically an agreement.

MEMBER BOKUM: And we're talking about the \$1.1672 million.

MR. STACK: That's correct.

MEMBER BOKUM: And we're being asked for that today?

COUNCILOR CALVERT: No.

MS. LONG: No.

COUNCILOR CALVERT: What Rick said is he wanted us to direct staff to prepare the release.

MEMBER BOKUM: But we haven't voted on it.

MR. CARPENTER: That's correct.

CHAIR WURZBURGER: By the time we get to voting on it, which will be in December or January, depending on what decisions we make today with respect to the Board, the project is going to move toward closure until [inaudible]

COUNCILOR CALVERT: Well, correct me if I'm wrong but I would think that both governing bodies would have to approve that independently, right?

MR. CARPENTER: My assumption is it would come to this Board for approval and go to both governing bodies, the County and the City.

COMMISSIONER STEFANICS: Well, Madam Chair, let's talk about timing then. If we're going to vote on a release, and some people might think I'm being a little picayune here but this all turns out in our audit. If we're going to vote on a release for these funds in December – now December 16th or whatever we decided, but for today we're approving this contingency outlay without having the release, and the County and the City – the City's schedule is probably quite different than the County's, but the County won't be meeting again until January.

CHAIR WURZBURGER: I said December or January and all we're voting on are two items or three. We're not doing a contingency release. We're trying to continue to have the project go forward and spend what staff and others think is necessary for meeting our deadline of starting this project when? When is the water supposed to flow?

MR. CARPENTER: January 2, 2011.

CHAIR WURZBURGER: January 2nd.

COMMISSIONER STEFANICS: I understand. Let me repeat. Maybe I'm not wording it correctly here. If we don't vote on the release here at the Board until December 16th, the County won't be voting to approve the release until January 14th, 10th – somewhere in there. That we will have then approved expenditures today and in December that really haven't been approved through the official body that is agreeing to the release. I'm just saying that the timing –

CHAIR WURZBURGER: It's a problem, and we didn't know we had this problem because we thought we had this agreement. The release is with respect to only what the County owes the City for doing the work that was done for seven years. So that's what we're trying to work out. And the other items that are on there, either anticipated or ones that we're considering today we will vote on. We will vote on the [inaudible] today. And the anticipated ones I suggest we put off till December till we see what they actually are. But to me it's sounding like the worst case scenario money-wise [inaudible] the variable out there is the \$1.162 million.

COUNCILOR CALVERT: And that's why – and I apologize for not seeing it – but that's why I asked staff to put that in there as an item to make sure that that would be covered with when we begin to get all these other things. So that it would remain that amount and not continually get whittled away at. But I guess that my asking to see this and that actually happening are not necessarily the same thing. In other words if something of necessity came up, it might have to come out of that if that's all that's left.

MEMBER BOKUM: But at least we know what we're talking about.

COUNCILOR CALVERT: Right. I just wanted it itemized separately so that we see that at least right now as we planned it's there. But contingency is about unplanned things so that's what happens. And I guess we need some motions here, right.

CHAIR WURZBURGER: There are three action items 13, 15 and 17.

COUNCILOR CALVERT: Well, we're on 12. We need two items on this, right?

MR. CARPENTER: Councilor, that's correct. Staff is requesting that this Board accept the updated budget and then direct staff – in addition to that, direct staff to begin work to prepare the release that would formalize the disposition of any remaining surplus funds.

COUNCILOR CALVERT: So I'll move to approve the update on the capital budget proposed strategy for project management and fiscal agent reimbursement.

COMMISSIONER STEFANICS: I'll second.

CHAIR WURZBURGER: So therefore, this is a comment, and for clarification. If we approve this today it could go directly to the County Commission and City Council.

COUNCILOR CALVERT: No. The second motion is going to be about that.

CHAIR WURZBURGER: [inaudible]

COUNCILOR CALVERT: You could present this information to the –

MEMBER BOKUM: I'm sorry. I want to have time to skim this. Could we take a two-minute break?

[The Board recessed from 4:57 to 5:03.]

COMMISSIONER STEFANICS: There is a motion.

COUNCILOR CALVERT: Yes. To approve the update.

CHAIR WURZBURGER: We're approving the update. So are there any questions about the update, particularly with respect to the fee, regardless of what's said in the memo?

COUNCILOR CALVERT: Well, I think the fee will come into the next motion.

CHAIR WURZBURGER: Would you repeat the motion, please?

COUNCILOR CALVERT: The motion was to approve the update, as on our agenda item.

CHAIR WURZBURGER: The specific motion to approve the capital budget and contingency update summary presentation, which is a three-page document. Was that the motion?

COUNCILOR CALVERT: The motion is to approve the update as listed in the agenda.

COMMISSIONER STEFANICS: Madam Chair, I made the second to the approval and I'm withdrawing it.

CHAIR WURZBURGER: Could we have a second or a different motion?

MEMBER BOKUM: The language is that we're approving an update. Does that mean that we're approving –

CHAIR WURZBURGER: Is there an update that we can provisionally approve, so that the project can continue, recognizing that we have to go back to our legal staff and clarify the release?

COUNCILOR CALVERT: Let me try this. I will make a motion that we approve the update that is identified on the back of the one-page memo, which is the Uncommitted Contingency Fund Projection as of November 3, 2010.

CHAIR WURZBURGER: Is there a second to that?

MEMBER BOKUM: I have a friendly amendment.

CHAIR WURZBURGER: Okay.

MEMBER BOKUM: I just want to know that we're not – that we expect the prospective costs to be funded by the contingency fund have to come forward to the Board.

CHAIR WURZBURGER: Right. They have to be approved.

MEMBER BOKUM: Right.

CHAIR WURZBURGER: So that can be an amendment? Is there a second?

MEMBER BOKUM: I'll second.

CHAIR WURZBURGER: Okay. Further discussion?

The motion passed by majority 3-1 voice vote with Commissioner Stefanics casting the nay vote.

CHAIR WURZBURGER: So is there a second motion?

COUNCILOR CALVERT: Well, I would make a motion to direct staff to prepare the necessary release for approval of this body at the next meeting and subsequently be each governing body after that.

CHAIR WURZBURGER: Okay. Is there a second?

MEMBER BOKUM: Second.

CHAIR WURZBURGER: Discussion?

The motion passed by unanimous [4-0] voice vote.

13. Request for Approval of Amendment 2 to the Professional Services Agreement Between the Buckman Direct Diversion Board and Norman Gaume, P.E. for the Amount of \$121,500.00 Plus \$9,947.81 (NMGRT @ 8.1875%) for the Total Amount of \$131,447.81. (Rick Carpenter)

CHAIR WURZBURGER: Rick, do you want to take this?

MR. CARPENTER: Thank you, Madam Chair, yes. This is the same amendment that was brought before the Board at the October Board meeting. This is for Norm Gaume's professional services to continue his work and some additional necessary items that Mr. Gaume brings to this project. He has a very unique, specialized skill set, not to mention we don't have enough warm bodies as it is working on this. And so staff believes this is an essential contract amendment for specific services that must be completed for the project to be successful.

CHAIR WURZBURGER: Questions of staff?

COUNCILOR CALVERT: I guess a bottom line question is: Will this be it?

MR. CARPENTER: This will be it.

CHAIR WURZBURGER: This is a not to exceed contract, right?

MR. CARPENTER: That's correct. As directed by the project manager.

CHAIR WURZBURGER: Any discussion? Do we have a motion?

COUNCILOR CALVERT: Move for approval of item 13.

CHAIR WURZBURGER: Is there a second?

MEMBER BOKUM: I second.

CHAIR WURZBURGER: Any discussion?

The motion passed by majority 3-1 voice vote with Commissioner Stefanics voting against.

14. Request for Approval of Change Order 17 to the Design Build Contract Between the Buckman Direct Diversion Board and CH2M Hill/Western Summit Constructors Joint Venture in the Amount of \$127,839.41 Plus \$8,500.00 (NMGRT @ 6.625%) for a Total Amount of \$136,339.41 for the LANL MOU and Permit Mandated Samplers. (Rick Carpenter and Mark Ryan)

CHAIR WURZBURGER: Rick and Mark, be sure to explain what this is and why it is important at this point in time.

MR. CARPENTER: Thank you, Madam Chair and perhaps Mr. Ryan can help me with this but I'll make some introductory comments. This is the manifestation of a long period of designing and thinking about what is required in the memorandum of understanding that the Board signed with LANL with regard to the early notification system. So this is a series of samplers that will sample water quality, telemetry and the SCADA system that will transmit and categorize the data so that when there is a storm event on LANL and we want the early notification system to notify our operators that something that we want to know about is going on down the hill, that we receive that

signal, that we understand what the water quality characteristics are and then we can make an informed decision on how to operate the project going forward.

So this is an imperative piece of work. I would also add that I wish we could have brought this to the Board sooner but we just now finished all the design and the technical analysis that was required for this. But we do need to begin work on this to get it constructed and implemented and tested in time to be up and running for the scheduled on-line date in January when we are going to start producing water. So it's a very important piece of work that needs to be done.

CHAIR WURZBURGER: If we don't approve this today do we run the risk of starting the project without part of the early warning system which those of you who have followed this for years know it's a critical [inaudible]

MR. CARPENTER: Madam Chair, that's essentially correct. The gauge that would be in place is in fact there now but as far as the sampling and the telemetry and the SCADA system that's required to receive the signal and understand it would not be in place.

CHAIR WURZBURGER: So if we waited until December it would not be in place in time?

MR. CARPENTER: It would give us less than a month to install it and test it.

CHAIR WURZBURGER: Okay. Thank you. Councilor Calvert.

COUNCILOR CALVERT: Thank you. Is there a possibility that some or all of this might be reimbursed?

MR. CARPENTER: Councilor Calvert, yes. The memorandum of understanding requires that LANL reimburse some portion of this. We do not know exactly how much that is at this point. We're negotiating that, trying to interpret exactly what should be paid by LANL. I don't know exactly how much would be reimbursed but some portion would be reimbursed from LANL.

COUNCILOR CALVERT: Okay, so we're in negotiations on that but obviously, we're not necessarily in a position to wait for the finalization of that negotiation before we move forward operationally.

MR. CARPENTER: This work needs to be done whether LANL helps us pay for it or not.

CHAIR WURZBURGER: To follow up on that, I had requested of staff that a meeting be arranged next week between the chair and vice chair with LANL to try to expedite the negotiations. Okay, do we have a motion?

COUNCILOR CALVERT: Move for approval of item #15.

CHAIR WURZBURGER: Do we have a second?

MEMBER BOKUM: Second.

The motion passed by unanimous [4-0] voice vote.

17. Request for Approval of a Professional Services Agreement Between the Buckman Direct Diversion Board and WRISC (Don Waddell) for Insurance Services in the Amount of \$36,528.00 Plus NMGR for the Total Amount of \$38,902.00. (Rick Carpenter)

MR. CARPENTER: Thank you, Madam Chair. WRISC, Mr. Waddell, has been performing these services for the Board for some time and we need his services as we transition from capital to operational. He too brings a very unique skill set to this project and provides an essential service of consulting with regard to the types of policies and the amounts of coverage that the Board and the project need in order to move and be properly covered and also not duplicate one policy to the next. So this is a fairly important change order as well to fund the work of Don Waddell. I think it's through –

MS. LONG: The term would be through June 30, 2012. There's a typo on the contract that's in your packet that indicates it June 2010. That should be June 2012.

MR. CARPENTER: Madam Chair, I would also add that these services are so specialized that we certainly don't have anybody on staff that has the skill set. We have contemplated in the past whether or not some existing consultants could help and we don't believe that skill set is possessed by anyone else either.

CHAIR WURZBURGER: Okay. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. Is this, Rick or Nancy, is this an amendment to an existing contract? Because it doesn't say so.

MS. LONG: It is not an amendment; it is a new professional services agreement because his term expired.

COMMISSIONER STEFANICS: Okay. So Madam Chair, Rick or Nancy, what was the total of his prior contract?

MS. LONG: Item 9 indicates it's \$95,000 and I believe he's been working on the project for five years? Maybe four. He worked on the DB contract negotiation, was on board prior to that time. So maybe four.

COMMISSIONER STEFANICS: And Madam Chair, he's acting in the capacity of a broker?

MS. LONG: No. He does not act as a broker and is not associated with any broker. He provides independent consulting. So he would assist in the procurement of a broker for the insurance that will be needed going forward for the operation and maintenance of the project but he's also been consulting on contract issues, risk issues, was instrumental in putting together the insurance that was required of the fiscal agent for the construction of the project. Now it's moving into a new phase. There will be new insurance coverage that will be required so he evaluates that, actually negotiates that, in addition to looking at specific contracts when we have an issue that comes up and he'll interface with that professional service provider's insurance provider as insurance company at times. So he does a variety of things but he does not sell insurance; he's not a broker and he's not associated with any broker.

COMMISSIONER STEFANICS: And Madam Chair and Rick or Nancy, does he receive any kind of fees from the company that we place our insurance with?

MS. LONG: No, he does not. He works independently.

COMMISSIONER STEFANICS: Okay. Thank you.

COUNCILOR CALVERT: What was the date clarification again?

MS. LONG: June 30, 2012.

COUNCILOR CALVERT: Okay. That's what it says in here.

MS. LONG: The memo says that but the contract is wrong. It says 2010.

COUNCILOR CALVERT: Oh, okay. And so that's why part of this is coming from the capital budget and part of it's coming from the operating budget?

MR. CARPENTER: That's correct.

COUNCILOR CALVERT: Okay. Move for approval of item 17, with that change noted on the contract.

COMMISSIONER STEFANICS: Second.

CHAIR WURZBURGER: Further discussion?

The motion passed by unanimous [4-0] voice vote.

INFORMATIONAL ITEMS

- 18. Staff Update – Budget Adjustment Request Completed to Transfer Funding That Was Previously Approved by the BDDDB, From the BDD Capital Budget – Professional Contracts Line Item to the Personnel Line Item to the Personnel Line Item, for Temporary Emergency Hires and Supplies in the Amount of \$43,037.50. (Rick Carpenter)**

MR. CARPENTER: Madam Chair, thank you. It's imperative that we video-document some of the instruction and training that the vendors do for some of the highly specialized equipment at the water treatment plant. We had originally envisioned and budgeted \$40,000 to cover for those video services. As it turns out we've had to bring some extra people in which brings that up to \$43,037.50 in order for those video services to be provided.

CHAIR WURZBURGER: And that increases it by \$3,000?

MR. CARPENTER: That's correct.

CHAIR WURZBURGER: Okay. Any questions? Commissioner Stefanics.

COMMISSIONER STEFANICS: The question, Madam Chair, is I understand this was under information but the information I brought up earlier was if we approve a budget with line items do we need to actually approve transfers of money from lines. I understand this is for information only. I understand it's a very small amount. My question is procedural. If we approve a budget with line items do we need to approve transfers, and if so, this item should be approved and it's not on for approval.

CHAIR WURZBURGER: Could we have a clarification if there's something in our rules or guidelines or policies that would lead us not to approve the above?

MR. CARPENTER: Madam Chair, I think why this is an information item and was handled administratively is because it is under the \$50,000 limit that the project manager is authorized to expend without Board approval.

CHAIR WURZBURGER: Councilor Calvert.

COUNCILOR CALVERT: So that explains the authorization but still, was there a BAR? Because following on Commissioner Stefanics' question, if there was

\$40,000 in that line item where did the \$3,000 come from? You'd have to do a BAR from contingency or something like that.

MR. CARPENTER: The transfer was from professional contracts line item to personnel line item in the budget. So this is to fund employees, by the way. This isn't a professional services contract or anything like that.

CHAIR WURZBURGER: Okay. I think we should direct staff that even though you have the purview, given the tightness of where we are, even though you have the purview to make those decisions could we at least have the BAR come back to us for approval?

MR. CARPENTER: We'd be happy to do that, Madam Chair.

CHAIR WURZBURGER: And the future ones in advance if there's time to do them.

19. Update on BDD Project Equipment and Vehicles Purchases (Rick Carpenter and Steve Hoffman)

MR. CARPENTER: Thank you, Madam Chair. This is just a quick update on the status of procuring the number of vehicles and specialized equipment [inaudible] a line item in the budget to cover these and we're just updating the Board on what we envisioned we'd be spending that money on. When we actually get ready to make the purchases we'll come back to the Board for approval to make those.

CHAIR WURZBURGER: Questions or comments? All right. Thank you.

MATTERS FROM THE PUBLIC

CHARLES HARRISON: My name is Charles Harrison. I grew up in Los Alamos and Santa Fe Counties. I went to Harvard and studied design and planning in the architectural sciences department and have a bachelor's degree from them. In 1995 the County initiated a 25-year planning cycle. It asked existing citizen groups to write sector plans which were then incorporated into the County plan. The northwest part of the county, where the BDD is operating – the sector plan was written by SNAC, the Santa Fe Northwest Area Council. I was one of the six people who spent two years writing that plan and we consulted with a rather diverse group, with developers, with pueblos, with land grants, to get a sense of what kind of plan we wanted to see. [inaudible]

We're now about 12 years through that 25-year cycle and I've continued to be interested and involved in [inaudible]. I'm entirely sympathetic to the BDD and part of the planning education I had was covering unintended consequences and I've come to bring to the Board's attention to what might be an unpleasant unintended consequence if some type of action isn't taken, and that has to do with revegetation of the pipelines.

It's very difficult in arid high altitude climates to get quick reseeding, and I know that you have a contract with a company from Arizona and they have guaranteed results of 70 percent of the existing vegetation to be in place and they will come back until that happens. However, my wife is a member of the Native Plants Society of New Mexico, has been for many years and they have very active, ongoing discussions. It is mostly

professional botanists who are in that group. Several of them including two people who specialize in arid land reclamation, have expressed real concern about the amount of tumbleweed which is growing on the pipeline so far and about the kind of mulch which is used, and these may seem like minor points, but tumbleweed is one of the most flammable of all plants when it's dry. I have a friend who took a single mature plant, put it in an outside fire pit and 15 feet of flame came off a single plant.

I have been out tracing the line and photographing and checking on it and there are many, many places where we have 50 feet wide on the easement of 90 percent tumbleweed and some of the plants are coming up, and I know that it takes up to 15 years for other plants to squeeze tumbleweed out. However, during that time the unintended consequence is the fire risk is very high. Fire management people refer to the area that the BDD is operating in as the wildland urban interface and there's very high probability of fast moving grass fires.

I happen to live at the interface. My property abuts BLM land and we had a fireman come and say it's a good thing you have 10,000 gallons stored and you have a pump to do your own firefighting because we can't get to your property if a wildfire erupts. We essentially right now have 26 miles of 50-foot wide fuse that runs from the edge of town and as it comes closer and closer to town the housing gets denser. And there is a real risk of huge financial [inaudible] if a fire is either set deliberately or happens accidentally in the easement and one or more houses are burned. And I'm not sure whose insurance would have to cover that but I came with the concern about that and with two concrete suggestions.

I have detailed information about successful reclamation that can get plants growing faster than we're seeing so far and I have some horrifying photographs. I don't need to give you the detailed information now nor the photographs, but I would like the chance at some point to sit down with someone and give you some of the information I have. In the meantime, my two suggestions are these. You have outside engineering consultants checking [inaudible] installation everyday, in effect out there with a truck checking on them, and I know that you have consultants checking on almost every aspect of this wonderful operation, but I would suggest that it would be a very wise expenditure to pay a fee to an outside professional qualified botanist who is experienced in arid reclamation and rapid revegetation of arid land. I know the names of a couple of these people. The Army Corps of Engineers has a person named Dana Price in Albuquerque but of course the Corps of Engineers can't let that person do outside consulting, but it might be able to guide you. I know other people also who are in fact qualified in this field, but I'm not making any suggestion [inaudible]. I'm simply suggesting you should look into getting an outside assessment of the work that's being done on the revegetation.

My other concrete suggestion is a woman named Una Smith, and I'm not sure where she is. I believe she lives in Los Alamos, but she wrote also on this professional plant list, that Los Alamos County has a very large amount of composted biosolids which are available simply for the hauling away for exactly large-scale reclamation projects like this. And that would be far superior to the dry straw that's being put down. There's a company called Granite Seed in Utah that prepares seeds and reclamation matters for the Forest Service and large-scale national projects. They recommend either biosolid mulch or straw mulch but not the kind of straw mulch that we're seeing here, not dry mulch that's lying on the ground because that is also a fire hazard.

If you use straw mulch Granite Seed says grind the straw up into a powder and then combine it with water and with what's called a tackifier. And that is certainly better by far than dry mulch but the biomass that Los Alamos has is close at hand, it has a lot of nutrients in it. It would be providing not only tacking down the seeds which you put out but it also would be nourishing them and it would be helping to hydrate [inaudible].

Thank you very much.

CHAIR WURZBURGER: Thank you very much for bringing this to our attention. Rick, if we could follow up on these ideas.

MR. CARPENTER: Be happy to, Madam Chair.

COUNCILOR CALVERT: And I think also the City of Santa Fe has some of those same biosolids available for compost as well.

MR. CARPENTER: Thank you. Anybody else?

ELANA SUE ST. PIERRE: My name is Elana Sue St. Pierre. I'm the spokesperson for Health Water Now ASAP and just looking, the thing that came up in looking at the budget, I don't see a specific allocation for the concerns that we have about ongoing water quality and how this will be continued after peer review. I just feel like it needs to be addressed and if it's going to be through the memorandum, that there be continuation of this. If you aren't aware, the water quality standards did change and it was supported by the Board and it's my understanding, and I haven't gotten through this big, thick peer review, they did not use those standards. So there are going to have to be updates with that.

And, as water quality continues to change the standards have to be changed. There's the whole area of uncommitted contingencies or unexpected contingencies, what if the level of the water coming down has to be changed, because Buckman has the ability, I've been told, to meet a stricter standard, and how is that going to be one of those contradictive things that could happen. The whole area of epigenic studies is moving forward. Their chemical regulations are now looking at pregnant women and children. It's the first time this has happened. The standards are going to be changing, so I just bring that up as [inaudible]

The other thing that I'm requesting is that I've gotten five calls in the past week with people just finding out and looking at this huge document. If we could get an extension for at least a week. I feel like the Board is open to public concerns and we have a very educated public that wants to be able to read through this and we just need more time. Thank you.

COUNCILOR CALVERT: On your first point, the reason why you don't see anything probably in this accounting is because this is the capital budget and what you're talking about will fold over into the operating budget, so that is something that would have to be itemized in a different –

MS. ST. PIERRE: So I'll be looking for that item. And then just a post script also, the early warning system, we had really asked for a detailed description of that. The public doesn't know what's happening with that so I would hope that peer review would have very specific information about this, because we do not have that. And it was also supposed to be part of peer review. So it's just finished now; I don't know how it could be a part of peer review. In the peer review there's something like a paragraph, and that's it. And that's what the entire safety of our community is dependent on. So thank you.

BETSY MILLARD: I'm Betsy Millard. I'm a neighbor of Elana's. I live in District 2 as well and I just found out from Elana about this peer review report. I read the *New Mexican* pretty much every day and the *Reporter* and other things too and I haven't seen a lot of information about this and you are calling public comments. I also would like to ask that you extend the deadline to give people a chance to read this. I also want to suggest that you might publish on newsprint a summary of this information that could into the some public places and maybe the New Mexican. I just don't know how many people are going to go to a library and read a 300-page report but I think they would like to know what's in that summary.

I also want to ask that you be sure to advertise the meeting that's coming up in December. I've seen very little advertising. I saw a few ads for the ChemRisk meetings back this last June but I haven't seen a lot of information in public places about the meetings, where the public could find out more about this and I think it's really important for people to be informed and to widely advertise these meetings.

CHAIR WURZBURGER: Thanks.

COUNCILOR CALVERT: I just wondered, just to make a quick comment if I might. I think you don't have to go to the library if you can download it at your own home, correct? So the availability at the library is for people who want something either a hard copy or don't have the ability to access on line but for those that have the ability tot access on line they don't have to go to the library.

JONI ARENDS: Good afternoon. My name is Joni Arends. I'm with Concerned Citizens for Nuclear Safety. So this is the report. It's 300 pages. This is front and back. This is the report. The only reason that I have a copy right now is because ChemRisk sent me a complimentary copy. Now, if I had to go to the library and study this, because there's color charts, there's maps in here that indicate different levels of different things. There's really an environmental justice issue associated with the fact that this report – we can't get copies of it unless we know somebody to send us these reports.

It's a big deal. I would like to be more explicit. The media has been calling me to get quotes about this. This is the first day that I may tonight have time to start to review this because of other obligations, other issues with respect to the lab like the proposal to build a new bomb factory for the Chemistry and Metallurgy Research Replacement Building. This is a huge, huge report. We're very concerned about the fact that as far as I understand it's that the Lab's changed the geology model from the fact that it was influenced from the Lab at the Buckman wellfield to now that there's not an influence anymore. That's what I've heard from geologists that I've talked to. These are some significant sea changes with regard to the connection between the lab and the Buckman wellfield and possibly with the surface water.

CCNS will be making extensive comments. We're very concerned about the lack of public participation at the September meeting. We would like to see and we would ask the Board to provide us with how the media was contacted for the January meeting. There weren't a lot of people at the January meeting. There was a handful or two at the September meeting. We want to see how the media was contacted in January, how the media was contacted in September, because according to Ms. Komer's report there were two community announcements, maybe in the Santa Fe Reporter. That's not going to work for the meeting in December. We need a robust public meeting on December 7th.

Then my final comment is with regard to the laboratory reimbursing the \$136,000, and I'm not involved in the negotiations, but I think that they should reimburse 100 percent for that. And the reason being is that there's new samplers on the sediment coming out of the water, the separation of the sediment and the water, taking samples then, and then sampling the sediment before it goes back into the river. And I believe that's one of the requirements in the EPA discharge as well. But it might be something new that's going to start and so the laboratory should sample that because but for the fact of these contaminants we probably wouldn't have to sample. I'm sorry; I'm not being very clear right now.

CHAIR WURZBURGER: It's clear.

MS. ARENDS: But the laboratory should pay for all of that. So would it be possible for the Board to ask that we would be able to get an email of the media campaign for both the January and September and for this December meeting?

CHAIR WURZBURGER: Sure.

MS. ARENDS: Thank you very much.

CHAIR WURZBURGER: Thank you. So Rick, if you could set it up and get an update on what we have planned for the meeting?

MR. CARPENTER: We'd be happy to do that.

CHAIR WURZBURGER: Any other comments?

MATTERS FROM THE BOARD

CHAIR WURZBURGER: Councilor Calvert.

COUNCILOR CALVERT: So, correct me if I'm wrong. The comment period was November 1st to November 15th? Is that correct?

MR. CARPENTER: I don't recall the exact dates. Maybe Lynn, do you remember?

LYNN KOMER: For the technical report, it's 30 days. I believe it began October 15th to November 15th, and the community summary and executive summary that have been sent out are due within two weeks. This is the schedule that was presented and approved by the BDD Board and presented at a public meeting.

COUNCILOR CALVERT: Okay. So I guess my question is, for the technical report and the executive summary, which is the only one I've been able to digest so far, is there a reason why that time period could not be extended?

MR. CARPENTER: The reason that it can't be extended is that the independent peer reviewer needs that time to respond. If we were to extend that date there is the very real risk that the final report wouldn't be ready in time for the project to go live in January.

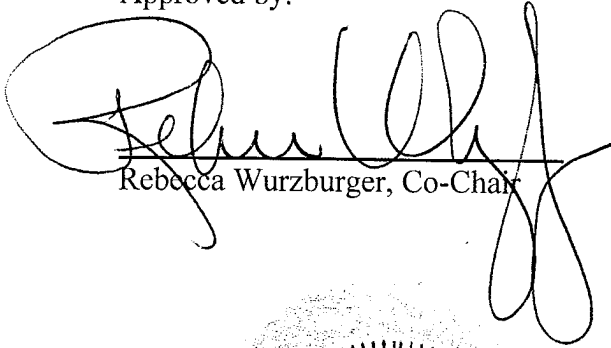
CHAIR WURZBURGER: Further comments from the Board?

NEXT MEETING: Thursday, December 16, 2010 @ 4:00 – City Chambers

ADJOURNMENT

Having completed the agenda, this meeting was declared adjourned at approximately 5:40 p.m.

Approved by:

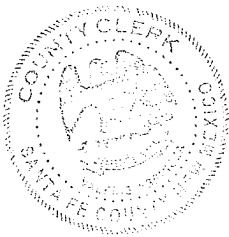
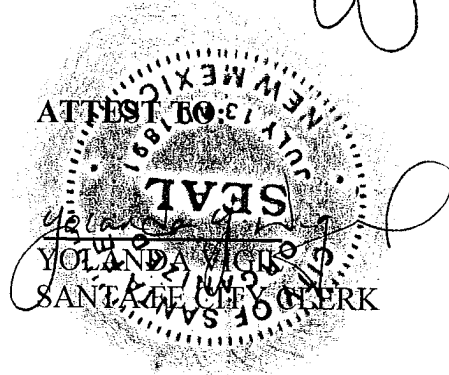

Rebecca Wurzbürger, Co-Chair

Respectfully submitted:

Debbie Doyle, Wordswork

ATTEST TO:


VALERIE ESPINOZA
SANTA FE COUNTY CLERK



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BUCKMAN DIRECT DIV M1
PAGES: 39

I Hereby Certify That This Instrument Was Filed for
Record On The 2ND Day Of February, 2011 at 02:59:35 PM
And Was Duly Recorded as Instrument # 1625707
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Deputy  Valerie Espinoza
County Clerk, Santa Fe, NM



CITY CLERK'S OFFICE

DATE

TIME

1:10

SERVED BY

RECEIVED BY

AGENDA

THE CITY OF SANTA FE
And
SANTA FE COUNTY

BUCKMAN DIRECT DIVERSION BOARD MEETING

THURSDAY, NOVEMBER 4, 2010

4:00 PM

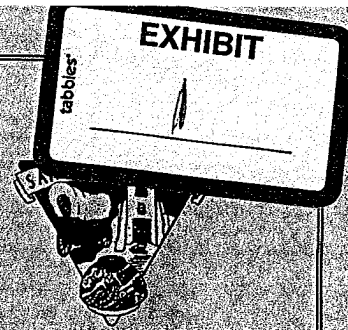
CITY COUNCIL CHAMBERS

200 Lincoln Avenue

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF MINUTES FOR THE OCTOBER 7, 2010 BUCKMAN DIRECT DIVERSION BOARD MEETING
5. APPROVAL OF CONSENT AGENDA
6. MATTERS FROM STAFF
7. FISCAL SERVICES AND AUDIT COMMITTEE REPORT

CONSENT AGENDA

8. Project Manager's Monthly Project Exception Report. (Rick Carpenter)
9. Update by Rick Carpenter on Financial Status of Contracts. (Rick Carpenter)
10. Project Manager's Report on Staffing and Training Program Progress. (Rick Carpenter)
11. BDD Public Relations Report for October 2010. (Lynn Komer)



DISCUSSION AND ACTION ITEMS

12. Update on Capital Budget and Proposed Strategy for Project Management and Fiscal Agent Cost Reimbursement. (Rick Carpenter and Shawn Stack)
13. Request for Approval of Amendment 2 to the Professional Services Agreement Between the Buckman Direct Diversion Board and Norman Gaume, P.E. for the Amount of \$121,500.00 Plus \$9,947.81 (NMGRT @ 8.1875%) for the Total Amount of \$131,447.81. (Rick Carpenter)
14. Request for Approval of Change Order 16 to the Design Build Contract Between the Buckman Direct Diversion Board and CH2MHill/Western Summit Constructors Joint Venture in the Amount of \$55,136.00 Plus \$3,652.76 (NMGRT @ 6.625%) for a Total Amount of \$58,788.76 for the Modifications to Existing SCADA System. (Rick Carpenter and Mark Ryan)
15. Request for Approval of Change Order 17 to the Design Build Contract Between the Buckman Direct Diversion Board and CH2M Hill/Western Summit Constructors Joint Venture in the Amount of \$127,839.41 Plus \$8,500.00 (NMGRT @ 6.625%) for a Total Amount of \$136,339.41 for the LANL MOU and Permit Mandated Samplers. (Rick Carpenter and Mark Ryan)
16. Request for Approval of Amendment 4 to the Professional Services Agreement Between the Buckman Direct Diversion Board and Jill Cliburn d/b/a Cliburn and Associates, LLC to Monitor PRC Proceedings for the Amount of \$25,000.00 Plus \$2046.87 (NMGRT @ 8.1875%) for the Total Amount of \$27,046.87. (Rick Carpenter and Nancy Long)
17. Request for Approval of a Professional Services Agreement Between the Buckman Direct Diversion Board and WRISC (Don Waddell) for Insurance Services in the Amount of \$36,528.00 Plus NMGRT for the Total Amount of \$38,902.00. (Rick Carpenter)

INFORMATIONAL ITEMS

18. Staff Update – Budget Adjustment Request Completed to Transfer Funding That Was Previously Approved by the BDDDB, From the BDD Capital Budget – Professional Contracts Line Item to the Personnel Line Item to the Personnel Line Item, for Temporary Emergency Hires and Supplies in the Amount of \$43,037.50. (Rick Carpenter)
19. Update on BDD Project Equipment and Vehicles Purchases. (Rick Carpenter and Steve Hoffman)

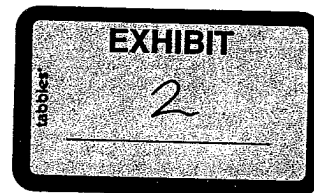
MATTERS FROM THE PUBLIC

MATTERS FROM THE BOARD

NEXT MEETING: THURSDAY, DECEMBER ¹⁶2, 2010 @ 4:00 P.M.

ADJOURN

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.



AGENDA
Fiscal Services and Audit Committee
Buckman Direct Diversion (BDD) Board
Tuesday, November 2, 2010, 4:30pm
City Hall, Historic Preservation Conference Room, 2nd Floor

Discussion Items

1. Update on Audit for FYE 2009—Draft Report (Morgan Browning, Independent Auditor for City of Santa Fe)
2. Update on Capital Budget and Proposed Strategy for Project Management and Fiscal Agent Cost Reimbursement. (Meyners / Rick Carpenter)
3. Discussion Regarding Draft of Partners' Billing and Working Capital Management Policy. (Meyners / Marie Lee)
(Handout attached)
4. Update Regarding the Requirement for an Annual Operating Budget (AOB), for FYE 2012 and 5 Year Projections due December 15, 2010, to the Board. (Meyners / Marie Lee)
5. Update Regarding the Requirements for a Facilities and Equipment Major Repair and Replacement Fund and an Emergency Reserve Fund, in Follow-Up to the May 2010 Board Analysis, to be Presented to the Board in December 2010 or January 2011. (Meyners / Marie Lee)

Information Items

6. Open Discussion and Questions from FSAC Members.

SEC. CLERK RECEIVED 11/2/2010

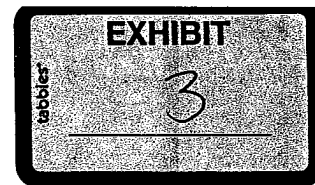
**Buckman Direct Diversion Board
Uncommitted Contingency Fund Projection
As of November 3, 2010**

Uncommitted Contingency Fund Balance 11/3/2010	\$ 3,042,110
November 4, 2010 Board Meeting Action Items	
Item 13 - Request for Approval of Amendment 2 to the Professional Services Agreement Between Buckman Direct Diversion Board and Norman Gaume, P.E. for the amount of \$131,448.	(131,448)
Item 15 - Request for Approval of Change Order 17 to the Design Build Contract between the Buckman Direct Diversion Board and CH2M Hill/Western Summit Constructors Joint Venture In the amount of \$136,339.	(136,339)
Item 17 - Request for Approval of a Professional Services Agreement between the Buckman Direct Diversion Board and WRISC (Don Waddell) for Insurance Services in the amount of \$38,902. \$22,719 shall be funded from the capital budget and \$16,183 shall be funded from the operating budget. There is sufficient operating budget to fund that portion of the Professional Services Agreement.	(22,719)
Uncommitted Contingency Fund Balance After Approval of BDDDB Agenda Items	<hr/> \$ 2,751,604
Prospective Costs To Be Funded By The Contingency Fund	
Wildlife Habitat Mitigation and Replacement Compliance	(1,060,000)
Anticipated DB Contractor Change Orders	(66,000)
Anticipated Board Engineer Change Orders	(43,860)
Additional Capital Expenditures	(228,137)
Legal & Professional Services authorized after 3/31/2010	(290,678)
Reimbursement of Project Management & Fiscal Agent for Services	<hr/> (1,162,929)
Total Prospective Costs To Be Funded By The Contingency Fund	<hr/> (2,851,604)
Estimated PNM Energy Efficiency Rebate	<hr/> 100,000
Projected Uncommitted Contingency Funds at Construction Completion	<hr/> \$ 0



Buckman Direct Diversion Project


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



MEMORANDUM

Date: November 04, 2010

To: Buckman Direct Diversion Board

From: Rick Carpenter, BDD Project Manager
Shawn Stack, Meyners & Company 

Subject: BDD Capital Budget - Projected Uncommitted Contingency Fund

BACKGROUND

The Uncommitted Contingency Fund Projection Report has been provided to you in order to communicate the status of the Contingency Fund and future anticipated needs for those funds.

The report begins with the Uncommitted Contingency Fund Balance as of November 3, 2010 which comes from the Capital Budget Update Report after consideration of all expenditures authorized to date.

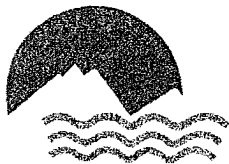
The Uncommitted Contingency Fund Projection Report then details those items that will be presented before the Board for consideration and shows how those funds would be expended against the available contingency funds. After these items, the Uncommitted Contingency Funds Balance is then updated, (assuming approval of all items before the Board).

Next, the report details other prospective/anticipated costs that could be funded by the project. These line items are totaled to show the Board the remaining costs that could be funded by the Contingency Fund. Then, the estimated effect of the PNM Energy Efficiency Rebate is factored in and the full expenditure of the Contingency Fund is projected.

The intent of this report is to help the Board understand the current status of the Contingency Fund, the effect of approving the items before the Board at the November 4, 2010 Board Meeting, and the future planned uses of the Uncommitted Contingency Funds.

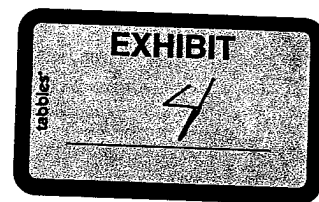
SFC CLERK RECORDED/82/2011





Buckman Direct Diversion Project

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



MEMORANDUM

Date: November 4, 2010

To: Buckman Direct Diversion Board

From: Rick Carpenter, BDD Project Manager
Shawn Stack, Meyners & Associates

Subject: Updated BDD Capital Budget and Contingency Fund Update

BACKGROUND

The attached Capital Budget and Contingency Fund Update as of June 30, 2010 including prospective costs known or anticipated as of November 3, 2011 is submitted for the Board's consideration.

The approved capital budget of \$216.34 million (established in January 2008) remains intact and the project is projected to finish within budget.

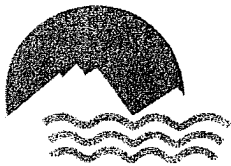
This report begins with a summary page that lays out the project budget among contracts, contingency, discretionary change orders and non-discretionary change orders. Next the report summarizes activity through June 30, 2010 which is the end of the last fiscal year and the date through which a full reconciliation of the budget has been made with the records of the BDD Project.

The report then identifies the expenditures that have been previously authorized by the Board, but were recorded after June 30, 2010. The total that follows this activity line summarizes where the Buckman Direct Diversion Construction Budget stands heading into the November 04, 2010 Board Meeting.

Next, future anticipated expenditures that have not yet been authorized by the Board are listed by category and detail the projected Project Budget balances through the end of the project. Finally, the realization of the estimated PNM Energy Efficiency Rebate is detailed and its effect factored into the contingency funds balance.

SFC CLERK RECORDED/02/2011





Buckman Direct Diversion Project

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The first page of the budget report is a summary presentation of this information. The pages behind the summary presentation display the same information on a detailed basis so that the user can see the components of each budget item.

Key Assumptions, Disclosures and Conditions

The Capital Budget Update was prepared with certain notes, assumptions and conditions. These are annotated in the detail presentation of the Capital Budget Update. Footnotes have been made referencing the line items to which they apply. These footnotes are an important and an integral part of the Capital Budget Update.

We have also made the assumption that the BDD Board, the City of Santa Fe, and Santa Fe County will come to an agreement regarding project management cost reimbursement to the BDD Project Manager (pursuant to Section 8b of the PMFSA). The assumed agreement should necessitate that any funds remaining in the contingency be transferred to the City of Santa Fe for project management direct labor and cost reimbursement. Based on the current budget projections, this amount is estimated to total \$1,162,929. However, it may increase or decrease depending on the actual needs of the project through completion. The estimated amount of \$1,162,929 would be a "net" total to be reimbursed from the County of Santa Fe to the City of Santa Fe, exclusive of the City's contributions otherwise paid into its 50% share of the Capital Budget.

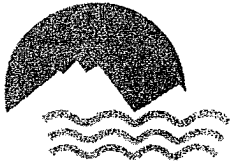
Conclusion

Based on the information available today, the Project's management team expects the project to finish on budget and on time. There are sufficient funds available to authorize the projected future work, including those items presented at the November 04, 2010 Board meeting. This budget update will function as a tool to monitor the contingency fund activity and may guide the Board in determining whether any proposed expenditure is adequately funded.

RECOMMENDATION

Staff recommends that the Board accept the updated Capital Budget and supporting documents as presented. Staff further recommends that the Board direct legal staff to





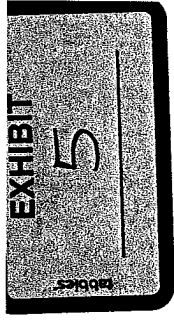
Buckman Direct Diversion Project

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

draft a "release" or some other appropriate legal document that would be supplemental to the Project Management and Fiscal Agent Agreement (PMFSA) that would formalize the disposition of the remaining "surplus" as described above.

SFC CLERK RECEIVED 12/12/2011





For Presentation At November 4, 2010 Buckman Direct Diversion Board Meeting

Buckman Direct Diversion
Capital Budget & Contingency Update
Summary Presentation
As of June 30, 2010

	Contracts	Contingency	Discretionary Change Orders	Non-Discretionary Change Orders	TOTAL
Total Project Budget 1/1/2008	\$ 208,379,694	\$ 7,946,950	\$ 17,493	\$ -	\$ 216,344,137
Approved Change Order Affect	359,322	(5,149,029)	1,122,120	3,667,587	-
Realization of Budget Variances	(3,041,217)	3,041,217	-	-	-
Total Project Budget 6/30/2010	\$ 205,697,799	\$ 5,839,138	\$ 1,139,613	\$ 3,667,587	\$ 216,344,137
Total Authorized Major Expenditures Recorded Subsequent to 6/30/2010	\$ -	\$ (2,797,028)	\$ 586,818	\$ 2,210,210	\$ -
Updated Budget & Contingency Post-Major Expenditures	\$ 205,697,799	\$ 3,042,110	\$ 1,726,431	\$ 5,877,797	\$ 216,344,137
Project Manager's Recommended Reservation of Contingency Funds for Specific Foreseen Purposes				Anticipated Costs	
Wildlife Habitat Mitigation and Replacement Compliance		(1,060,000)		1,060,000	
Anticipated DB Contractor Change Orders		(202,339)		202,339	
Anticipated Board Engineer Change Orders		(43,860)		43,860	
Additional Capital Expenditures	-	(228,137)	-	228,137	-
Additional Legal & Professional Services	-	(444,845)	-	444,845	-
Project Management Direct Labor & Cost Reimbursement	-	(1,162,929)	-	1,162,929	-
Total Unallocated Remaining Contingency	\$ 205,697,799	\$ (100,000)	\$ 1,726,431	\$ 9,019,907	\$ 216,344,137
Anticipated PNM Energy Efficiency Rebate		100,000		(100,000)	
Potential Contingency Funds Remaining with PNM Rebate	\$ -	\$ (0)		\$ 8,919,907	
Separately Funded Projects					
DB CO 15 - Parallel Pipeline BS 3/4 Construction	\$ 5,189,151	\$ -	\$ -	\$ -	\$ 5,189,151.00
Total Capital Budget Including Separately Funded Projects	\$ 210,886,950	\$ (0)	\$ 1,726,431	\$ 8,919,907	\$ 221,533,288
Parallel Pipeline FS 3/4 Construction - Funding from Partners:					
City of Santa Fe (30%)	\$ (1,556,745)				\$ (1,556,745)
Santa Fe County (30%)	(1,556,745)				(1,556,745)
Las Campanas (40%)	(2,075,660)				(2,075,660)
Total Funding from Partners	\$ (5,189,151)				\$ (5,189,151)
Total Capital Budget Without Separately Funded Projects	\$ 205,697,799	\$ (0)	\$ 1,726,431	\$ 8,919,907	\$ 216,344,137

For Presentation At The November 4, 2011 Buckman Direct Diversion Board Meeting

**Capital Budget & Contingency Update
Detail Presentation
As of June 30, 2010**

	Contracts	Allowances and Contingencies	Discretionary Change Orders	Non-Discretionary Change Orders	TOTAL
DB Contractor	\$ 195,677,567	\$ 3,591,617			\$ 199,269,184
Procurement Stipend	250,000				250,000
Board Engineer	4,209,680				4,209,680
Professional & Legal Services	980,675				980,675
Project Rights of Way, Easements, Etc.	2,445,422		11,843		2,457,265
Project Utilities	4,370,350		5,650		4,376,000
BDD Insurance, Transportation And Additional Costs (7)	446,000	100,000			546,000
Allowance For Legal, Professional Services and Administration		4,255,333			4,255,333
Total Project Budget 1/1/2008	\$ 208,379,694	\$ 7,946,950	\$ 17,493	\$ -	\$ 216,344,137
Design Builder Contract Change Orders					
Change Order 1 - Equipment Changes		\$ 101,228		\$ (101,228)	\$ -
Change Order 2 - Pipeline Adjustments		(465,513)		465,513	-
Change Order 3 - County Complex Utility / Driveway Crossing		(28,395)		28,395	-
Change Order 4 - Solar Power Supply Interconnection Addition		(199,354)	199,354		-
Change Order 5 - Relocation of Las Campanas Effluent Pipe		(32,706)		32,706	-
Change Order 6 - NM599 Pipeline at I-25		(4,997)		4,997	-
Change Order 7 - Changes to CO4 from PNM Review		(4,475)	4,475		-
Change Order 8 - Materials Cost Fluctuation		(1,028,595)		1,028,595	-
Change Order 9 - Sediment Return Line Allowance Credit		139,661		(139,661)	-
Change Order 10 - Partial Credit for Unused NMCID Allowance		28,434		(28,434)	-
Change Order 11 - Interior Liner Panels on Metal Buildings		(142,161)	142,161		-
Change Order 12 - Additional Interior Liner Panels on Metal Buildings		(70,300)	70,300		-
Change Order 13 - Licensed Microwave Path Upgrade		(139,143)	139,143		-
Change Order 14 - Parallel Pipeline Preliminary Design		(569,428)	569,428		-
Change Order 14 - Las Campanas reimbursement		227,771	(227,771)		-
Minor Future Lumped Change Orders		20,000		(20,000)	-
DB Contractor Electrical Costs in Excess of \$.07/kwh		(50,000)		50,000	-
Budget Adjustment	359,322	(359,322)			-
Board Engineer (Owner's Consultant) (5)		(820,254)		820,254	-
Approved Professional & Legal Services		(1,724,930)	225,030	1,499,900	-
Project Rights of Way, Easements, Etc.		(26,550)		26,550	-
Total Project Budget 6/30/2010	\$ 208,739,016	\$ 2,797,921	\$ 1,139,613	\$ 3,667,587	\$ 216,344,137
Budget Variances on Completed Items					
BLM City/County Facilities	\$ (1,818,964)	\$ 1,818,964	\$ -	\$ -	\$ -
PNM Line Extension	(1,222,253)	1,222,253			-
Updated Budget & Contingency 6/30/2010	\$ 205,697,799	\$ 5,839,138	\$ 1,139,613	\$ 3,667,587	\$ 216,344,137
Major Expenditures Recorded Subsequent to 6/30/2010					
DB Contractor PATWU Amendment		\$ (1,262,132)		\$ 1,262,132	\$ -
PATWU Allowance for Chemicals, Lubricants & Solids Disposal		(240,750)		240,750	-
Direct Payment of Electricity During PATWU		(300,000)		300,000	-
Board Engineer's Participation During PATWU Amendment #15		(73,601)		73,601	-
Board Engineer's Additional Training Services Amendment #14		(382,460)	382,460		-
Santa Fe Community College Operator's Training Certificate Program (7)		(175,000)	175,000		-
Parametrix Amendment To Produce Conceptual Mitigation Plan		(110,604)		110,604	-
Lynn Pitchner Komer		(62,860)		62,860	-
Board Engineer Amendment #17 NPDS Permit Monitoring		(52,200)		52,200	-
Board Engineer Preparation of PNM Rebate Application Ammdment 12		(27,016)		27,016	-
Board Engineer Amendment #13 Parallel Pipeline Design Phase		(29,358)	29,358		-
Mark Rook Contract for Implementation of Cost Accounting		(81,047)		81,047	-
Total Authorized Major Expenditures Recorded Subsequent to 6/30/2010	\$ -	\$ (2,797,028)	\$ 586,818	\$ 2,210,210	\$ -
Updated Budget & Contingency Post Major Expenditures	\$ 205,697,799	\$ 3,042,110	\$ 1,726,431	\$ 5,877,797	\$ 216,344,137

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For Presentation At The November 4, 2011 Buckman Direct Diversion Board Meeting

	Contracts	Allowances and Contingencies	Discretionary Change Orders	Non-Discretionary Change Orders	TOTAL
ANTICIPATED FUTURE COSTS:					
<u>Compliance with ROD Wildlife Habitat Mitigation Requirements (1)</u>	<u>Contracts</u>	<u>Contingency</u>		<u>Projected New Expenditures</u>	<u>TOTAL</u>
Implementation of Approved Habitat Mitigation Plan		(1,000,000)		1,000,000	
Parametrix, Inc - Development of bid packages and construction oversight		(60,000)		60,000	
Total Compliance with ROD Wildlife Habitat Mitigation	\$ -	\$ (1,060,000)	\$ -	\$ 1,060,000	\$ -
<u>Anticipated DB Contractor Change Orders</u>					
CO 16 - Hardware/Software Modifications for BDD File Storage (3)		\$ -		\$ -	
CO 17 - MOU Related Samples and ENS Related Programming		(136,339)		136,339	
Proposed CO - Entrance Road Concrete Shoulder (6)		\$ (16,000)		\$ 16,000	
Prospective CO for Startup, Commissioning & Testing (4)		(50,000)		50,000	
Total Anticipated DB Contractor Change Orders	\$ -	\$ (202,339)	\$ -	\$ 202,339	\$ -
<u>Anticipated Board Engineer Change Orders</u>					
Proposed Amendment 18 - End River Monitoring (2)		\$ (43,860)		\$ 43,860	\$ -
Total Anticipated Board Engineer Change Orders	\$ -	\$ (43,860)	\$ -	\$ 43,860	\$ -
<u>Anticipated Additional Capital Expenses</u>					
CO For Qwest Fiberoptic Line Extension		\$ (18,755)		\$ 18,755	
Handheld Radios / ITT Costs		(209,382)		209,382	
Total Capital Expenditures	\$ -	\$ (228,137)	\$ -	\$ 228,137	\$ -
<u>Reserve for Anticipated Legal & Professional Services</u>					
BDD Independent Counsel		\$ (160,500)		\$ 160,500	
Norm Gaume, P.E.		(131,448)		131,448	
Meyners - Accounting Consultant		(50,000)		50,000	
WRISC - Don Waddell - Insurance Consulting		(22,719)		22,719	
Staff Training Videotaping Services (7)		(43,038)		43,038	
Public Communications		(37,140)		37,140	
Total Anticipated Legal & Professional Services	\$ -	\$ (444,845)	\$ -	\$ 444,845	\$ -
<u>Project Management Cost Reimbursement</u>					
Project Management Direct Labor and Cost Reimbursement (8)		\$ (1,162,929)		\$ 1,162,929	
Total Other Anticipated Costs	\$ -	\$ (1,162,929)	\$ -	\$ 1,162,929	\$ -
Total Unallocated Remaining Contingency	\$ 205,697,799	\$ (100,000)	\$ 1,726,431	\$ 9,019,907	\$ 216,344,137
Anticipated PNM Energy Efficiency Rebate		\$ 100,000		\$ (100,000)	
Potential Contingency Funds Remaining with PNM Rebate		\$ (0)		\$ 8,919,907	
<u>Separately Funded Projects</u>					
DB CO-15 Parallel Pipeline BS 3/4 Construction	\$ 5,189,151	\$ -	\$ -	\$ -	\$ 5,189,151.00
Total Capital Budget Including Separately Funded Projects	\$ 210,886,950	\$ (0)	\$ 1,726,431	\$ 8,919,907	\$ 221,633,288
Parallel Pipeline FS 3/4 Construction - Funding from Partners:					
City of Santa Fe (30%)	\$ (1,556,745)				\$ (1,556,745)
Santa Fe County (30%)	(1,556,745)				(1,556,745)
Las Campanas (40%)	(2,075,660)				(2,075,660)
Total Funding from Partners	\$ (5,189,151)				\$ (5,189,151)
Total Capital Budget Without Separately Funded Projects	\$ 205,697,799	\$ (0)	\$ 1,726,431	\$ 8,919,907	\$ 216,344,137

- (1) ROD Wildlife Habitat Mitigation prospective expenditures shall be funded after funding is obtained for out of scope projects.
- (2) CDM has identified approximately \$175,440 in additional end river monitoring costs through April 2011 of which \$43,860 is recognized in the capital budget and \$131,580 shall be recognized in the operating budget.
- (3) Additional hardware and software costs have been identified in order to facilitate backups at the BDD Facility and Canyon Road Water Treatment Facility of approximately \$55,000 plus GRT. Since this is an updating of CRWTP equipment it is deemed to be a City of Santa Fe Cost.
- (4) Preliminary estimate agreed upon by Norm Gaume and Mark Ryan.
- (5) CDM Budgeted Costs are Based Upon amendment schedule from CDM with imputed GRT @ 7%, less costs paid in the Pre-January 2008 timeframe and less amendments recorded after June 30, 2010.
- (6) CDM has identified a need to augment the site entrance road shoulder to 18" for a total cost of \$16,000, the approval of which is requested by the BDD Board.
- (7) According to Steve Hoffman of CDM the Vehicles Budget Line Item of \$500,000 can be decreased to \$400,000 as a result of positive purchase variances being realized. \$100,000 positive variance transferred to contingency budget.
- (8) Based on understanding of prospective agreement between the city and the county any remaining contingency funds will be transferred to the City at project closeout as compensation for project management labor and cost reimbursement. The amount listed is an estimate based on current project projections.

SFC Clerk Recorded 11/22/2011