

City of Santa Fe



New Mexico

CITY CLERK'S OFFICE

DATE 10/24/12 TIME 3:10 p
BY Stephanie Lopez
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FILED 12/17/2012

AGENDA

**The City of Santa Fe
And
Santa Fe County**

Buckman Direct Diversion Board Meeting

THURSDAY, NOVEMBER 1, 2012

4:00 PM

CITY HALL

CITY COUNCIL CHAMBERS

200 Lincoln

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF CONSENT AGENDA
5. APPROVAL OF MINUTES FROM THE OCTOBER 11, 2012 BUCKMAN DIRECT DIVERSION BOARD MEETING
6. MATTERS FROM STAFF
7. REPORT OF OCTOBER 23, 2012 FSAC MEETING

CONSENT AGENDA

8. Request for approval of the 2013 Fiscal Services and Audit Committee (FSAC) Meeting Schedule. (Stephanie Lopez)

2012/12/11 09:00 AM

DISCUSSION AND ACTION ITEMS

9. Review and discussion of a contract with Alonzo Gallegos to erect fencing and a livestock/wildlife watering tank on his grazing allotment as part of the BDD project's overall required habitat restoration and mitigation plan for the amount of \$63,887.60 plus \$5,230.79 for a total amount of \$69,118.39. (Rick Carpenter)
10. Review and discussion of the Proposed Draft Policy Revision to the BDD Working Capital and Billing Policy. (Brian Shelton/Teresita Garcia/Dr. Melville Morgan)
11. Request for approval of a Professional Services Agreement between the Buckman Direct Diversion Board and Alpha Southwest, Inc. for the BDD water treatment plant process and equipment control systems for the amount of \$50,000.00 plus \$4,093.75 (NMGRT) for a total amount of \$54,093.75. (Shannon Jones)
12. Request for approval of Amendment No. 3 to the Project Management Fiscal Services Agreement (PMFSA) to clarify exclusion of Gross Receipts Tax from the Project Manager contract authority amount. (Nancy Long)
13. Discussion and possible action on request to procure a BDDDB Public Relations Officer. (Erika Schwender)

INFORMATIONAL ITEMS

14. Update and discussion of BDD Operations. (Erika Schwender)

MATTERS FROM THE PUBLIC

MATTERS FROM THE BOARD

NEXT MEETING: THURSDAY, DECEMBER 6, 2012

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

November 1, 2012

This meeting of the Santa Fe County/City Buckman Direct Diversion Board meeting was called to order by Councilor Chris Calvert, Chair, at approximately 4:02 p.m. in the Santa Fe City Council Chambers, 200 Lincoln Avenue, Santa Fe, New Mexico.

Roll was called and the following members were present:

BDD Board Members Present:

Councilor Chris Calvert
Commissioner Liz Stefanics
Ms. Consuelo Bokum
Councilor Carmichael Dominguez [4:18 arrival]
Commissioner Kathy Holian

Member(s) Excused:

None

Board Alternates:

Commissioner Danny Mayfield

Others Present:

Erika Schwender, Acting Facility Manager
Nancy Long, BDD Board Consulting Attorney
Rachel Brown, Deputy County Attorney
Marcos Martinez, Assistant City Attorney
Stephanie Lopez, Staff Liaison
Brian Snyder, City Public Utilities Director
Gary Durrant, BDD staff
Brian Shelton, BDD staff
Rick Carpenter, Water Resources and Conservation Manager
Mel Morgan, City Finance Department
Carole Jaramillo, Deputy County Finance Director
Shannon Jones, BDD Staff
Kimberly Block, BDD staff

[Exhibit 1: Sign-in Sheet]

3. APPROVAL OF AGENDA

[Exhibit 2: Agenda]

CHAIRMAN CALVERT: Staff, do you have any changes to the agenda?

SEE SHEET RECORDED 11/17/12

ERIKA SCHWENDER (Acting Facility Director): Chairman Calvert, we don't have any changes to the agenda.

COMMISSIONER STEFANICS: I'll move for approval.

COMMISSIONER HOLIAN: Second.

CHAIRMAN CALVERT: Further discussion?

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

4. APPROVAL OF CONSENT AGENDA

CHAIRMAN CALVERT: We have one item on Consent, item #8. Any changes from staff on that?

MS. SCHWENDER: No changes, Mr. Chair.

COMMISSIONER STEFANICS: I'll move approval.

COMMISSIONER HOLIAN: Second.

CONSENT AGENDA

8. Request for approval of the 2013 Fiscal Services and Audit Committee (FSAC) Meeting Schedule. (Stephanie Lopez)

5. APPROVAL OF MINUTES: October 11, 2012

CHAIRMAN CALVERT: Any corrections from staff?

MS. SCHWENDER: Chairman Calvert, there are no changes from staff.

CHAIRMAN CALVERT: Okay.

COMMISSIONER HOLIAN: Mr. Chair, I'll move for approval.

COMMISSIONER STEFANICS: I'll move for approval.

CHAIRMAN CALVERT: Any further discussion?

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

6. MATTERS FROM STAFF

MS. SCHWENDER: Chairman Calvert, members of the Board, I would like to give a quick update on the hiring procedures currently taking place at the BDD. As I mentioned during the last meeting we have made offers for the BDD AWT and BDD Charge Operator to candidates from within the BDD. Those positions have been successfully filled and the candidates officially started their new positions on the 27th of October.

Regarding the position of the Safety Officer Training Coordinator, the position closed and we have contacted eligible candidates to schedule work testing. So that process is in the works as we're talking. And the planner/scheduler position also closed last week and the eligible candidates have been contacted and interviews have been scheduled for next week, Monday and Wednesday.

COMMISSIONER STEFANICS: And those are the interviews, Mr. Chair, for what?

MS. SCHWENDER: For the planner and scheduler position and that is part of our maintenance team.

COMMISSIONER STEFANICS: And Mr. Chair, so what is the update, the number of applicants for the Manager?

CHAIRMAN CALVERT: Facility Manager.

MS. SCHWENDER: Commissioner Stefanics, I would like to refer to that to Brian Snyder. He has updates on that and if you don't mind he will fill you in.

BRIAN SNYDER (Public Utilities Director): Commissioner Stefanics, Board members, we have a list of eligibles. It's my understanding either two or three applicants have qualified for the facility manager.

COMMISSIONER STEFANICS: And, Mr. Chair, are they instate? Out of state?

MR. SNYDER: Chair Calvert and Commissioner Stefanics, I believe one is instate and one is out of state.

COMMISSIONER STEFANICS: Okay. Thank you. Mr. Chair, I just wanted to verbalize at this time an idea that was brought up at the Fiscal Services and Audit Committee that I would hope that we would look at in the future. At that meeting, our County Manager actually made the recommendation or suggestion, and I think it's worthwhile to look into it of whether or not the BDD Manager might be an at-will employee, just like a director of a department. That would allow there to be some ease of transition when the fiscal responsibilities change, but it also would allow the salary schedule to be more flexible. And it has come to my attention, and an individual did approach me to let me know that they weren't going to apply because of the salary. And I don't know if it was that they didn't want to be a classified employee or that it was strictly salary, but it was an interesting comment, and so I'm carrying it back to the BDD.

The second thing, Mr. Chair, on the hiring is I have formally requested that either Commissioner Holian or Commissioner Mayfield per their offer be able to meet the finalist before it comes to this Board for ratification. Thank you.

CHAIRMAN CALVERT: Okay. Is there any other matters from staff?

MS. SCHWENDER: Chairman Calvert, members of the Board, there are no other matters from staff.

CHAIRMAN CALVERT: Okay.

7. REPORT OF OCTOBER 23, 2012 FSAC MEETING

CHAIRMAN CALVERT: I will just briefly note that we met October 23rd and the main purpose was to discuss the budget surplus and the procedure for dealing with that, now and in the future on a regular basis, and the procedure that was outlined by staff and will be an agenda item that will we discuss later in the meeting was vetted and discussed and there seemed to be consensus that it was a valid and sound procedure. But we will talk about that more later.

Did you have anything else you wanted to add to that?

COMMISSIONER STEFANICS: No. I would concur with your report and indicate that we had agreement about the further item that we're going to discuss.

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- RICK CARPENTER (Project Manager): Thank you, Mr. Chair. Good afternoon, members of the Board. The Buckman Direct Diversion project as you know is required to do quite a lot of environmental mitigation primarily habitat restoration down near the river near the location of the diversion structure. There's a lot of cattle that graze down in that area and there's also a lot of illegal off-road activities. So when we put the new restored habitat in we need to put up some new fencing in the area to keep the cattle and the off-road motorcycle riders off. When we do that, the result is that the cattle can no longer access their primary source of water, which is the Rio Grande so we need to provide an alternative source of water.

CHAIRMAN CALVERT: Okay. Any questions of staff on this item?

CHAIRMAN CALVERT: Yes.

MR. CARPENTER: Mr. Chair, Commissioner Holian, the new source of raw off an existing Buckman well.

CHAIRMAN CALVERT: Okay. And just to clarify, the funding source on this Rick, is this some of the set-aside money from the construction project?

CHAIRMAN CALVERT: Okay. And just for future reference, as we did noted, it would be nice on these memos on action items to just make sure funding source is on all of them, whether it's from something like the carve-out provision or it's a line item as mentioned on item 11 at the end, specifies the line item. Just so we know it's in the budget and it's not something new or something to that effect. Okay. So do I have a motion on this?

MEMBER BOKUM: Second.

CHAIRMAN CALVERT: Okay. Any further discussion?

Buckman Direct Diversion Board: November 1, 2012

10. Review and discussion of the proposed draft policy revision to the BDD working capital and billing policy

CHAIRMAN CALVERT: And this is the one we had at the Fiscal Services and Audit Committee, correct?

BRIAN SHELTON (Business Administrator): Correct. Good afternoon Mr. Chair and BDD Board members. I'd like to make a few introductory remarks here. Essentially the redline proposal is a draft revision of the policy in your packet and it's the result of broad consensus and it should incorporate all elements requested by the October 23rd Fiscal Services and Audit Committee. And once adopted I'd like to just note that we can take action immediately. This would take effect immediately once you decide you want to move forward with it.

The recommendation before you is simply to adopt a revised BDD working capital and billing policy, including any additional refinements or edits to which the Board agrees. The content that was developed for the item in the Board packet is as follows: First, there's a cover memo, which explains the basis for the proposed draft revision and it's key elements. Second, there is an attachment #1 which is the proposed draft revision of the policy presented for your adoption. Attachment #2 is the current Board-adopted policy. Then there are three other items which I developed to supplement the discussion at the October 23rd Fiscal Services and Audit Committee meeting. This meeting was attended by Commissioner Stefanics, Chairman Calvert, Teresa Martinez, Mel Morgan, Brian Snyder and me, in addition to other members of City and County staff. These items are a flow chart of the pre-bill and invoice timing, a draft draw-down schedule, and the monthly reconciling statement of working capital that's sent to the partners every month.

In a sense then, since the October statement previously distributed to Brian Snyder, Patricio Guerrerortiz, Teresa Martinez, Mark Sanderson, Phil Nowlin, and Jennifer Sakshaug. I'd like to stand during the discussion and answer any questions you may have.

CHAIRMAN CALVERT: Okay. Any questions from the Board?

MEMBER BOKUM: Mr. Chair.

CHAIRMAN CALVERT: Yes, Member Bokum.

MEMBER BOKUM: I just have a question on whether we should provide for some kind of report-back mechanism in a sequential year to make sure that we know that the policy is working the way it's intended. I mean, it looks like it should, but –

CHAIRMAN CALVERT: Well, yes, we could certainly do that. One of the things we discussed at the audit committee meeting was regular quarterly reports to the Board in general on finances. That could certainly be a part of that. In other words, it doesn't have to be that there's a problem. Obviously, if there's a problem we want it brought to us immediately, but just on a routine basis, say a quarterly basis, give us a financial report saying this is how we're doing, especially according to budget, plus or minus, but sort of routine so we all – we don't surprised by anything that occurs. So we could certainly incorporate, I think, this particular procedure into that process. Yes.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I think there was one other item that was discussed and maybe it wouldn't be in this policy revision, it would have been more related to our report. We did discuss the fact that since we had a

surplus this year, perhaps we – that the staff would appreciate us coming up with a policy of when we would pump during peak periods when there were strong storm surges. And we might want to discuss that before we approve next year's budget because we would then need to know how many potential dates that we would budget for for a higher utility rate.

And it might be that instead of being offline for a month or longer, that after every five to seven days when there was an appropriate clear day we could do some pumping during a peak period, based upon environmental factors. So that was another item we discussed during that that we should take into consideration as we plan our next year's budget.

CHAIRMAN CALVERT: Right. And I think what we agreed is that at our next Fiscal Services and Audit Committee meeting which will be December 4th, I believe, when we get sort of a pre-budget discussion that that's one of the items that we would be discussing. So I think we that scheduled as part of that meeting. Okay?

MS. SCHWENDER: Chairman Calvert, Commissioner Stefanics, that is absolutely correct and what we had envisioned for that FSAC meeting that we would potentially create different scenarios, what the financial implications would be if we would increase our on-peak pumping by x-percent and y-percent and that would give you a better understanding of what the financial implications potentially could be.

CHAIRMAN CALVERT: And as part of that discussion, not only the increase but maybe also the distribution of peak pumping throughout the year since it's only an annual requirement we might shift some of our peak to the monsoon season from other times and not really even affect the budget possibly. So anyway, if we can have all those considerations at that time.

MEMBER BOKUM: On that point, Mr. Chair. When we look at that are there any other considerations besides the increased cost of pumping during peak hours?

CHAIRMAN CALVERT: Well, there's a myriad of factors that staff has to consider as they've outlined in that last report. There's always the environmental considerations that they have to deal with and safety considerations, the argument goes. But if it's just a matter I think is what we're talking about. If it's just a matter of the water quality is settled down, we've also got the call requirements from the reservoir so there's a lot of things that go into it. But in terms of this one factor, if we can isolate it and determine that we can do it, it's just going to cost us for peak pumping then we can work around that perhaps. Okay? Is that good enough?

MEMBER BOKUM: That's good enough.

CHAIRMAN CALVERT: Okay. All right. Does the Board have any questions of Mr. Shelton on this particular revised revision to the BDD working capital and billing policy?

COMMISSIONER HOLIAN: Mr. Chair, I move for approval.

COMMISSIONER STEFANICS: Mr. Chair, it's not noticed for action.

CHAIRMAN CALVERT: Yes, it is. Discussion and Action Items, it certainly is.

COMMISSIONER STEFANICS: Oh, you're taking that as a broad one. Okay.

CHAIRMAN CALVERT: Yes.

COMMISSIONER STEFANICS: Okay. Second.

CHAIRMAN CALVERT: Any further discussion?

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

COMMISSIONER STEFANICS: So, Mr. Chair, I would suggest that in future we have “review, discussion and action” because some we have approval on and possible action and some we just say review and discussion on. So I think the word action, even though it’s at the title we should probably just throw it into the –

CHAIRMAN CALVERT: Into the caption? Okay. That’ll work. No problem.

11. Request for approval of professional services agreement between the Buckman Direct Diversion Board and Alpha Southwest, Inc. for the BDD water treatment plant process and equipment control systems in amount of \$50,000 plus \$4,093.75 (NMGRT) for a total of \$54,093.75

MS. SCHWENDER: Mr. Chair, I would like to give a brief introduction to this discussion item. Numbers 11 and 12 are really closely related and the reason why we brought Shannon’s contract with Alpha Southwest before the Board is the policy currently states any contract over \$50,000 requires approval by the Board but we were not sure whether the \$50,000 should include GRT or not.

CHAIRMAN CALVERT: So if you’d done 12 first we might not have had to do 11. Anyway, go ahead.

MS. SCHWENDER: So we would like to bring that forward since we have not received direction how to proceed in the future but the big difference in this contract is we have not really experienced it before to get that close with the GRT to bring us over \$50,000 and so if you would like to have further information on the contract itself and the purpose of the contract Shannon would be happy to answer any questions and provide you with the details.

CHAIRMAN CALVERT: Okay. Does the Board have any questions on this particular contract? Or PSA, excuse me.

COMMISSIONER HOLIAN: Mr. Chair, I had one question. It seems – I’m assuming that the BDD has staff that is able to perform repairs of various sorts, so under what circumstances would we need contractors to come in to perform repairs?

SHANNON JONES: Chair Calvert, Commissioner Holian, [inaudible] supplement we do have the maintenance personnel in place. There are areas of equipment and staffing where those services have to be supplemented. One example would be crane services. The facility does not have a crane. Other things would be like certified welders, additional mechanical and electrical support. Also you can also see that Alpha Southwest is the representative for several companies on the material we carry such as Singer Valves and US Motors.

COMMISSIONER HOLIAN: Thank you.

CHAIRMAN CALVERT: Okay. Any other questions? If not –

COMMISSIONER HOLIAN: Mr. Chair, I move for approval.

CHAIRMAN CALVERT: Okay. Do we have a second?
COUNCILOR DOMINGUEZ: Second.
CHAIRMAN CALVERT: Okay. Any further discussion?

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

12. Request for approval of amendment #3 to the Project Management Fiscal Services Agreement (PMFSA) to clarify exclusion of gross receipts tax from the project manager contract authority amount

NANCY LONG (Contract Attorney): Mr. Chair, members of the Board, as Erika has just described for you the PMFSA does allow the project manager to enter into contracts of \$50,000 or less without the necessity of coming to the Board, which is consistent with City policy. But the language includes expenditures and the tax would be an expenditure under the contract. So to be safe we thought we'd better just get this clarified and amend the PMFSA once more to exclude gross receipts tax which we think is really what is intended but now we will be sure. And then this amendment will have to go through the City process for approval, since they are the other party to the PMFSA. So we would recommend approval of amendment #3 to the PFMSA as presented.

CHAIRMAN CALVERT: Members of the Board, comments, questions>

COMMISSIONER HOLIAN: I move for approval.

COMMISSIONER STEFANICS: I'll second.

CHAIRMAN CALVERT: Okay. Any further discussion?

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

13. Discussion and possible action on request to procure a BDDB public relations officer

MS. SCHWENDER: Chairman Calvert, members of the Board, this presentation is in response to Ms. Bokum's request or comments during our last Board meeting. It has been very beneficial to the Board, the partners and the public in general to receive regular updates on the operations and other issues related to the BDD. So the comment was made, would it be beneficial to recruit a PR officer. Whether that would be as a BDD employee or as a contract service has not been addressed but in order to move forward on this issue we would like to receive direction from you, what you would prefer if you think such as proposal and such a position would be beneficial, and especially now since we are in the budget development phase and such a position or such contract services have not been included in the current fiscal year we felt that it would be especially necessary to address those items as soon as possible.

I performed a little bit of research to get a general idea of the wages here in the area for PR officers or similar positions, and as you can see the salary range for the PR officer for the City is between \$22.46 to \$40.67 per hour and a similar position for the

County of Santa Fe ranges from \$21.69 to \$32.53. If similar services would be recruited via contract services I received quotes averaging around \$150 or \$160 per hour.

Based on the PR services we received from Lynn Komer during the construction and initial phase of the BDD's operation it was felt that we would need about 40 hours per month, so we would want a full-time position. So we're not quite sure which direction to go if that's something the Board would feel would be beneficial, and would you prefer a part-time BDD employee or would you prefer contract services. I would like to open it up for discussion.

CHAIRMAN CALVERT: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I'm just throwing out some ideas for reaction from the Board but I always feel badly about establishing very minimal part-time staff positions because they don't have benefits, and yet oftentimes they're asked to do a lot of work. Now, if we were very clear about what it is we wanted from PR we could have a very succinct contract and I would almost suggest going the contractor way but setting up a subcommittee of the Board just for marketing and communications, much like we have for fiscal services, for that group to have some – to set some goals and then to do some check-ins with the contractor. But that's just kind of throwing out some ideas.

CHAIRMAN CALVERT: Yes, Councilor Dominguez.

COUNCILOR DOMINGUEZ: Thank you, Mr. Chair. My first comment is pretty much in line with what Commissioner Stefanics has talked about and that is in terms of what is the plan? Is it more of an emergency response plan? Is it a public education plan? Is it both? What's really the objective or the idea behind having a communications/public relations officer. So that's my first comment on that.

The second one – the next two are just questions. This is something that was brought forward by the staff? By the Board?

MEMBER BOKUM: I did

COUNCILOR DOMINGUEZ: Okay. I just wanted to make sure. Because if that's the case then it's about organization and whether or not staff has had an opportunity to look at the organization to find out where this kind of position might fit, whether there's some collaboration between the City and the County that can maybe get that done, because I know City has some public relations talent throughout the organization itself.

And then the other thing is I suppose that this position wouldn't get filled until the 13/14 budget? Was that the intent? Or you're looking for some direction on that.

MS. SCHWENDER: Yes. I'm looking for direction. I know that at this point we do not have money allocated for such services. If the Board would feel positive and necessary that we should implement such a position or services as soon as possible we would have to leave you the current budget and take necessary steps.

COUNCILOR DOMINGUEZ: Well, I'm certainly not necessarily opposed to something like this but I think more clarification on what exactly the person in this position would do and how much time is involved. For all we know it could be a full-time position. I have no idea. So those are just the comments that I had, Mr. Chair. Thank you.

CHAIRMAN CALVERT: Well, I think we do have to – before we get into nuts and bolts of how we hire somebody, whether by contract or by employment, I think

we do have to know what it is we are expecting from this position and what the need is. I see it in two respects. One, we want to communicate – there's two main functions. Communicate sort of in a pro-active fashion what we are doing so that the public knows, but also, I'm not sure I like the title public relations. I don't know. Maybe it would be public information officer or something like that because I also would want this person to be able to respond to questions from the public as well. That's sort of the reactive.

But I think we need somebody that's able to do both if we're going to have this position so that we can be as pro-active as possible but we also have somebody that is the point person for addressing questions when that occurs. So those are some of my thoughts on this. I guess I would want to know how much need there is before we get into is it going to be a full-time or contract position. And part of that also is to a certain extent is if you say this is a typical, average hourly rate for a contract person, what I would ask is how many hours does it take for that to break even with a full-time employee? In other words, how many hours of this \$150 to \$160 per hour do you get before you might as well hire a full-time person. So those would be some of the questions I would ask. Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Mr. Chair, Commissioners and Ms. Bokum, thanks for bringing this up. I think this could also be some benefit for educational outreach, working with our local schools. We have a phenomenal facility out there. I think it's one of the top facilities in the country. It could be a component for again outreach to our children and this individual could also be an educator to help promote our facility and being a teacher out there. If we did look at the route of a full-time position, knowing that they would provide again some outreach opportunities and maybe we could bring some educational institutions out there and free up some of our staff time, and get somebody with some technical expertise to kind of serve a dual function.

CHAIRMAN CALVERT: That's good. I think – I agree with you. I think education is always a good opportunity and I think that's where being the pro-active side we would take in getting information out and educating people as well. So I agree. I think that would be a good – we try and do that with a lot of facilities in the City and I'm sure the County does too, whether it's a recycling center that we both jointly run through SWMA or it's those kinds of things to educate people, show them where their dollars are going for one, and what processes are and how they fit into that. Yes, Member Bokum.

MEMBER BOKUM: I think there are some choice points along here and some of them have been brought up. Do we want to go as far as doing educational things? Which I think is a great idea. But I think the other sort of issue is the BDD doesn't operate in isolation from the Water Department. What happened last summer, I think we have to balance our use of the Buckman project with other water, and what happens when it's down in terms of our other resources. There are a lot of questions that go beyond strictly looking at just Buckman. And so I'm wondering if the employee shouldn't have some relationship with the City water company and/or with the County. I'm just raising that because I think when I got questions last year, the ones I couldn't answer were the ones that were asking about the relationship with everything that was going on. They weren't strictly limited to Buckman.

CHAIRMAN CALVERT: Well, I think, if I understand – well, my assumption was this was going to be a Buckman employee, and that, yes, they would have to either be or become educated themselves on how certain things work at both the

City and the County in order to do that job. But that was my sense of it; I'll leave that to other Board members to weigh in on that.

MEMBER BOKUM: I guess another thing is – I guess I'm repeating myself. We're about to do – it's going to be a really wonderful thing, I hope out at Buckman in terms of rehabilitating it and setting up a park and getting rid of all the trash and on and on. And that's – it would be great to celebrate that and make the information public. But I think in terms of allocating resources we're going to have to figure out where on the spectrum – whether we want the whole spectrum or do we want something short of that. So I think that changes what the 40 hours might look like if we do education. I think it's a great idea. But I think we need some clarity about what the job duties would be and how broad they are.

CHAIRMAN CALVERT: Well, I think staff would be willing to give us some estimates but we'd have to tell them what we want. In other words – or we could direct them to say give us a variety of scenarios. In other words if it's a full time person then we would want them responsible for all of these things, or if we want a contract or a part-time employee, this is what we want the responsibilities. We have to give them the direction of what they present to us. In other words we could ask for, as I said, various scenarios so that we could judge whether we want to spend x-amount of money or we want to spend less and get less. So I think that's what staff is asking us for either here or in the future to provide that input to them so that they can give us the information we need to make a decision. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you. I think somebody used the terms already about reactive and pro-active, and I was just thinking about all the different things that have come just in front of this Board. For example, every time somebody from the audience brings a concern about levels of different chemicals or minerals in the water, there needs to be some addressing of that either through print media, our website, something. And I think that sometimes we haven't necessarily responded publicly.

I know we – because it is a great facility we've had a lot of people who wanted to tour that facility and our staff are not set up as tour operators. They're set up to do very specific jobs. And it is possible that an employee or a contractor would be responsible for tours or actually set up ongoing tours, limited by ongoing throughout the year. The measure that Commissioner Mayfield was talking about. So I think that there's responses to queries, there is responses to problems, there's the education, there's the outreach, there's tours. I think that there's a variety of things. And that's why I was saying it's almost related to what goals that we have for what this person would do. And that's why I suggesting one or two people from this group might put together a desired list of what a person would do, and then we take it to Erika or whoever the manager is and say, well, does this look full time or how does it compare financially? So that we really could address that. Am I being too logical?

CHAIRMAN CALVERT: No, no. Are you volunteering?

COMMISSIONER STEFANICS: No. I think two people who are not on the Fiscal and Auditing Committee.

CHAIRMAN CALVERT: Okay. All right.

MEMBER BOKUM: Mr. Chair, I'll volunteer.

CHAIRMAN CALVERT: Okay. We've got Member Bokum. That's one. Do I have another?

MEMBER BOKUM: Perhaps I could meet with staff and we could come up a list of activities so that the Board could see and you could rate them in importance and get some sense of how much time it would take.

CHAIRMAN CALVERT: Okay.

MEMBER BOKUM: I think I could do that with staff and of course we're not going to make any decisions at this point in time, just come up with a description of what this position could be.

CHAIRMAN CALVERT: Yes, and how much time they would take.

COMMISSIONER STEFANICS: Mr. Chair, the other thing is a contractor doesn't necessarily have to be looked at hourly either. They could be looked at as a lump-sum contract and it could go to a firm with multiple staff. And in a firm that has multiple staff there are people who might be tour operators versus people who would do print media, versus electronic. So we should maybe keep that in mind as we look at the actions as well, that maybe doesn't need to be a person to be a contractor or a staff; it could be a firm. That's all. Thank you.

CHAIRMAN CALVERT: Okay. So we're going to start with a subcommittee of one and –

COUNCILOR DOMINGUEZ: I'm not volunteering; I'm just raising my hand.

CHAIRMAN CALVERT: No, no. You're on the subcommittee now.

COUNCILOR DOMINGUEZ: What I might suggest is maybe an opportunity for all us to send a simple email. Hopefully, we're not breaking rolling quorum rules, but just a simple email maybe to the new chair of that subcommittee just with some ideas and some thoughts that we might have that would help her and staff kind of –

CHAIRMAN CALVERT: No, I think that's entirely appropriate. Everybody's welcome to communicate with Member Bokum as she tries to find what this might look like. So, yes, I think that's a good suggestion. So I'm just trying to put a timeframe on this and how we move forward on this. How do you want to deal with it in terms of a timeframe?

MEMBER BOKUM: Mr. Chair, I would hope we would have something for the Board at the next meeting, assuming that staff is available. And I'll need to know who the best contact person would be.

CHAIRMAN CALVERT: Okay. Does that sound reasonable to staff?

MS. SCHWENDER: Chairman Calvert, members of the Board, I would definitely be happy to work together with you on that and I think it should be possible to get at least a draft worked up for the next Board meeting in December.

COMMISSIONER MAYFIELD: Mr. Chair, if it's appropriate, I as an alternate don't mind sitting on that with Member Bokum. I have some ideas.

CHAIRMAN CALVERT: Okay. All right. Any further discussion on this item? Thank you.

INFORMATIONAL ITEMS

14. Update and discussion of BDD Operations

MS. SCHWENDER: Chairman Calvert, members of the Board, I would like to give you a brief update at the operations at the BDD through the month of October. The weather conditions have drastically improved as everybody probably noticed, and therefore we were able to divert an average of 7.7 million gallons per day. The deliveries of finished drinking water out of Booster Station 4-A averaged 5.3 million gallons per day and out of Booster Station 5-A, 1.8 million gallons per day.

Raw water deliveries to Las Campanas have of course decreased dramatically due to construction and weather conditions having changed and we have been delivering on average 0.4 million gallons per day to Las Campanas.

The total hours during which the river water quality was such that turbidity exceeded 600 NTU was 47, so nearly two full days, but of course that is intermittent, a few hours here and there.

The last item that I will be presenting in this presentation is a particular storm event that we experienced on October 12th but I will get to the details towards the end of this presentation. As I mentioned during the last Board meeting we have moved into a maintenance phase at the pre-sedimentation and storage basin. Both of those have been completed and all three basins are currently in service. The daytime pumping hours should not be impacted due to inhibited storage or raw water at the BDD since all storage basins and pre-sedimentations are in service now.

Item #3 I would like to bring up to your attention because I think it is a program that is worth mentioning and I'm very proud of all members at the BDD designing this program and pulling it together and I think it is greatly beneficial to the operation and the efficacy and the development of all our budget-related and maintenance-related items. We have developed a rather complex and comprehensive BDD ownership system and in that program several members of the BDD operational team take ownership of certain projects within the BDD. That will allow us to have more streamlined and more up to the minute information on what the system requires regarding maintenance, updating of software, cost of the chemicals used, staffing costs per hour for each process, and so we have on staff level we have team members taking ownership of those procedures and reporting to charge operators, chief operators and management on a regular basis. I just wanted to take note and bring that program to your attention because I think it's very worthwhile and will bring the BDD forward in big steps.

The last item I would like to bring up is the aforementioned storm we experienced on October 12th. It was a very localized storm that really not everybody who was living in Santa Fe was aware of how detrimental that storm actually really was. It resulted in severe flooding in the corridor going down and along the Rio Grande where the Buckman Direct Diversion structure is and the lift stations are and I included a few pictures at the end of the presentation and if you look at the time-stamps, the first photograph is a view of the BDD diversion structure and you see –

COMMISSIONER STEFANICS: Is this available for the public? Or not?

MS. SCHWENDER: I was considering bring it up for the monitors but the pictures are pretty pixilated and it would be hard to enlarge that, but we can post them on our website.

STEPHANIE LOPEZ (Staff Liaison): They're already on the website.

COMMISSIONER STEFANICS: Great.

MS. SCHWENDER: So, if you follow the time-stamp of the first five or six pictures it brings you through about two hours of the incoming storm event at the BDD diversion structure. The first photograph depicts the structure as it is and you can see actually the concrete platforms and the shoreline on the opposite side. If you flip through the sixth picture which has a time-stamp of 6:24, so it's just about two hours later you see that the river level has really risen dramatically. The entire surface area back there was flooded out and this matter reflection in the water, that is all debris coming down the river. It was carrying a lot of sticks and organic material and it had a real huge impact on the water quality.

The next few pictures show the arroyo that lays right beyond Booster Station 2-A and the Buckman Road that is our access road to go to the booster stations and down to the diversion structure actually goes through this arroyo. And we tried to catch one of those surges coming through this arroyo. On the third picture you see this white reflection in the top left corner. That is a surge of water coming through this arroyo that was like eight feet tall and in the last picture you can see how the huge tree is floating down this arroyo. So it helps us visualize how the impact such storm events are and many people don't even know that it happened.

Now the good news of this event is, yes, the water quality during this event was dramatically impacted. We had high turbidities, but because the BDD operational staff monitored the weather condition and monitors everything within the pumping requirements and the water quality that is coming through the river, it really was not an issue for the treatment process because we were well ahead of all decision-making processes. We stopped diverting. In the morning hours when the storm event came through we did not divert and when the storm passed through we started diverting as if nothing had ever happened. It had no impact on the treatment that it was detrimental to our system, to the pumping or anything. We merely were aware of what was going on and we decided not to divert during Saturday and Sunday until the water quality improved.

On the other hand, the road going down to the Buckman Direct Diversion suffered severely. It created really huge ruts and washouts in the road. On the upper end between Booster Station 3 and 4 we experienced electrical cables being unearthed and pipelines being exposed. Again, the good thing that came through this event is that everybody was prepared, the County, the City and the BDD personnel coordinated. We coordinated efforts and we had BDD personnel help County personnel with the electrical wiring and we took action and took care of the BDD section of the road, going down to the diversion structure while County staff focused on their section up around Booster Station 3. Because everybody worked together and it was a coordinated effort we were able to take care of this problem much faster than many people anticipated. And I think that is also a message that is important to bring through, that coordination and concerted effort helps everyone; everybody benefits from that.

CHAIR CALVERT: So Erika, just a quick question on that then, does this point out the need for better road construction, i.e., maybe culverts or larger culverts or something like that? I don't know how often this kind of circumstance occurs. I'd just ask the question does it give an indication of something we might need to consider improvement in the future?

MS. SCHWENDER: That is a very good question, Chairman Calvert. A lot of our restrictions regarding the construction of the access road, the old Buckman Road is limited by the fact that it is going through public land. Our EIS and our negotiations with the federal agencies didn't allow us to put great road improvements in there, installing huge culverts or even paving the road. And regarding the frequency of those storms, I think this was the first major storm this year. Is that correct, Shannon? And then last year I believe we had at least one major storm coming through during the monsoon season. So I would think at least on an annual basis we do have to face such issues, and I think while the day-to-day operation and maintenance of the road cannot be predicted – it's a dirt road. Washboard is created as soon as you're grading it out, and I think it just requires everybody coordinating efforts and it's a road that is not frequently trafficked by the public.

CHAIRMAN CALVERT: Right.

MS. SCHWENDER: It's a careful balance between the efforts and the financials that you invest into maintaining such a road, and I think staff so far has done a great job.

CHAIRMAN CALVERT: No, I understand that the EIS may not allow you to do certain things. I guess what I would want to make sure that it would never prevent if you needed to get down to the other facility and the road was washed out and you couldn't do it, the consequences thereof. So I guess that's what I'm asking the question about is the necessity of – I understand it's not necessarily used by the public but it is used by staff and especially in a weather event that might cause an emergency or something then – and you would need to get down to the other facility or something and you wouldn't necessarily be able to do that.

In conjunction with that, it says you exposed some electrical and pipes, I would want to make sure that if we weren't able to improve the road and we were going to incur these on an annual basis we made sure that these electrical and pipes and stuff were secure and how they were there and how they were unearthed if they would still be functional and would not be impacted.

MS. SCHWENDER: Chairman Calvert, members of the Board, I hear what you are trying to describe and I think what we should do is take a closer look from staff level what we can do, what the potentials are, how we can improve on situations and maybe bring back a summary report on that. The situation that you just described is very valid, not only during monsoonal rains or unpredicted storm events but similarly, in the wintertime and we have a snowstorm and we have ice build up in that corridor, traveling that corridor will be very hazardous. So I very much appreciate your comments and we will be working on creating a summary report.

CHAIRMAN CALVERT: I'm sorry. Just one other one and I'll open it to other Board members. Sorry to monopolize here but just wanted to get these out while I was thinking about them. Also, in regard to either BLM or the Forest Service and our EIS, I think it would be worthwhile just checking with them to make sure that they wouldn't allow us to do something. Sometimes we assume they wouldn't without checking but I guess all I would say is just check with them because maybe we could put in something they might find beneficial without it being too visual or too much of a disturbance – that they might consider a disturbance. Maybe we could come to a

conclusion, they and us come to a conclusion that this would improve things for everybody and be better for the general area as well. Anybody? Yes, Member Bokum.

MEMBER BOKUM: Thank you, Mr. Chair, just along those lines. I think we're likely to see more storm events more often. So I think part of it is just communicating to them what happened, why it's affected [inaudible] and what the problem with the electrical and other [inaudible] informing them that it's not working and if it starts happening more often it's going to be a problem. So I think we should expect that – I like your suggestion that the staff will get it and prepare a report but I wouldn't be surprised if we're going to have to do something more – maybe go get the EIS changed or something. I'm just worried that –

CHAIRMAN CALVERT: Yes. I'm not anxious to delve into those waters. No pun intended. But I would certainly welcome a conversation with them on what would be allowable within the existing EIS as a starting point. I know that modifying the EIS could be a –

MEMBER BOKUM: I wasn't suggesting we do that yet.

CHAIRMAN CALVERT: No, no. I understand. I'm not suggestion that either. I'm suggesting short of that, within our existing agreements and everything with them what might be allowable that might help this situation.

MEMBER BOKUM: Great idea. Thank you, Mr. Chair.

CHAIRMAN CALVERT: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Mr. Chair, Ms. Schwender, who provides general maintenance on the road right now? Is it you all? The City? The County? Buckman Road.

MS. SCHWENDER: The road is currently a County road and it is my understanding – maybe I can ask Shannon to fill in on that because he really works on that more.

MR. JONES: Chairman Calvert, members of the Board, currently it is a joint effort. The BDD's maintenance facilities has acquired minimum equipment, including a backhoe and a road grader and about four to five times a year, as road conditions worsen we do maintain that road. The County crews have been instrumental in working with us and also providing that service.

COMMISSIONER MAYFIELD: Okay, Thank you. Excuse me, Mr. Chair. It's not a County road all the way down to the diversion plant.

MR. JONES: My understanding is County Road 77 does run from Camino La Tierra to the diversion.

COMMISSIONER MAYFIELD: Thank you.

MS. SCHWENDER: Commissioner Mayfield, maybe – we'll look into that in more detail to make sure who's road goes to which location and define responsibility more closely.

COMMISSIONER MAYFIELD: Fine. Thank you.

CHAIRMAN CALVERT: Ms. Schwender, do you have anything else on this item 14?

MS. SCHWENDER: I just wanted to also emphasize the importance for distinguishing between diversion of water and delivery of finished water. While in my memo I did not clearly state when we stopped diversions, I merely stated when we stopped delivering water. So far discussions have always turned around the fact when

water quality is impaired in the Rio Grande does the BDD divert? And it is important to understand that diversion times are not equal to delivery times. The way the process at the BDD works is we pump water from the river, preferably during off-peak times, during the nighttime. We pump at high pumping rates so we bring more water up to the treatment plant. Then we treat and deliver during that same period. So we fill up our storage pond up at the BDD, at the treatment plant, actually, and we fill up our four million finished drinking water tank, and throughout a 24-hour period of the day we treat and deliver water. But the diversions from the river are limited only to certain times during the day.

So I just wanted to emphasize that fact so there would be no misunderstanding reading through this memorandum seeing that we're still delivering but there wasn't an E-1099 event. The reason was we had water stored up at the treatment plant. Thank you.

CHAIRMAN CALVERT: Any other questions?

MATTERS FROM THE PUBLIC

CHAIRMAN CALVERT: Is there anybody from the public wishing to address the Board? If you do please come down. And we'll give everybody three minutes. Thank you.

MICHAEL AUNE: Buckman Direct Diversion, Board members, thank you. I'm Michael Aune. I want to thank Board Member Stefanics for the questions you asked on October 11th and tonight regarding the hiring or the new manager, and since the manager is going to be reporting directly to you as a Board I would also suggest that perhaps two members of the Board at least sit in on the interviews so you have a pretty good feel for who you're going to have as the person actually reporting to you as the executive for this Board.

The second thing is the October 11th meeting, Board Member Stefanics, you talked about I think it was \$2.7 million – I may be off a little bit, the excess revenues. And that was discussed at a public part of the meeting. But I didn't hear you say today exactly where that money is because at that meeting, October 11th, no one in the room knew where it was, if it was at the County or the City or anything. So if it's possible for the public benefit if you could explain where that money actually is. Again, thank you.

CHAIRMAN CALVERT: Mr. Shelton, would you like to answer that question?

MR. SHELTON: Chairman Calvert, the money is in pooled cash. It's with the City. The City is the fiscal agent and it is secure.

CHAIRMAN CALVERT: And the City and County administration are aware of it as well?

MR. SHELTON: Absolutely.

CHAIRMAN CALVERT: Okay.

COMMISSIONER STEFANICS: So, we should probably discuss though or explain what we have in our policies. We've agreed to maintain those funds there.

MR. SHELTON: Yes.

COMMISSIONER STEFANICS: So why don't you just explain that.

MR. SHELTON: Sure. Thank you, Commissioner. The BDD working capital fund is solvent. It's in good condition. We are designed to have a break-even fund, but we have a cash on hand reserve, and the cash on hand is going to be brought down to approximately \$2.1 million, and the excess revenues are going to be refunded to the partners as credits against their pre-bills.

COMMISSIONER STEFANICS: Right. So the public should know that the money will remain there and be used for our payoff in future months as we go forward.

MR. SHELTON: Correct.

COMMISSIONER STEFANICS: And we will maintain some for reserves.

MR. SHELTON: Absolutely. Yes.

CHAIRMAN CALVERT: A 90-day –

MR. SHELTON: Ninety days per the policy that you adopted this evening.
Thank you.

CHAIRMAN CALVERT: Okay. Any other members of the public wishing to address the Board? Okay, not hearing any –

CHAIRMAN CALVERT: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: I was sitting here thinking about the earlier conversations about staff. So Ms. Schwender, Mr. Chair, is the facility manager or other staff on call 24/7?

MS. SCHWENDER: In the job description and job requirements it is required to be available for emergency call-backs for the facility manager, and we have in the staffing of the operations personnel, certain personnel on-call. And if you would like to get more detail on how that is actually practiced at the BDD, Gary Durrant, the chief operator can give you more detail on how we actually staff and have the call-back operations personnel available.

COMMISSIONER STEFANICS: Well, where I'm going with this is, if we're talking about a facilities manager being classified and they're on call, or any other people are on call and they are called, are they paid overtime? And if not, I think that's something that management should look into. So that's my point. Thank you.

CHAIRMAN CALVERT: Okay. Any other comments from the Board? I would just ask – I know this isn't on the agenda, but since it's been a subject we've all been interested in, is there an update on the project to build the needed infrastructure for diversions for Las Campanas? Can anybody give me an update on if there is anything new to report?

MS. SCHWENDER: Chairman Calvert, members of the Board, to the best of my knowledge, the County is in the process of evaluating and working with a consultant, and we have not been, at this point, informed about any possible solutions. The County has informed us very briefly during a recent meeting amongst the partners a couple of days ago that we should be expecting being contacted in the near future to discuss the County's thoughts and findings and progress on this project, but at this point we're not aware of any decisions or any steps that have been taken.

CHAIRMAN CALVERT: Mr. Guerrerortiz, do you have anything to add?

PATRICIO GUERRERORTIZ (County Public Works Director): Mr. Chair, members of the Board, we're going to have the kick-off meeting next week with

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the engineer and at that point we're going to be coming up with the timeline that we will have to meet with the BDD partners and we will have something to report to you next month.

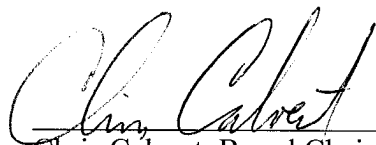
CHAIRMAN CALVERT: Okay. Great. Thank you very much.

NEXT MEETING: Thursday, December 6, 2012 @4:00 P.M.

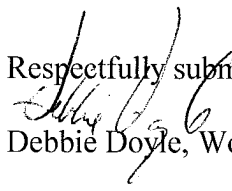
ADJOURNMENT

Having completed the agenda, Chairman Calvert declared this meeting adjourned at approximately 5:12 p.m.

Approved by:

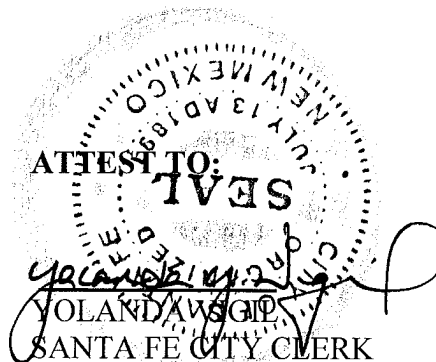

Chris Calvert, Board Chair

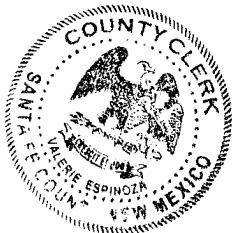
Respectfully submitted:


Debbie Doyle, Wordswork

FILED BY:

VALERIE ESPINOZA
SANTA FE COUNTY CLERK

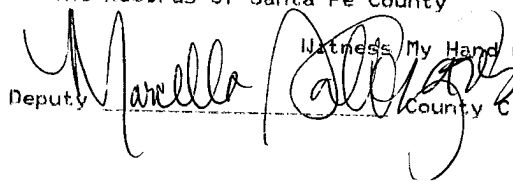

ATTEST TO:
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SANTA FE CITY CLERK



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BUCKMAN DIRECT DIV MIN
PAGES: 24

I Hereby Certify That This Instrument Was Filed for
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Of The Records Of Santa Fe County


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



CLERK'S OFFICE

DATE 10/24/12 TIME 3:10
SUBMITTED BY [Signature]
RECEIVED BY [Signature]

EXHIBIT
2

AGENDA

The City of Santa Fe
And
Santa Fe County

Buckman Direct Diversion Board Meeting

THURSDAY, NOVEMBER 1, 2012

4:00 PM

CITY HALL

CITY COUNCIL CHAMBERS

200 Lincoln

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF CONSENT AGENDA
5. APPROVAL OF MINUTES FROM THE OCTOBER 11, 2012 BUCKMAN DIRECT DIVERSION BOARD MEETING
6. MATTERS FROM STAFF
7. REPORT OF OCTOBER 23, 2012 FSAC MEETING

CONSENT AGENDA

8. Request for approval of the 2013 Fiscal Services and Audit Committee (FSAC) Meeting Schedule. (Stephanie Lopez)

DISCUSSION AND ACTION ITEMS

9. Review and discussion of a contract with Alonzo Gallegos to erect fencing and a livestock/wildlife watering tank on his grazing allotment as part of the BDD project's overall required habitat restoration and mitigation plan for the amount of \$63,887.60 plus \$5,230.79 for a total amount of \$69,118.39. (Rick Carpenter)
10. Review and discussion of the Proposed Draft Policy Revision to the BDD Working Capital and Billing Policy. (Brian Shelton/Teresita Garcia/Dr. Melville Morgan)
11. Request for approval of a Professional Services Agreement between the Buckman Direct Diversion Board and Alpha Southwest, Inc. for the BDD water treatment plant process and equipment control systems for the amount of \$50,000.00 plus \$4,093.75 (NMGRT) for a total amount of \$54,093.75. (Shannon Jones)
12. Request for approval of Amendment No. 3 to the Project Management Fiscal Services Agreement (PMFSA) to clarify exclusion of Gross Receipts Tax from the Project Manager contract authority amount. (Nancy Long)
13. Discussion and possible action on request to procure a BDDDB Public Relations Officer. (Erika Schwender)

INFORMATIONAL ITEMS

14. Update and discussion of BDD Operations. (Erika Schwender)

MATTERS FROM THE PUBLIC

MATTERS FROM THE BOARD

NEXT MEETING: THURSDAY, DECEMBER 6, 2012

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.