

**City of Santa Fe**



**New Mexico**

CITY CLERK'S OFFICE

10/3/12

4:30

*Stephanie Lopez*



## **AGENDA**

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

#### **Buckman Direct Diversion Board Meeting**

**THURSDAY, OCTOBER 11, 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 SEPTEMBER 13, 2012 BUCKMAN DIRECT DIVERSION BOARD MEETING
6. MATTERS FROM STAFF

#### **CONSENT AGENDA**

7. Request for approval of the 2013 Buckman Direct Diversion Board Meeting Schedule. (Stephanie Lopez)

#### **DISCUSSION AND ACTION ITEMS**

8. Discussion and request for approval of Amendment No. 2 in the amount of \$24,000.00 plus \$1,965.00 (NMGRT) for a total amount of \$25,965.00 to the legal services agreement with Harwood Consulting for the provision of

specialized services related to the Middle Rio Grande Endangered Species Collaborative Program. (Rick Carpenter)

### **INFORMATIONAL ITEMS**

9. Discussion regarding concurrent ordinances being considered by the City of Santa Fe to cease fluoridation of the City water supply. (Alex Puglisi)
10. Update and discussion of BDD operations. (Erika Schwender)
11. FY 2011/2012 BDD Operating Fund Budget-to-Actual Comparison update. (Brian Shelton)
12. BDD Facility Manager Salary Survey. (Brian Snyder) **HANDOUT AT MEETING**
13. BDD Water Quality Testing frequency, information included on website and frequency of updates. (Erika Schwender)
14. Update on BDDB operational agreements with role of BDD Board in operational capacities and filling of personnel vacancies. (Nancy Long)
15. Update of County's intent to prepare and implement a Facility Improvement Plan to permit the County to deliver raw (non-potable) water to its customers at Booster Pump Station 2A even when BDD deliveries are suspended as the result of poor Rio Grande water quality. (Patricio Guerrerortiz) **VERBAL**

### **MATTERS FROM THE PUBLIC**

### **MATTERS FROM THE BOARD**

**NEXT MEETING: THURSDAY, NOVEMBER 1, 2012**

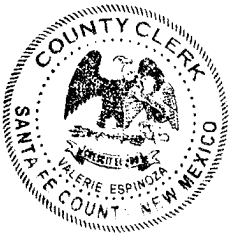
### **ADJOURN**

**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.**

COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

PAGES: 45

I Hereby Certify That This Instrument Was Filed for  
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Deputy Marcella [Signature] Witness My Hand And Seal Of Office  
Valerie Espinoza  
County Clerk, Santa Fe, NM

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

**October 11, 2012**

This meeting of the Santa Fe County/City Buckman Direct Diversion Board meeting was called to order by Chris Calvert, Chair, at 4:05 p.m. in the Santa Fe County Chambers, 102 Grant Avenue, Santa Fe, New Mexico.

Roll was called and the following members were present:

**BDD Board Members Present:**

Councilor Chris Calvert, Chair  
Commissioner Liz Stefanics  
Ms. Consuelo Bokum  
Commissioner Kathy Holian  
Councilor Patti Bushee (alternate)

**Member(s) Excused:**

Councilor Carmichael Dominguez

**BDD Support Staff Present:**

Erika Schwender, Acting Facility Manager  
Nancy Long, BDD Board Consulting Attorney  
Rick Carpenter, Project Manager  
Rachel Brown, Deputy County Attorney  
Marcos Martinez, City Attorney  
Stephanie Lopez, Staff Liaison  
Teresa Martinez, County Finance Director  
Adam Leigland, County Public Works  
Brian Shelton, Business Administrator & Fiscal Manager  
Brian Snyder, City Public Utilities  
Gary Durrant, BDD staff  
Jonathan Phillips, City staff  
Kimberly Block, BDD staff  
Alex Puglisi, Environmental Compliance Manager

*[Exhibit 1: Sign-in Sheet]*

3. **APPROVAL OF AGENDA**  
[Exhibit 2: Agenda]

CHAIR CALVERT: Staff, do you have any changes to the agenda?  
ERIKA SCHWENDER (Acting Facility Manager): Mr. Chair, there are no changes to the agenda.

COMMISSIONER HOLIAN: Mr. Chair, I move for approval of the agenda.

COMMISSIONER STEFANICS: I'll second.

CHAIR CALVERT: Okay. Any further discussion?

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

4. **APPROVAL OF CONSENT AGENDA**

CHAIR CALVERT: Does have any changes?

MS. SCHWENDER: Mr. Chair, there are no changes.

CHAIR CALVERT: Okay. Committee?

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

COMMISSIONER STEFANICS: I'll second.

CHAIR CALVERT: Okay. Any further discussion?

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

5. **APPROVAL OF MINUTES: April 5, 2012**

CHAIR CALVERT: Staff, changes?

MS. SCHWENDER: Mr. Chair, there have been no changes to the minutes.

CHAIR CALVERT: Okay. Board?

COMMISSIONER STEFANICS: I'll move for approval.

COMMISSIONER HOLIAN: Second.

CHAIR CALVERT: Okay. Any further discussion?

**The motion passed by unanimous [3-0] voice vote. [Member Bokum and Councilor Bushee abstained from the vote.]**

6. **MATTERS FROM STAFF**

MS. SCHWENDER: Mr. Chair, I would like to provide you an update on the staffing procedures and process at the BDD. We offered and filled the position for the AWT operator as well as the charge operator. Both positions were filled from within the BDD and we have already posted the appropriate positions – BDD operator and AWT operator.

CHAIR CALVERT: Thank you. Any questions on that?

**CONSENT AGENDA**

7. **Request for approval of the 2013 Buckman Direct Diversion Board Meeting Schedule**

**DISCUSSION AND ACTION ITEMS**

8. **Discussion and request for approval of Amendment No. 2 in the amount of \$24,000 plus \$1965 (NMGRT) for a total amount of \$25,965 to the legal services agreement with Harwood Consulting for the provision of specialized services related to the Middle Rio Grande Endangered Species Collaborative Program**

RICK CARPENTER (Project Manager): Thank you, Mr. Chair and good afternoon, members of the Board. Last month staff presented on the Middle Rio Grande Collaborative Program in general. Staff is back at this meeting for contract amendment to provide additional funds for an existing contract with Harwood Consulting to provide specialized services as we enter into what will be the culmination of several years worth of work, and hopefully result in the implementation of a successful recovery implementation plan rather than litigation.

This amendment would be to fund that effort through the winter and the early spring, and with that, Mr. Chair, I would stand for questions.

CHAIR CALVERT: Board, any questions?

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

CHAIR CALVERT: Okay. Do I have a second?

COMMISSIONER STEFANICS: I'll second.

Cal Okay. Any further discussion? The only question I have is Mr. Harwood going to guarantee that there will be no further litigation?

MR. CARPENTER: I think he has high hopes.

CHAIR CALVERT: Okay.

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

**INFORMATIONAL ITEMS**

9. **Discussion regarding concurrent ordinances being considered by the City of Santa Fe to cease fluoridation of the City water supply**

ALEX PUGLISI (Environmental Compliance): Mr. Chair, members of the board there's a memo in your packet with regards to this agenda item. This is just to inform the Board of new issues with regard to fluoridation and the issues that have been brought before the City Council and the two bills that have been presented to the City Council. Basically, I don't really have anything more than what's covered in my memo that addresses the issues and any items and issues that might revolve CDC's new recommended levels for fluoride but I will stand for any questions.

CHAIR CALVERT: Yes, just one point of clarification on your memo, Alex, and Nancy, with your ear on this. In the next to the last paragraph in your memo it says, in the middle of it is says Should one of these bills be approved by Council it must then be brought before the BDD Board for approval or disapproval with specific

reference... and so on and so forth. I'm not sure that that's quite totally correct and I think that would be up to the Board whether it would do that. Do you concur on that Nancy or what is your thought on that?

NANCY LONG (Contract Attorney): Yes, Mr. Chair, I would concur with that. It would be a separate process.

CHAIR CALVERT: But it would, in this paragraph it says if it was approved by Council it must then be brought before the BDD Board for approval or disapproval. That's not necessarily the case, right? It will be at the discretion of the Board whether we entertain it and vote on it or not. Right?

MS. LONG: That's correct, Mr. Chair, independently.

CHAIR CALVERT: Okay.

COMMISSIONER STEFANICS: Mr. Chair, on this point, I guess I would ask Nancy, could the question be divided? At the City level, couldn't the question be divided for water that is not part of the Buckman and what that was part of the Buckman?

MS. LONG: Mr. Chair, Commissioner Stefanics, it could be divided that way at the City. The City would not have ultimate control and authority over the Buckman project; that is up to this Board. So it would make sense to divide the consideration of it in that way.

COMMISSIONER STEFANICS: Thank you very much.

CHAIR CALVERT: Well, and to clarify on that, it's the opinion we got last night and Marcos can reaffirm this if he wants. The opinion we got last night is whatever we pass at the City would only apply to those facilities that the City had sole jurisdiction over. So that is about the same thing, but that's just another way of saying it. Councilor Bushee.

COUNCILOR BUSHEE: Well, and just the other thing to add is the City, and I suppose this Board could decide to rescind the existing ordinance and allow staff to administratively apply fluoride at any of the facilities. So I'm just telling you all the options. But the Council as a whole last night chose to not hear either bill until it is resolved at this level.

CHAIR CALVERT: Okay.

MR. PUGLISI: Mr. Chair, I would also like to call your attention to that very same paragraph that spoke about – the second to the last paragraph. In my memo I do mention that the two bills pertaining to the Council and through public hearing. Both bills have been deferred for further discussion until a later date. And so neither one of those bills will go to public hearing any time soon, until this board places it on the agenda.

CHAIR CALVERT: Well, it or not. So what is the – I just I guess, on this, it's an information item but is there any sentiment on this Board one way or the other in terms of this issue?

MEMBER BOKUM: Mr. Chair.

CHAIR CALVERT: Yes, Member Bokum.

MEMBER BOKUM: I just want to make a comment about why I think it's fairly complicated, which is that we all rely – the City and the County – we all rely on water from Buckman and we all rely on water from other sources. And the other sources, all the sources have – I may not have this right. I just talked to Alex in the hall. There's some naturally occurring fluoride out there. The levels vary. It's probably different for

the different sources. So I'm not sure what good it would do in terms of public policy to just – too much to isolate Buckman from everything else.

I think we should try and do the best thing for the community, because we're all part of the community, if we can. I mean, we may not be able to get there, but – so I guess I'm just concerned about the County, City, Buckman and are they same? Are they different? How do we want to handle it given that the water doesn't divide in neat little packets that can be separated out from each other? So I just want to make that comment. I think we need to be conscious of that in resolving this, that it's not just the City and the County and the Buckman making different or the same decisions necessarily, because I think it's not that clear-cut in terms of the resource.

CHAIR CALVERT: Anybody else?

COMMISSIONER STEFANICS: Mr. Chair, I don't agree. That's all.

MEMBER BOKUM: Maybe you could tell me why.

COMMISSIONER STEFANICS: My point of discussion on this is that the County as a partner in the Buckman has spent a great deal of funds in that water source, in water rights and the operations and the building of it, whereas we have not been as deeply involved, or at all involved in the City's other water sources. So I believe the question for me is separate.

MEMBER BOKUM: Well, I guess that raises a question. You – and I should know this; I hope I'm not embarrassed. The City – there's water out there and clearly the County's water, paper water, is separate, which is what you're referring to. But as the City provides water to the County I'm not sure that they – that we provide – that that water remains uncommingled. When your native water comes in at Buckman it's commingled with other native water and San Juan/Chama, but then it ends up – it seems to me that when it gets wheeled to you I'm not sure the physical water is all that separate, as opposed to the fact that you do have separate water rights.

MR. PUGLISI: I think Board member, I think you're correct in any water that we deliver the County could come from any source that's operating at the time that we're delivering water. It's doesn't necessarily – just because we provide water to the County you can't say that any one gallon of water originated at the Buckman Direct Diversion. It could have originated at City wells. It could have originated at Buckman wells. And so it could come from a variety of different sources.

For example, the Buckman Direct Diversion water, part of that water, maybe 50 percent, goes up to our 10 million-gallon tank which also contains water from the Buckman wellfield. So right at that point the water is commingled, and so you cannot say that this one gallon that we're now delivering to the City – I'm sorry, to the County, at a point of entry, is necessarily Buckman Direct Diversion water or Buckman well water. And I think that's what Member Bokum is referring to.

MEMBER BOKUM: So as a practical – there's the political question of how this gets resolved because we've got different parties sitting at the table, but I'm not sure – I guess the question is how realistic is that in terms of managing the – how the water is provided. It may not – I guess the question I'm asking is do we have to do this as a group and take it all together because of the way the water gets used and mixed. It may not make sense for the County to make one decision and the City to make another decision and the Buckman to do something else. I think we may need to try and come up with something that respects both where the City and the County want to go with in their

different bodies, but we may not have that choice on some level because of the way the water's managed.

I personally don't want to see us breaking down and having different – I'd like it if we were to come together about what we feel is the best for this community, not have to – I mean it doesn't sound good to have different opinions about what's the best public policy.

CHAIR CALVERT: Okay.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR CALVERT: Yes.

COMMISSIONER HOLIAN: I just had a little question. I know understand thanks to Erika how the Buckman Direct Diversion water is fluoridated, but how do you add the fluoride to the water that's coming from the reservoirs and from the wells? Or do you?

MR. PUGLISI: We – there are two different fluoridation systems. They use a powdered form of fluoride, either sodium fluorosilicate or sodium fluoride, depending on the location. The City wells and the Buckman wells use sodium fluoride and Canyon Road uses sodium fluorosilicate. It's like – like up at the Canyon Road it's added through a hopper. Basically it's a hopper full of the powder that measures a dose per so many gallons of water, so it's a volumetric feed. So as you pass through so many gallons of water a dose is added to that water. And of course it's mixed in the storage tank at the end of the treatment process also.

COMMISSIONER HOLIAN: Is the naturally occurring fluoride in the wells and the reservoirs pretty much constant or does that vary, depending on season and source of water?

MR. PUGLISI: Mr. Chair, Member, the information I have, even the most recent information I have from the Canyon Road water treatment plant, the wells haven't been run for a while so I don't have any recent information but the Canyon Road plant usually ranges somewhere in the order of .2 parts per million to .3 parts per million, so it's a fairly constant number, and my understanding from the manager at Canyon Road is that that has been the case for several decades.

The well water in the past has been measured at around 0.2 and even lower, .017, 0.18. So it does range a little bit between the wells and the Canyon Road water treatment plant but it's all around 0.2.

COMMISSIONER HOLIAN: So then do you add a constant amount of fluoride to those sources of water or do you measure it on the fly and add the amount to come up to .8 parts per million?

MR. PUGLISI: Mr. Chair, members of the Board, as I said before it's a volumetric feed, so it's based on the volume that's passing through the plant. So if you were passing one million gallons through the volume would be geared towards that one –

CHAIR CALVERT: Yes, but the question I think Alex is if it fluctuates at all then how do you know how much to add, depending on what you start with as the naturally occurring?

MR. PUGLISI: There was testing of the raw water in the past which gave them a baseline.

CHAIR CALVERT: Okay.



MR. PUGLISI: And the water going out is also tested. So if we exceed that recommended level we'll basically turn down the process, but we've never even gotten to that point where it's even the recommended level. But the current level that's recommended by City ordinance is anywhere between 0.8 parts per million and 1.2 parts per million. I think both the Buckman Direct Diversion and the Canyon Road treatment plant will try to meet the lower number.

COMMISSIONER HOLIAN: Thank you.

CHAIR CALVERT: Any other comments or anybody else want to weigh in? Councilor Bushee.

COUNCILOR BUSHEE: Well, and I would just say, I'm only an alternate on this Board but I would hope that I follow more of Conci's way of viewing this in that I hope we could all come together in some way and take a look at all of the jurisdiction issues around our source of supply and what we're doing to it. I think there's great community interest so I don't know if there's a way. I do know that the Council is ready to deal with it but we've been legally sort of wrangled back to this direction. And I see that it's not on the agenda but I also read in the paper that the County is going to consider a pipeline to Eldorado, so there are more and more communities, subsets of communities that are going to be recipients of this source of supply so I think it's really important to get all the lawyers in a room and perhaps all the policy makers in a room and figure this out.

CHAIR CALVERT: All right. Thank you.

## **10. Update and discussion of BDD operations**

MS. SCHWENDER: Mr. Chair, members of the Board, I would like to give you an operational update of the Buckman Direct Diversion operations since the beginning of August when we started diverting water and delivering finished water to the community again. I would also like to remind you that I had the honor to also give a detailed presentation of that very same subject to the Board of County Commissioners on Tuesday and hope to have answered as many questions as possible at that time.

The memo I provided you for this meeting goes into detail into the changes in operational procedures that we have been following since the beginning of August. I would just like to summarize briefly some key points and stand for questions should you have any questions.

One of the most important factors is the observation that water quality in the Rio Grande has substantially improved since July. In July we observed 133 hours during which turbidity was greater than 600. If I can remind you that we have established that our operational policy requires us to shut down diversions if turbidity levels are above 600 NTU. In comparison, in September we only observed 27 hours of turbidity levels being above 600 NTU. While that is a drastic reduction and 133 hours in July appeared to be rather small compared to how many hours are available in a month it is important to remember that the decision whether or not the BDD diverts is dependent on many factors. One example would be should the BDD observe flows coming out of Los Alamos Canyon greater than 5 cfs we would also terminate any diversion at the diversion structure.

Low flow out of the Los Alamos Canyon would indicate flow out of Los Alamos Canyon and we promised the absolute shutdown of any diversion, but it may not necessarily have an impact on the turbidity levels in the river. So in addition to those 133 hours that we were shut down due to turbidity levels there is also a large number of hours that we would be shut down because we had flows coming out of the Early Notification Station 109.9.

As a summary for the progress in diversion rates and delivery rates I would like to point out that by the end of August we diverted an average of 6.4 million gallons of raw water per day. We delivered 2.7 millions gallons of finished water out of Booster Station 4-A and 2.3 million gallons out of Booster Station 5-A. At the same time we also averaged a raw water delivery to Las Campanas at Booster Station 2-A of 1.1 million gallons. That was at the end of August.

Bu September we averaged a deliver – a diversion rate of 7.8 million gallons per day. We delivered 5.1 million gallons of finished water out of Booster Station 4-A and 1.9 million gallons of finished water out of Booster Station 5-A. At the same time, due to a reduced demand of raw water by Las Campanas we only delivered 0.5 million gallons of raw water to Las Campanas from Booster Station 2-A.

Having that said, I would also like to point out a couple of maintenance and operational procedures that the BDD is undergoing at this point. The BDD has three large basins – two pre-sedimentation basins which each have a capacity of 2.5 million gallons, as well as one raw water basin which has a capacity of three million gallons. The BDD's operation is strongly dependent on that storage capacity which allows us to divert water during good water quality, during off-peak hours and then continue producing finished drinking water during the on-peak hours of the daytime.

In September we started a routine maintenance project on our pre-sedimentation and raw water basins which of course reduced our raw water storage capacity, which then of course resulted in some on-peak pumping hours in order to meet the demand. In addition I also would like to explain some findings and some numbers that we have laid out in our memo about a comparison of on-peak and off-peak pumping requirements and associated costs.

As I pointed out during the last meeting the BDD is really asking for direction from all partners in which direction to move for the next year regarding off-peak and on-peak operation. The main reason for this request is on-peak pumping during the heights of the summer really would have a drastic impact on the budget, and since all partners are approving the budget that the BDD is proposing it is important for all partners to also understand that there are implications to the County's and City's budget. So I would just like to quickly refer to the table in my memo that spells out the pumping costs of one million gallons from the raw water station down at the Rio Grande to the various stations, like Booster Station 1-A, Booster Station 2-A and the Buckman regional water treatment plant.

The importance of this table also lays when one tries to understand the requirements of the pumping and set-up operations of the Buckman regional treatment plant. The raw water pumps at the river, as well as the pumps at Booster Station 1-A and 2-A have certain requirements in order to perform at their best performance levels, which means that we would provide the maximum lifetime expectancy as well as their overall performance and operate the pumps in their most energy-efficient operation. The pumps

at Booster Station 2-A that deliver water to Las Campanas have a pumping rate of three million gallons per day, while the pumps at the raw water lift station and at Booster Station 2-A that deliver the water to the Buckman regional water treatment plant have a minimum flow requirement of 4.5 million gallons per day. The difference between the two pumping requirements results in the situation that Las Campanas can only draw water from the river when somebody can take the difference in that water from three million gallons to four million gallons pumping rate.

So that has resulted in that the Buckman regional treatment plant needs to be able to take the water that Las Campanas takes water. Due to the pumping requirements from Las Campanas' pumps it takes 7.9 hours per day to deliver one million gallons of raw water to Las Campanas. So the difficulty during the summertime, as we discussed earlier, is to find 7.9 consecutive hours off-peak as the policy has been so far, to provide that 1 or 1.3 million gallons depending on which month of the year we are operating.

This is the very reason why we would like to provide you with these numbers, review those numbers and we would be very happy to discuss the details of the energy costs related to the subject, but we are awaiting questions and advice from you how to proceed, especially now in the budget development for the next year. Having that said I'm standing for question.

CHAIR CALVERT: Questions from the Board?

COMMISSIONER STEFANICS: Yes, Mr. Chair. Thank you very much, Ms. Schwender, for the presentation to the Board of County Commissioners this week. We appreciated it very much and we went over some of these materials you presented today plus a little bit more. This goes back to a question I had last month. Do we need – well, not do we need – would there be a difference if we had different pumps or different flow valves for what you're saying on how long it takes to produce a certain quantity?

MS. SCHWENDER: If I hear you correctly, I would say that the bottleneck in this situation is really on the delivery pumps to Las Campanas, since they are much smaller in capacity than the pumps at the raw water lift station and the other booster stations.

COMMISSIONER STEFANICS: So, leaving out the specific of Las Campanas, are we talking about that our customer, who also happens to be a partner in the BDD, that the customer doesn't have the right equipment?

MS. SCHWENDER: I think it is a combination of factors why the delivery proves to be problematic. If the time is available of good water quality in the river, it is no problem to provide adequate supply to Booster Station 2-A. However, when water quality times are impaired and we only have short periods of good quality of water that makes it very difficult to push as much water as possible in a short period.

COMMISSIONER STEFANICS: Okay. Changing the question somewhat, Mr. Chair, and it goes back to the cost of pumping during peak hours, could you foresee an environmental reason that someday we would need to pump at peak costs or during peak hours? That there might be something happening to water sources in other places?

MS. SCHWENDER: It's a very interesting question that you're posing, Commissioner Stefanics. The BDD is a part of the entire water supply of the City of Santa Fe, which also serves the County of Santa Fe for fresh water, for finished water delivery. At the same time, the Buckman Direct Diversion is also involved in being responsible to meet the raw water deliveries to Las Campanas. Both have completely

different requirements for water quality. Since the same pipelines are being utilized for the transport of raw water that is being utilized for finished drinking water as for raw water deliveries, the most stringent water quality parameters need to be applied to the raw water that is being transported from the river in those same pipelines, because we need to make sure that the integrity of the final finished drinking water is of course protected.

So having that said, if I hear you correctly you are also asking for the overall water system supply should something happen in the remainder of the City's distribution system, and it would have to be heavily relied on the BDD. In that aspect I think the City of Santa Fe has a very versatile and diversified water portfolio that it would have to be a dramatic emergency for the City of Santa Fe not being able to supply adequate water.

CHAIR CALVERT: And just if I might add, Commissioner Stefanics, in our contract with PNM on this actually requires us to do a minimum on-peak hours. In other words, when we signed our deal with PNM on supplying power and the substations and all that, part of that contract was that we would be required to use a minimum amount of on-peak power as it is. So we are already doing some on-peak. And yes, I think there are scenarios that either the City or the County would want to have to do more on-peak. I'm not going to try and conjure them up off the top of my head but I mean if we lost the Canyon Road water treatment plant and something – we had a problem with some of the wells or something. I don't know. I guess it's conceivable, but –

COMMISSIONER STEFANICS: Well, Mr. Chair, that's exactly what I'm asking. We have fires here all the time, and watersheds do get affected. So we in fact should be planning for next year's budget for some emergency types to have to do some on-peak pumping.

CHAIR CALVERT: Well, I think we will – I think that we need to look at that in terms of needs and I think some of what you're talking about is embedded in item #15. If item #15 moves forward some of the urgency or some of the – would maybe not be there as it was this year. But that's not to say that we do the budget this year that we shouldn't think about whether we need more on-peak hour budget money when we do that process.

COMMISSIONER STEFANICS: Thank you very much.

CHAIR CALVERT: Yes.

COUNCILOR BUSHEE: Again, it's my first meeting so I'm totally playing catch-up, but is there a concern about this lack of capacity for the pumping out to Las Campanas? Has this Board dealt with that before?

CHAIR CALVERT: Well, the issue we had this year when the Buckman was shut down and Las Campanas couldn't get any water.

COUNCILOR BUSHEE: But I mean has it been something you have felt the need to address separately? Independently? Or is it something that's just going to keep going on?

CHAIR CALVERT: Go ahead, Conci.

MEMBER BOKUM: I think we recognize what the problem is, and people have looked at ways to correct the problem and that's being studied now.

CHAIR CALVERT: Yes. Item #15 is looking at an engineering solution to address that problem from several standpoints.

COUNCILOR BUSHEE: But the pumping aspect?

CHAIR CALVERT: Well, I think that's embedded in a new engineering solution to get Las Campanas Buckman water even when the treatment plant is shut down.

COUNCILOR BUSHEE: I understand that's the raw water thing and you're going to have to deal with environmental aspects there. I'm just asking about the pumping that was raised.

CHAIR CALVERT: Go ahead, Erika.

MS. SCHWENDER: Mr. Chair, I think the general concern became more obvious this year, since last year during operations we did not deliver raw water to Las Campanas. So it became more obvious during the summer season. The nature of the problem is that we're a surface water treatment plant. We divert water out of the Rio Grande. The Rio Grande is heavily impacted by whatever is happening up river from us. So if we have storms that are local and are impacting the water quality we meter the water quality and decide based on research when to divert and when not to divert.

As I mentioned, we have different water quality parameters for raw water than for the drinking water so we have to apply the most stringent requirements on equipment that is being used for both purposes. The difference in the pumping design I think in only one factor in the whole equation and it does not necessarily have to be a problem if other procedures are in place. One could be, for example, pumping on-peak. Others might be suggested placing a tank that provides more water storage quality. So I wouldn't necessarily come to the conclusion that the pumping sizes for Las Campanas is a problem, but it is a factor in the whole equation.

COUNCILOR BUSHEE: Right. So it's on the bottom of the list somewhere. All right. Thank you.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR CALVERT: Yes, Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Presumably, on peak pumping is on the day when it's sunny outside. My understanding is there are some photovoltaic panels that are assisting with the electricity needs for that pumping, correct?

MS. SCHWENDER: Mr. Chair, Commissioner Holian, we have a solar plant up at the water treatment plant and we are in the process of establishing contracts and building a second plant at Booster Station 20-A, that energy produced at that facility would be utilized and incorporated in the energy needs at those booster stations which includes the pumping. I understand that all partners are in the process of negotiating real set up and financial aspects of that and how that would be incorporated in the billing of energy costs. Mr. Carpenter is deeply involved in that project. He can definitely provide you with more information.

COMMISSIONER HOLIAN: Well, I had sort of a general question as to what percentage of the electricity needs would be provided by the solar, the photovoltaic panels.

MS. SCHWENDER: Rick, could you come up here and provide some information on that subject please?

MR. CARPENTER: Sorry, Mr. Chair. My boss was whispering in my ear. I didn't hear the question.

CHAIR CALVERT: The question is how much of the total power needs of Buckman are provided by the photovoltaic?

MR. CARPENTER: The existing photovoltaic at the treatment plant provides approximately one third of what the total needs would be at the water treatment plant. So it's dedicated to the water treatment plant. We don't have firm numbers yet on the one that's under procurement now, but it would probably be similar to that.

COMMISSIONER HOLIAN: For the total pumping costs?

MR. CARPENTER: I'm sorry.

COMMISSIONER HOLIAN: In other words, when the new photovoltaics are installed will they cover roughly one third of the total pumping needs?

MR. CARPENTER: It depends on the pump stations, Commissioners, operated, and whether we're on-peak and off-peak. But it will be significant. The analysis that we have done is on the overall payback period for that facility, which is about five years. So it's significant.

CHAIR CALVERT: Yes, Member Bokum.

MEMBER BOKUM: I'm not sure where to start. I really want to thank you for this presentation and the one that I missed last month. I think that we're learning that this is all complicated and I think one of the things that happened last summer when the Buckman was not being used, what I think we've learned is that there's all these interrelationships. It's not just about Buckman it's about how we provide water. And in Buckman alone there's a lot of complicating factors – turbidity, peak hours, the native water, how we meet our raw water deliveries. And last summer I got a fair number of calls and I was fairly good about answering the ones that were just related to Buckman, but when we started getting into – some people were worried that when Buckman was down we wouldn't have enough water because we're so reliant on it.

And I feel like we should be really good about getting information out. I think the presentation last month and today's are really good for – it's really good. We need a broader perspective and I think we really need it as a Board. But I'm really concerned that we need to be doing more to get information out to the public. And we were really good about that when we got the plan up and running. We had Lynn Komer working with us. I would like to propose that we consider having maybe a part-time public information person in the budget. We could share it with the water company; we could share it with somebody, but I think we need to be better about getting information out when these things happen and not have it just be a report to our Board.

Part of it is being able to develop the information in a really clear way that people understand and can educate people including us. So I would just like to proposed that we consider making that resource available to Buckman and to the water company because I think at this point it's – the issues that they face are not separate. They're intertwined.

CHAIR CALVERT: Okay. So I'm sort of guessing you're suggesting a future agenda item that we might discuss.

MEMBER BOKUM: Maybe in the context of the budget. Also, I also want to reinforce that these presentations and updates are really great and I hope we get more.

CHAIR CALVERT: All right. Any further questions on item #10?

# **11. FY 2011/2012 Operating fund budget-to-actual comparison update**

BRIAN SHELTON (Business Administration and Fiscal Manager): Good afternoon. My name is Brian Shelton. The reason I'm here with this memo today is to seek your input and direction on an accounting issue. The basis for being here today is from the Project Management and Fiscal Services Agreement, Article VI and VII as stated in page 1 of the memo. And the purpose is to seek your direction on the proposed amendments to the Board-adopted working capital and billing policy.

What I have in this packet on page 6 is a presentation of the budget-to-actual results for fiscal year ending June 30, 2012. And it appears that based on best estimates – of course these aren't including year-end adjustments and prior period adjustments, that there is approximately \$3 million in net revenues or excess revenues in the operating fund.

The Board-adopted working capital and billing policy, which is also attached for you, contains the section named final billing and reconciliation. And I put a quote in the memo here which says, Any credit may be carried over and applied to subsequent months' pre-billing or reconciliation billing payment.

The conundrum I'm in is I'm not sure how to proceed with the excess revenues, especially when my counterparts at the City and the County have not claimed their credits. So I'm here to get some direction from you all. The policy does not provide how to manage the excess revenue. It does not seem to provide enough guidance on the use of these credits, and just as a reminder to you all, a credit, or what I will term excess revenue per GASB is created with the actual expenditures are less than the monthly pre-bills. So in the working capital policy we send a monthly budgeted amount of pre-bill to each partner. And under the policy they are asked to send a cash payment for that portion.

When we reconcile the actual expenditures for that given month, which is usually 45 to 60 days later, this past fiscal year ending June 30<sup>th</sup> we've spent about 65 percent of the budget, so there's quite a bit of money sitting there that I think it would be prudent to decide what to do with.

So jumping ahead to page 4 of the memo, there are three key benefits in getting some direction from you. One is I'd like to see us limit the amount of accumulated excess revenue.

CHAIR CALVERT: I think we all agree on that one.

MR. SHELTON: The second is to provide a prudent safeguard against unforeseen shortfalls and the timing and amount of cash collections. So I don't necessarily recommend crediting the entire amount, but to ensure that we have some cash on hand to account for unforeseen shortfalls. And also, third, to ensure consistent reporting and accounting of excess revenue. So I put two different recommendations in the memo for you, on pages 4 and 5. And these are suggestions for your consideration.

Two essential recommendations are: one, which has three components that I see working together, and then a second recommendation which could be standalone.

The first set of recommendations is to ensure that we have some sort of procedural guidance in the policy about how we calculate what is cash on hand and set some sort of guidance, and also ask that the partners do not delay in using operating credits.

Would you like me to read these for me?

CHAIR CALVERT: Does the Board want him to walk us through this or has everybody had a chance to read it and understand it? I think everybody's read it and understands it, Brian.

MR. SHELTON: I won't belabor then. Do you have any questions?

COMMISSIONER STEFANICS: I do, Mr. Chair.

CHAIR CALVERT: Yes.

COMMISSIONER STEFANICS: Where currently does our cash sit?

MR. SHELTON: My understanding is it sits in pooled cash until it's applied to a fund. So I think the City –

COMMISSIONER STEFANICS: Could somebody from the City answer that? If they're the fiscal agent could somebody answer that?

CHAIR CALVERT: I don't think that person is here.

MS. SCHWENDER: Mr. Chair, Commissioner Stefanics, I don't believe we have anyone from the City's Financial Department present at this time but we would be more than happy to follow up on that question and provide you with information in the form of an email, if that is acceptable.

COMMISSIONER STEFANICS: No, I would like to have a presentation. This is a very serious matter and I appreciate that you're just the project manager for over this, but, okay, we have \$2.7 million sitting out there. I'd like to know where it is. I'd like to know what the accounting is, who has access to it, etc., etc. So as a Board, we have some fiscal responsibility and the questions I would like to have answered is all about this cash. And I understand you have some recommendations for us. We also at the City and the County have some fiscal managers who should be involved with this as well, and I'm kind of surprised we have that much excess revenue. And if we had that much excess revenue we could have been pumping on peak hours and now be shut down for 36 days. So I think it's all tied together and I think it's about oversight.

We haven't discussed money very much at all here, but this is a large amount of money, so Mr. Chair, I would like to see this brought back on an agenda so that we could vet it fully. Maybe it's being totally used appropriately. Maybe it's sitting in a guarded, segregated funds. Maybe there are lots of safeguards. Maybe our auditors don't care that we're going to have that much money sitting out there but I bet they're going to make a little note about it in the next fiscal audit.

MR. SHELTON: So to clarify, you wish more information on where the cash is.

COMMISSIONER STEFANICS: Well, I'd like to know where the cash is, how it's secured, who has access to it, how the auditors are in fact going to feel about this much excess without any direction already being established, etc. Because if we're going to have a finding, maybe there's something we could start doing about it more quickly.

MR. SHELTON: And if it helps at all, I am aware of the fact that the revenues have been applied to the appropriate funds. There are three BDD funds. So I know that the revenue entries have been made, but I do not know where the cash is currently sitting.

CHAIR CALVERT: And that's fine. Part, not all, but part of the reason for the excess is because we were shut down, okay? So that we were not operating and we were not incurring expenses. And on the same point, just because we have money doesn't mean we could run the treatment plant because there were other factors involved



and not just budget ones. So I just wanted to clarify that. But I agree with you. I think we could have this as an agenda item. My question to the Board would be would you be willing to have this and an amended version of this adopted working capital and billing policy on the same agenda. In other words, we could have the discussion on the staff, and then if everybody was satisfied with that discussion we could entertain the amended version based upon these recommendations.

COMMISSIONER STEFANICS: Mr. Chair, I think that would be fine but I also believe that probably the fiscal manager at the City and our Finance Manager at the County should be in on some discussions prior to our coming to adopt these. So in the next month –

CHAIR CALVERT: How about we reactivate the subcommittee, the Fiscal & Audit Committee, and have a meeting that precedes this meeting, so that all those items are discussed, and then we can certainly discuss them and enter those discussions again at the public meeting, but I mean I think that was the purpose of that committee in the first place.

COMMISSIONER STEFANICS: I think that would be fine, Mr. Chair. The meeting, if I remember correctly, the BDD fiscal then would be October 30<sup>th</sup>, but we have a Board of County Commissioners meeting so we would need a different date and time when we could all be available.

CHAIR CALVERT: Right. We have a Council meeting that night too. I think we obviously can – we'll try and work and see if we can set up a meeting of that subcommittee to get these things squared away and get all those questions answered then we can also present them at the regular meeting if that works out.

COMMISSIONER STEFANICS: and Mr. Chair, I would suggest that we try to do this meeting sooner than later in case we have to have a second follow-up one in order to be ready for the next BDD. Thank you.

CHAIR CALVERT: All right.

MEMBER BOKUM: Mr. Chair, if I could get a clarification. These recommendations are procedural, basically. They don't – I think the issues of whether we're willing to spend money on ways to increase costs –

CHAIR CALVERT: Those are budget issues.

MEMBER BOKUM: Those are separate. I just want to make sure.

CHAIR CALVERT: No, these are accounting and ongoing. When you've already adopted the budget and you find these things along the way, how do you deal with them. Yes. So are there any other questions on this?

COMMISSIONER HOLIAN: Mr. Chair, I have a few.

CHAIR CALVERT: Yes, Commissioner Holian.

COMMISSIONER HOLIAN: I'm just wondering how you notify the partners that these credits or this excess revenue exists. In other words, does our Finance Director know about this? And how would we sort of claim our credits?

MR. SHELTON: Very good. That's an excellent question. Thank you. Mr. Chair, Commissioner Holian, I send a monthly reconciliation statement that shows clearly all of the credits. Those statements go to the County, Teresa Martinez. They go to Pego Guerrerortiz. They go to Brian Snyder and I also copy City Finance on those. And Las Campanas also receives them. So Phil Nowlin gets a copy. Mike Sanderson and Jennifer Sakshaug so every individual is apprised every month of what the credit is.

COMMISSIONER HOLIAN: Thank you.

CHAIR CALVERT: And I think, if I may, the revised procedures will ensure that it doesn't build to the extent that it has currently and that we manage it more as we go along as opposed to at year-end with a big lump sum. Okay? So we will – if I give direction to staff as part of this discussion we will work to set up a meeting of the subcommittee as soon as possible and then we will have the item that results from that and also an action item if it's right. We'll have the agenda for an action item and we can either then decide at the meeting time whether we will or will not, but have this available to move forward on this.

STEPHANIE LOPEZ (Staff liaison): Councilor, is it possible to maybe now that you're sitting here talking about other things to just be thinking about what might be a good day for you and for Commissioner Stefanics or everybody here, and maybe at the end of the meeting give me a couple of dates and that way I've got something to work with. Because it's hard to get – between everybody's committee meetings and stuff. Thank you.

MR. SHELTON: Thank you, Mr. Chair.

CHAIR CALVERT: Thank you very much, Brian.

## 12. BDD facility manager salary survey

CHAIR CALVERT: I think we have a handout on our desk. *[Exhibit 3]*

BRIAN SNYDER: Mr. Chair and Board members, there is a handout that everyone should have received, a memo dated October 10<sup>th</sup>. I'll run down through that since you just received it. As you mentioned, I was requested to provide a brief salary evaluation for the BDD facility manager. About 2-½ years ago when we established this position we consulted the City and the County existing comparable positions to look at what those salary ranges were. In this memo I've identified four comparable City positions that we have within the Public Utilities Department and their range code, which is not comparable to the County's range code but what is is the hourly range, and the hourly range for each of those four positions are all in the same range code is \$24.93 to \$44.44 per hour. That's the range that each of those positions holds.

Similarly, at the County Public Utilities Department, a similar position, has a largely similar position, a higher lower end, but the range is between \$29.80 and \$44.80 per hour.

When we developed the BDD staffing plan we put much thought and effort into what the skill sets were for the BDD facility manager and it was determined that this position was at a higher – we wanted a higher level position, a slightly higher level position than these ranges that are shown at the City and the County because of the education we're requiring and the training we're requiring, the advanced water treatment plant experience and those kinds of things that we required, as well as dealing directly with the Buckman Direct Diversion Board.

With that in mind we made the decision to go one range higher than the City's range code and that position's hourly range code is shown at the bottom of the memo and that range is between \$27.42 and \$48.68. What's not in your memo is the way I typically look at filling positions. I typically start at a midrange at a starting point and then look at skill sets and what that person brings to that position from education and experience and

what they bring to the position and what they either bring or don't bring to the table adjusted accordingly above or below the midrange, as well as I have to take a step back and look at overall big picture from the standpoint of staff that they're supervising, how they fit into the overall – in this case the City's structure, and I have to make some judgment calls on that. But to get to the bottom line, the range for the BDD facility manager that was advertised for the position that it currently has closed is \$27.42 to \$48.68. And with that I'll stand for questions.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR CALVERT: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you for bringing this forward. So the positions that we lost, the turnover positions, which one of those categories were they? Because we asked the question about salaries because we didn't know if maybe some of our BDD employees were leaving because of salary.

MR. SNYDER: Mr. Chair, Commissioner Stefanics, this memo and this position comparison was specifically for the BDD facility manager, so at the bottom of the memo, the last line of the memo is the range for the BDD facility manager and how it compares to the other City positions. It is a range higher, about 10 percent higher than we would pay for a comparable City position. This memo did not get into the –

COMMISSIONER STEFANICS: The other people.

MR. SNYDER: It did not get into the other staff. I can speak to those; generally in the same regard as what I've laid out here in this memo that similarly, there's higher level skill sets, trainings and education that we require and as you're aware, we have the training program that we partnered with the Community College on, that each of those positions, on average was paid higher, ten percent higher than the comparable position at the City.

COMMISSIONER STEFANICS: So, Mr. Chair, this – we're looking at about, what? \$56,000 to right below \$100,000? That's the range? And do we usually start people at the high end?

MR. SNYDER: Mr. Chair, Commissioner Stefanics, no. I typically – in looking at, when going into an interview I look at the mid-range, and then based on what they bring to the table, whether it be skill sets, education, experience, combination of all the above, adjust the offer up or down based on that. We do not start at the top of the range and very rarely have I ever filled a position that's at the top of the range.

COMMISSIONER STEFANICS: And the manager that just left, Mr. Chair, was at what salary?

MR. SNYDER: Mr. Chair, Commissioner Stefanics, I'm not sure of the hourly range, but on the salary range he was in the mid to upper \$80,000.

CHAIR CALVERT: So \$85,000 to –

MR. SNYDER: \$85,000 to \$90,000, in that range.

COUNCILOR BUSHEE: Is that inclusive of benefits?

MR. SNYDER: Mr. Chair, Councilor Bushee, no. That was just hourly rate, plus benefits.

CHAIR CALVERT: But he wasn't an hourly employee, right? He was a salaried employee, right?

MR. SNYDER: Mr. Chair, that's correct. The way the City looks this is by hourly rates.

CHAIR CALVERT: I know. Any further questions, Commissioners?

COMMISSIONER STEFANICS: Well, Mr. Chair, I think we were trying to assess whether or not the salary could end up being a problem in retaining a manager, and that we don't really want to see a revolving door.

CHAIR CALVERT: Right. No. I understand that. I think – I don't know if staff or anybody has any other input as to the reasons why the previous one left. Some of the things I heard it wasn't necessarily the salary, it wasn't necessarily the issue but I don't have anything official to relate to you on that. Do you have anything, Brian ?

MR. SNYDER: Mr. Chair, I don't really like to comment on personnel matters. I can say that Mr. Mulvey has found other employment. He's working in I believe Bellevue, Washington as a deputy public utilities department director, so it's a higher level position than this position, but it's in Bellevue, Washington, and that's really the extent of what I know.

CHAIR CALVERT: Okay. Anybody else have any comments or questions? Okay. Thank you, Brian.

### **13. BDD water quality testing frequency, information included on website and frequency of updates**

MS. SCHWENDER: This presentation is in response to a comment we received at the last Board meeting from a member of the public. His concern and question was regarding water quality information for the City of Santa Fe being available and where and Commissioner Stefanics requested a presentation to inform the Board and the public on where to access water quality information. The way we have structured this presentation is a two-part presentation. I would like to walk you through how to obtain and access water quality, drinking water quality information for the BDD, and then Jonathan Phillips from the City of Santa Fe will provide you with information on how to access water quality information for the City of Santa Fe.

It is important to realize that from the perspective of the NMED we actually are regulated as two independent water systems, so the water quality information for the BDD is separately listed and collected and handled by the NMED, than the water quality and compliance issues for the City of Santa Fe, which is why we spread out the presentation at this point.

In my presentation I provided you with step-by-step instructions on how to go through our website and if you would like me to I can walk you through these steps quickly and Gary would – I'll call up our website and go through the steps on how to access this information. Is that something that would be of interest to you?

CHAIR CALVERT: Okay. Let's do it.

MS. SCHWENDER: Okay. Water quality information for the Buckman Direct Diversion is available on our website which is [bddproject.org](http://bddproject.org). The site you see right now is the home page. Should someone type in [bddproject.org](http://bddproject.org) this is the website, the site you would actually find at this point. As you can see on the left-hand side there is an orange colored top link. Under top links there are three different links listed that have due to traffic monitoring been proven to be the most popular links on our website. In order to access the water quality information for the BDD you would click on water quality reports.

On this next site you again see three links. One link is the Rio Grande diversion reports, which gives you the information by the minute by minute live diversions of the Rio Grande that particular link and this information is part of our permit by the OSE that we make that available to anyone at any time to see when and what the quantity that we're diverting. The next link is water quality sampling reports and the third link is stormwater reports. It's important to realize the differences. The water quality reports listed are really truly only addressing finished drinking water, the potable water. The stormwater reports would reflect the analytical information from samples that we collect from the river, the raw water, during storm events, during base conditions, but it's definitely never the finished drinking water.

So at this point we would actually click on the second link for water quality, and at this page is where we differentiate between drinking water samples that are being regulator, NMED, and drinking water samples that are collected by BDD staff. In New Mexico, the regulator, NMED Drinking Water Bureau, actually collects a conservation fee and that enables the regulator to actually go out, collect the sample, send them out to laboratories, retrieve the analytical results and then actually enter those results directly into their database. We as the BDD have taken it upon us to actually perform additional water quality monitoring. We have, as our policy, established that as a minimum four entire Safe Drinking Water Act suites.

Under the regulations of the Safe Drinking Water Act, a municipality is only required to collect certain parameters in certain schedules. Some are collected more frequently than others. So instead of waiting another year, 12 months or sometimes even 24 months or longer to collect that same parameter again, the BDD actually collects for all of the parameters every three months. In addition to whatever due to conditions, for example fluoride. We've been monitoring fluoride more frequently than every three months of course.

So I would like to go into detail now, how to retrieve the information obtained by the NMED. Drinking water compliance testing would be available on the NMED website and our website – it's hard to read right now, but there is a link that brings you directly to the page of the NMED Drinking Water Bureau drinking water quality. This is a generic database and the user would have to enter information on the drinking water system that you would like to research. In this instance we would type Buckman in the section called principal water system name. Then we choose Santa Fe from the principal county drop-down. We would choose community from the water system type drop-down. And we would type surface water from the primary source water type. We would select that. Surface water from the primary water type drop-down.

The next step would be we would select a desired value from the list provided in the sample class section.

CHAIR CALVERT: And what does that mean? Select a desired value?

MS. SCHWENDER: Okay. You see the blue highlight? I'm trying to use the same terminology as listed on the website. So if you – the seventh white window on the right-hand side is called the sample class selection, and here you would have a list of whether you want micro-biological information, radio chemistry, inorganics – so you would select from that drop-down menu whatever type of analytical data you are interested in. So pick one, Gary.

The next step would be to select a date range. You can be either very specific, only for the last three months, or you can go by the default setting which is basically two years from today backwards. We're just going with the two years right now. And then we would click on search for sample. This table then would reflect various analytes that have been – they're a part of the sample class. And so if you for example have radionuclides in there you would probably see a listing for gross alpha, gross beta, uranium, and you could choose out of this table one. So we would search for an analyte of interest on the analyte selection list of this table and click on the analyte code assigned to the analyte name. If you actually can have access to the website you would be able to see what they're saying. It is very self-explanatory following these instructions.

CHAIR CALVERT: Okay.

MS. SCHWENDER: So then the next table will list all sampling events that included that analyte that was selected from the previous table. To view analytical information a sample collected for the selected analyte, please click on lab sample number. And as a facility is older and has been in service longer of course more samples have been collected and there might be a variety of samples that you can then select from.

So if you would like to go back to our BDD website. We're going to leave the NMED website now altogether and I'm going to explain how to access the information from samples that BDD staff actually collected and sent to independent certified laboratories for analysis. Scroll down here on the right-hand side. Number two lists additional drinking water testing results collected by BDD. And per year I will list a summary table of the samples that we have collected. Of course I do not wait until the year's completed, but now going back you have the possibility to pull up the table with all the samples from 2011. Should you choose to click on 2012 you would then have access to the additional drinking water samples that we have collected during 2012, and we will update that table as we collect more samples and receive more results.

If you have no questions at this point I would like to hand over the presentation to Jonathan and he will go into detail on how to obtain water quality information for the City of Santa Fe.

CHAIR CALVERT: Let me pause right there and ask if the Board wants to do that or not.

COMMISSIONER STEFANICS: Mr. Chair, I just – we can or can't. It doesn't matter to me. But I wanted to make sure that the public's request was met about where and how to find the information. So if there are further questions from the audience about where something is then we should keep going. If there's not, then we could stop.

CHAIR CALVERT: Well, my only thought here is this is the Buckman Direct Diversion Board. The water quality and drinking monitoring information for the City of Santa Fe is not necessarily germane to this Board, but I could go either way. But I would say that maybe we could leave that for, say, a Public Utilities Committee in the City or something like that. You guys tell me. What's your pleasure?

MEMBER BOKUM: Well, I don't think it makes sense for people to come back to a second meeting, so maybe we should just do a show of hands on how many people want to see it in response to Liz' concern.

CHAIR CALVERT: How many people want to see the – go step-by-step to find the same information about City of Santa Fe water quality? Okay. So nothing personal, Jonathan.

MS. SCHWENDER: Mr. Chair, Commissioners, I appreciate your time and should you ever have any questions on how to obtain other information we would be happy to provide you with that.

CHAIR CALVERT: My only question would be, Erika, you have provided us with sort of this step-by-step. How does somebody in the public follow through this? Is there a procedure? In other words, is there some sort of tutorial or procedure that they could follow? Is the same thing listed somewhere that they can follow through?

MS. SCHWENDER: That is a very good question, Mr. Chair. We actually have the same instruction posted on our website and anyone can just follow those instructions.

CHAIR CALVERT: Okay. Great. Thank you.

**14. Update on BDDB operational agreements with role of BDD Board in operational capacities and filling of personnel vacancies**

MS. LONG: Mr. Chair, at the last meeting I provided a memo and gave a general presentation regarding the Project Management and Fiscal Services Agreement that exists between the Board and the City, the City acting as the project manager and fiscal agent. And arising out of that discussion I was asked to review that agreement and any other governing documents as to the Board's authority in hiring of personnel that would run the project and serve the project and specifically there was discussion regarding the hiring of the facilities manager, and that position is now being filled.

So I did provide an email to Board members along with the memo and the memo is included in the packet that I provided. And basically, the conclusions didn't change from the overall presentation I had given the month before, but we know that the City, under the PMFSA has the responsibility to recruit, hire and train staff. But the Board has overall supervisory authority, including the responsibility to supervise the project manager and the project manager of course would follow any directives or policies, motions, that this Board would pass or direct the project manager to follow. So the project manager would follow those directives and the Board has overall supervisory authority that is contained in both the PMFSA and of course in the joint powers agreement.

From what I have learned from Brian Snyder, the position for facilities manager has been advertised and closed, so the process of hiring is ongoing, interviewing and hiring, and it is his intention to include County representatives as well as City representatives on that committee that will vet those applicants. Thank you, Mr. Chair.

CHAIR CALVERT: Thank you. Questions?

COMMISSIONER STEFANICS: Mr. Chair, in regards to the timeframe for the selection or the recommendation of the person to be hired, when does Brian or the group expect that to happen? And I think it is up to us whether or not we want to consider more than one candidate and then help with the decision of the final candidate or whether or not we want just one candidate brought to us for confirmation.

MR. SNYDER: Mr. Chair, Commissioner Stefanics, I'm working with HR right now on developing the interview questions as well as getting the list of eligibles. I anticipate getting the list of eligibles sometime early next week, and then scheduling interviews for probably – I don't know how many will make the list of eligibles – within a week after that. So it will be at least an initial interview scheduled for probably within the next couple weeks.

COMMISSIONER STEFANICS: So, Brian, Mr. Chair, do you expect some final candidates to have emerged by the time we meet next?

MR. SNYDER: Mr. Chair, Commissioner Stefanics, I would – yes. I would hope that we would be ready to either have selected a candidate, depending on the preference of this Board, and ready to offer the position to that person, or waiting for the Board's opinion on that candidate we believe is best qualified.

COMMISSIONER STEFANICS: Okay, Mr. Chair, one of the reasons I believe the Board should have some role in confirming or a final interview or something, is because this manager has to work with the Board and if they don't have experience in working with the Board and don't realize that they have several people to stay in touch with, that could be a detriment to the position and them staying in the position. So I believe it helps a candidate, as well as helps us see how the candidate would respond to some Board members. I don't think any of us have excess time sitting on our hands but –

CHAIR CALVERT: I guess my concern is what role do you want the Board to exercise. Because how I see the current arrangement, it's just like either the City or the County, you have a governing board and then you have a City or a County Manager who is responsible for those administrative decisions and procedures and it's set up that way to a certain extent so that those processes don't get political. And so that's my only concern is I want to make sure that we respect the integrity of the process so that's why I'm not sure how you want us to interject ourselves in that.

COMMISSIONER STEFANICS: Well, Mr. Chair, referring to Ms. Long's memo, and in the middle of the very last paragraph on the second page it said the Board, pursuant to its overall supervisory responsibilities and overall authority for the project can provide directives and policies to the project manager, and this would presumably include direction regarding its desired role in the hiring of the facilities manager. I believe that we have options, and I'm not the only Board member here so I'm not going to say this is how it should be. I'm very interested in what other people have to say as well.

CHAIR CALVERT: Well, I think a possibility – I don't know. I suppose you could sit in on interviews but what I think is more likely is if you had specific questions you could provide to the project manager that they could ask during the interview process or something like that, would be a reasonable mix of those options. But I don't know. What do other Board members think?

MEMBER BOKUM: Could I ask a question? You talked about developing questions for the candidates and also when you were talking about where people – where you were evaluating their skill set in terms of determining salary. Is interaction with Board members one of those considerations and has it been in the past? Or do you take that into account?

MR. SNYDER: Mr. Chair and Member Bokum, definitely we do, depending on the level of the position. In this case, definitely, there is a series of



questions about interactions with boards, public settings, dealing with multiple people asking multiple questions, that could have differing viewpoints. There's a series of questions that are pretty standard in my interviews that I do set up to get at those points.

CHAIR CALVERT: So perhaps, if I'm following you at all, Member Bokum, maybe if you were to provide the Board, once you develop a full set of questions that you will be using to interview people with, and then so we would understand how that's going to work and then if there were suggestions from the Board on additional or other questions that you might use in the interview process. But I think you're going to have both City and County staff conducting those interviews, but that seems like a reasonable approach. Is that something you could deal with, Brian?

MR. SNYDER: Mr. Chair, if I could interject, I do plan on involving County staff not only in the interview but also in developing the interview questions. I plan on taking a stab at the interview questions and then involving Adam Leigland and others if he'd like. My goal, and I'm always cautious of this, but to have as few people see the interview questions before I give interviews. I don't want to set a script up for somebody that is coming in in the interview. But with that being said I'm open to receiving any ideas that you may have on types of interview questions you'd like to see and incorporating those into the questions. I'm just a little leery of emailing out the list of 25 questions or whatever the case may be to a bunch of people.

CHAIR CALVERT: Understood.

MEMBER BOKUM: Mr. Chair, I went through a hiring process with I guess it was the City when we did the Jemez y Sangre Regional Water Plan and it was to hire I think the facilitators. And it was I thought thoughtful but somewhat complicated process, coming up with parameters and asking the questions, and involving a group of people who all went through that process together and were part of it and got to interview all the – had been part of interviewing all of the applicants. And I just – I'm not quite sure how it would work to sort of take a person that – or persons that maybe were at the top and then have us be able to replicate the depths and thoughtfulness of the process with one by coming before a Board meeting. If somebody could explain to me how that would happen maybe. I respect the process that exists, especially if we have the City and the County people both on that, employees from both the City and the County that go through that whole process from beginning to end and have sat through all the interviews and stuff, that feels better to me than us sort of doing something short of that without that, unless we could figure out how to do it better, but I'd be a little reluctant to have – I don't trust that what we could do working as well as – we could mess up, I guess, if we haven't figured out how we're going to make up for the fact that it would be one interview and we wouldn't have ever gone through the whole process and seen the other applicants.

And the other thing is you have a limited number of applicants, so just because you think somebody comes before us and we think we don't like them it doesn't mean that there's nobody better out there to hire because presumably you did a – probably a really good job of picking the best person. So I don't know where it gets us if we get involved because –

CHAIR CALVERT: Councilor Bushee.

COUNCILOR BUSHEE: Again, not having served on this Board very long but I trust at least this staff and I know there'll be other staff on the County side

involved in the selection and I think that they've got a professional approach and I don't need to be involved.

CHAIR CALVERT: Again, I'll go back to the original statement about how we set up these processes on a routine basis in both the City and the County and for a reason, and I think that my choice would be to honor the existing procedures that both City and County have in terms of how they hire people and who interviews and how those decisions are made. Commissioner Holian.

COMMISSIONER HOLIAN: Well, I could actually go either way. I do trust our staff, and I particularly encourage that the County staff is going to be involved in this process. But if we could meet with the finalists before the final confirmation that might be a good thing to see that we're all comfortable with the selection.

CHAIR CALVERT: I'd say fine, but how would that work? In other words, what? We just sit down? How do we structure that? Do they just come before us at a meeting? Or do we have an executive session? Or what do we do? Do we have a chat? I don't know, because I've never done that. I've never been in that position before and I wouldn't know how to structure that.

COMMISSIONER STEFANICS: Mr. Chair, I think HR could help devise a process for whether or not we would meet a finalist in executive session and then go on to confirmation or whether we would have one or two representatives from this group to sit in and listen, not participate but listen to a final interview. We don't know, because there was no exit interview, because there was no documentation, we don't know if the last person left because they really didn't want to work with the Board. If that's a major issue people should have that experience before they take a job. It's quite different working for one supervisor and working for a Board, sitting in public, answering questions, answering to the public, answering to the City, answering to the County, answering to other constituents.

So I just – I feel that if we want to keep somebody for a while and HR could certainly help whatever tiny piece it is for us to be involved in.

CHAIR CALVERT: Councilor Bushee.

COUNCILOR BUSHEE: Well, it's just that I didn't get the sense that the Board did the hiring and the firing. Right? You're just interacting very similar to having your City Manager or your County Manager pick your staff. I presume that it's not so different than the set-up we already have that keeps a distance so that people aren't micromanaging or politics aren't interjected. That's just my thought.

CHAIR CALVERT: Member Bokum.

MEMBER BOKUM: This is an informational item. Are we starting to make a decision?

CHAIR CALVERT: Well, no. I think we might give direction to staff, based upon our discussion on this informational item.

MEMBER BOKUM: And an executive session would be an appropriate place to interview somebody?

MS. LONG: Mr. Chair, Member Bokum, an executive session could be utilized, because that would be appropriate for personnel matters and decisions, so that is an option. But perhaps what I'm hearing is that there could be a recommendation made on maybe further inclusion other than just County members but Board members by City HR and we could take that back and see if there's some way to do that.

CHAIR CALVERT: Well, I don't know. I guess the other problem I have is that we're in the middle of this process and trying to determine a new or additional part of that process while we're in the middle of an existing process. Because if you asked if we were going to have somebody available by the next meeting, when would we get this decision and disseminate it to the Board on how we were going to do this, prior to them getting to that point in the process. Do you know what I'm saying? It's moving forward as we speak. Are we going to wait until the next meeting to determine something, or how would we determine that if we wanted the process to keep moving?

COMMISSIONER STEFANICS: Mr. Chair, I believe I made a recommendation that HR could figure out a process for us to be involved minimally before we end up confirming a director.

CHAIR CALVERT: Okay. Well, I appreciate that and I guess what I would need – at this point I'm not hearing a consistent consensus on that from this Board. I think we can refer to staff to look into that and see if we can do that. I'm just not sure if we can incorporate it into this particular hiring or not, but I'll be glad to honor that in terms of asking staff to look at it but I'm not sure how we're going to determine if we're going to do that or not as a Board.

COMMISSIONER HOLIAN: Mr. Chair, well, perhaps you could have staff look at a possible process and then just communicate with us by email.

CHAIR CALVERT: That's a possibility, but I mean this is sort of a – at some point – we can do that but I guess if there's a consensus we can do that but I don't know how that works procedurally. It would almost maybe should have been an action item that we're going to make a recommendation and ask this to be incorporated. But I'm sort of at a loss here procedurally how this is going to work out. Nancy, do you have any suggestions on if we can do such as has been suggested?

MS. LONG: Mr. Chair, I see the issue that you're raising in terms of the ongoing process and should there be – there could be further consultation with staff that is working on this hiring as well as City HR, provide information to Board members, if that's what the directive is, but should there be disagreement with that you're correct that it would have to come back here and that could stall out the process. If it's just a – if the directive is more that we will look at it once more and provide information to the Board members and proceed with that, leaving that discretion with the hiring authority then we can do that.

CHAIR CALVERT: I guess we can ask for consultation with the staff at HR, both City and County, and then we can provide feedback to the Board. I guess what I would say is that if there isn't a consensus from the Board that we should add that step then I think we're going to have to go forward with this policy until we make that change in the process. Does that seem reasonable? Okay.

**15. Update of County's intent to prepare and implement a Facility Improvement Plan to permit the Count to deliver raw (non-potable) water to its customers at Booster Pump Station 2-A even when BDD deliveries are suspended as the result of poor Rio Grande quality**

ADAM LEIGLAND (County Public Works Director): Mr. Chair, members of the Board, I'm Adam Leigland. I'm the Santa Fe County Public Works

Director. I just wanted to give the Board a quick update on the efforts that are ongoing right now, really to address a technical problem arising from the differential pumping rates that Erika mentioned earlier to solve the problem with provision of raw water to Las Campanas when the BDD is down.

So as we heard earlier, the problem really is arising from the pumping rates. BDD pumps 4.5 million gallons a day and the Las Campanas pumps can only draw 3 million gallons a day. So we are hiring or attempting to hire the firm that designed the system, Camp Dresser McGee or CDM to come up with some conceptual designs to overcome that gap, and we think actually, just from our knowledge of the operations of the system that the solution might be just really an operational one, just using the existing tank as a buffer between these two pumping rates. If that can't be the case maybe we just install a second tank as was mentioned at the booster station, to act as that buffer. And if that doesn't work, maybe a larger technical solution.

So we are – the County is going to hire this firm. The Board just on Tuesday allocated the funds for this conceptual design. We anticipate a performance period of six weeks from the notice to proceed to have this technical conceptual solution and that will guide further action. So our goal, just to remind the Board is to have a solution not just designed but actually in place and operational by May 1<sup>st</sup>. And I think at this point we are on track for that. So as I just said I want to give a quick update and I will stand for questions.

CHAIR CALVERT: Yes, Councilor Bushee.

COUNCILOR BUSHEE: I know you're just at conceptual design status but would a new tank require a lengthy environmental impact statement process?

MR. LEIGLAND: Mr. Chair, Councilor Bushee, I don't think so. I don't want to say definitively, but I don't think so.

COUNCILOR BUSHEE: It looks like Erika may have a different response.

MS. SCHWENDER: Well, I have not really been in depth involved in the design phase or any of the conceptual suggestions for this, so I think it really is greatly dependent on what type of tank, what kind of combination of operation as well as tankage. So I think at this point it would really be too early to come to a conclusion if a separate EIS would be required for that process.

COUNCILOR BUSHEE: Does it look like the existing tank has the capacity to be used at times?

MR. LEIGLAND: Mr. Chair, we don't know. That's what this conceptual design will look at.

CHAIR CALVERT: I wouldn't think the location, if an additional tank was needed the location might bear some impact on impact statements and assessments in that regard, whether it was on federal land or where it was located. Sometimes they can do a quick environmental assessment and say there's no real impact or no additional impact. They can do that fairly quickly, but a full-blown EIS – Okay. Any other questions? Thank you, Adam.

## **MATTERS FROM THE PUBLIC**

CHAIR CALVERT: Anybody from the public wishing to speak to us please come down and identify yourselves.

SHANNA SPRING: I'm Shanna Spring. Hello, everyone. Good evening. I'm very concerned about the water issue and the fluoridation of the water. Water is very sacred. Without it we die. If it's polluted, toxic, we die a little slower. In our New Mexico constitution, Amendment 20, Section 21, it states that we must maintain our water and not pollute it. It also says soil and air also. And we have not been doing that from the studies that I've seen, and I've sent them to various people and we can all find them online. The old studies that were done on fluoride are outdated. There were not done according to the scientific method and in this new study, one I just saw recently, it's a tale of two cities. These two cities were about equal in size and they – the cancer rates were seen to be somewhat stable in both cities. However, one city had fluoride added to the water. They're cancer rate went up and is still rising because they are still fluoridating. And it's very significant and that was the major change in the cities.

Also, there's a recent Harvard study, funded by NIH, and it has to do with brain and IQ and children that were raised on fluoridated water have a decrease of 80 percent in their IQ. So I would just ask you all to please find some of these things on line because there's many, many out there. These are just two, and really check on how safe fluoride is because truly it's not; it's a waste product from fertilizer and aluminum industries and check it out. You will find the truth. Thank you.

CHAIR CALVERT: Thank you.

MICHAEL AUNE: My name is Michael Aune, Santa Fe County. This is not about fluoride; it's about the water. And without water, fluoride doesn't make any difference. Earth is our live support system. As the previous speaker said, without water, without air, without land that provides our food, which also needs water and air and sunshine, we just simply don't exist. So all of earth is our life support system.

The monitoring site up at the Los Alamos Canyon, you call that your early warning system. How many of you have been up there to the Los Alamos Canyon? Just a show of hands, members of the Board? [All Board members raised their hands.] How many of you have been up to the Oso Diversion on the Navajo River? [No Board members raised their hands.] So for the record, none of the Board members have been to the Oso Diversion on the Navajo River.

That's where all the water comes from in Colorado, part of the San Juan/Chama project. That's where the Rio Blanco River headwaters are, the Little Navajo and the Navajo, and none of you have been there. *[Exhibit 4]*

These pictures of the Oso Diversion, I've been up there five times, four times when I wrote this, but five times. This is the way it's been all summer long, since June. There is being maintenance work up there. It appears where they've had tractors and bulldozers trying to excavate. But the effect is the water from the Rio Blanco, the Little Navajo is all diverted towards the Navajo River, and then the water goes to the Oso Diversion, which goes into the Azotea Tunnel, which parallels Willow Creek, and then Willow Creek empties into Heron Lake.

If you take a look at the back photographs you'll see Heron Lake as it was a few weeks ago. It's 45 feet low. It's at about 39 percent capacity. What I'm telling you is

there's been no snow pack, there's been very low flows, even in the spring. This is nature. This is earth's early warning system, and you haven't been up there to see the situation. Fluoride is not going to make any difference if there's no water.

The headwaters of the Rio Grande, it's the same way. This summer there were forest fires in Pagosa Springs and I was up at the headwaters of the Rio Grande when there was no snow in the mountains – this was in June. Normally snow pack lingers until August. Bare mountains. No water in the Rio Grande, and I followed the Rio Grande several times all the way from its headwaters above Creede, down through the Rio Grande Gorge, down to the Buckman Direct Diversion. And the flows are low. There's been no rafting in the Rio Grande Gorge because there's no water there either. That's earth's early warning system.

When I was up in that area there was a fire burning in Pagosa Springs. While I was in the Lake City and Creede area a new fire sprang up outside of Durango and the smoke choked the valley.

CHAIR CALVERT: Sir, could you wrap it up please.

MR. AUNE: I think this is pretty important. Does anyone else want to relinquish a few minutes so I can continue? You have a responsibility. You've already shown that you don't know where your \$2.7 million is and how it's being managed. You always said, shown here that you have no authority as our elected officials to really pick who the person is who's going to be the manager, and you don't know where our water comes from, and yet the County this week is allocating more water for Eldorado and Cañoncito where the water doesn't come.

CHAIR CALVERT: Thank you.

MR. AUNE: No, it's not okay. There are more forest fires.

CHAIR CALVERT: Sir, that's enough.

MR. AUNE: What you need to do is go to Santa Clara Canyon – I'm finishing now. Go to Santa Clara Canyon and see what has happened there. Go up to the Oso Diversion and take a look around there and imagine what that's going to look like when it looks like Santa Clara Canyon. And it's not going to happen this fall but it probably will happen by this time next year or the year after that. That's earth's early warning system and you're ignoring it.

CHAIR CALVERT: Okay. Thank you. Next person, please.

BARBARA PERO: Good evening. My name is Barbara Pero. I'm a physician, anesthesiologist at St. Vincent's Hospital. I'm trained and board certified in internal medicine but I practice anesthesia. The issue of fluoride came up for me about five years ago when I had a clavicle fracture and discovered that I had lost quite a bit of bone density. I did quite a bit of research on bone density, and fluoride just kept coming up, coming up, coming up. I'll sum it up for you. There's a lot of information available, but fluoride, any possible benefit of fluoride is when fluoride is applied topically to teeth. There is no benefit to systemic fluoride. Period.

There are studies, there are innumerable studies that correlate fluoride – there is no correlation between the amount of fluoride in the water and the level of dental caries. The World Health Organization has looked at countries that fluorinate the water, countries that don't. The level of dental caries is the same. Same studies have gone on in this country. Municipalities that fluorinate their water, no difference in the level of caries between fluoride in the water versus communities that don't fluorinate their water.

However, the studies about levels of IQ, it's a neurotoxin, absolutely is. Lab studies, animal studies, over 100 of them shows that it interferes with neural function. The American Dental Society came out a couple years ago warning against any fluorinated water being given to infants and small children. This is the only drug anywhere that's put in a municipal water supply. I'm an anesthesiologist. I give drugs to individuals based on their age, their co-existing diseases, their weight, their sensitivity. This drug is given – it's give to people who have co-existing diseases. No one with impaired renal function should be taking fluoride. No one with arthritis should be taking fluoride. No infants or small children should be taking fluoride as the brain – the barrier that protects the brain from heavy metals hasn't developed yet.

Significantly, it interferes with thyroid function.

CHAIR CALVERT: Okay, could you wrap it up?

MS. PERO: I'm sorry. I will. Where is the informed consent for putting this chemical in the water? No other drug is given this way and you are not informing the people at risk, like anyone with a brain that takes this chemical in the water. You are not informing them of the risks. It's an antiquated was of delivering anything and there is no efficacy to fluoride. Period. There's a wonderful DVD that actually I have a copy for each of you. It's very informational. There's Nobel laureates on here. There are three members who were at the Natural Resources Council who helped develop this study in 2003, looking at all the research. Three of them are on this particular DVD. And I would just urge all of you to watch it. I'm sorry I don't have [inaudible]

CHAIR CALVERT: Thank you. Next person please.

GAIL GILES: My name is Gail Giles from Santa Fe and I would like to ditto Michael Aune's call for the extreme situation of our water and that you do heed his warning. I'd like to talk about fluoride and the precautionary principle, which is a precautionary approach that if an action or a policy is suspected of causing harm to the public or to the environment an absence of scientific consensus – we have accurate information but we don't have it acknowledged it seems, that the action or policy is harmful then the burden of proof that it is not harmful falls on those taking action or the policy makers, meaning you.

This policy allows – this principle allows policy makers to make discretionary decisions where there is possibility of harm from a particular course of action, and making a certain decision where extensive scientific knowledge on the matter is lacking, or, as I said, not acknowledged. It implies that there's a social responsibility to protect the public from harm of exposure, and when scientific investigation has found a plausible risk, and there is sufficient studies and information that there is more than a plausible risk, protections can only be relaxed if further scientific findings emerge that provides sound evidence and no harm will result.

In some legal systems, such as the European Union, this application of the precautionary principle is actually made statutory law. There have been numerous studies. One is the Harvard study this year. Mr. Mercola, who is a well known physician, puts a lot of things on the internet, talks about the 23 human studies and 100 animal studies linking fluoride to brain damage. They're there. I think I even emailed them all to the City Council. Mr. Calvert, you should have them. I didn't get a response from you when I gave them to you in August. I did from Ms. Bushee and I did from the Mayor.

The article goes on to list other studies. One in 2005 that states fluoride suppressed the immune system. A significant study by Dr. Dean Burke, 1937, co-founder of the US National Cancer Institute, heading its psychochemistry department for 37 years, equates fluoridation of water is public murder, clearly demonstrating through these studies a death from cancer in as little as a year or two after fluoridation begins. So, Oregon, watch out.

He further states that other government-linked studies were buried once they showed fluoride linked to a dramatic increase in cancer. One of these is the declassified documents of recent days of the American biochemist Charles Allen Perkins who took over information from the Germans using it to dumb down their prisoners of war, and he realized as early as the forties and fifties that fluoride had undesirable effects on the brain. He died urging do not let the anti-fluoride message fail. These documents, declassified government documents further described animal and fish deaths from exposure to fluoride and they covered this up because of the potential lawsuits from Alcoa. This has been known for 60 or 70 years.

I will wrap up. But the point is, now we're going on with what's going on with the ADA which is fine. But the ADA are not medical doctors for the body. Medical doctors are, and there's more than substantial proof. So I'm saying as a precautionary principle, and following the evidence that if there is, which I doubt from the studies I've looked and so have many people that there's a benefit from fluoride being put on topically. There are no benefits from putting it in the water. It's practicing medicine without a license and the repercussions could be dire for the County, the Buckman Board and the City. And I suggest you look at the real evidence from medical doctors that this is a neurotoxin, harmful to the brain. And look at the scores of our children in the state and perhaps that might be a problem.

CHAIR CALVERT: Thank you.

JUDY SCHER: Thank you for letting me be here. My name is Dr. Judy Scher. I'm a chiropractor practicing here in Santa Fe for the last 20 years. I have a wellness center here, and I'm very familiar with different health issues that come up. I'm a specialist in the nervous system, and I think about the propaganda that we get taught, that things are okay when they're not. Certain substances, like aspartame, saccharine, MSG. We grow up with these things thinking they're safe and then they find that there's cancer causing elements in them.

The same thing is with fluoride right now. There's been a mainstream consensus that it seems to be an innocuous and safe element that can only help the outside of the teeth enamel, but so much research as you've already heard and I'm not going to go through it again, but so much research does now exist that we have to pay attention to. We don't have to wait until we see the long-term effects of some of these substances and we can be more cautionary and what would be the cost if we are wrong, that fluoride really is impactful to the body in this very harmful way.

I did want to bring up just a couple of things. There were a set of researchers, Dean, et al. in 2011 that found a lowering of IQ, .3 to 3 parts per millimeter [sic] overlaps the range at which fluoride is added to water in the United States, which is .7 to 1.2 parts per million and I believe we fall within that range in Santa Fe. So even without applying a safety margin to this finding it would suggest that there is no safe level that would protect all of America's or Santa Fe's children from potential interference with mental



development from fluoride exposure in the water supply. This is huge. That means that there so much evidence of lowering of IQ that is already shown, and do we want to really do that to people that are ingesting it unknowingly? There's huge ramifications of that. So take this in consideration and please do the research on it. This is an extremely important issue. Thank you.

AUDREY STARBECK: I'm Audrey Starbeck, and I wanted to tell you something that I found that FDA has not approved silica fluoride. And the EPA has not approved silica fluoride. And the CDC has not approved silica fluoride. When I read this I thought, is this really true? Maybe I'll find out. I will call the EPA until I can get somebody who will tell me. And I got to talk to Blake Atkins who's very high up on the list. He's in Region 5 and he's the drinking water head guy for Region 5, which is I think – whatever region it is. It may be five states. Maybe that's not the number. But basically he said, yeah, it's true, that EPA ceded its power to the NSF. The NSF is not an agency of a government. It's the National Sanitation Foundation. It's also known as the National Sanitation Foundation International, and it has people on its board who creates its standards who work with the chemical industries. So they're like the chair or the vice chair the secretary, and they make these rules but then these companies who make these silica fluorides, and that would be what we use.

The sodium silica fluoride and the hydrofluorosilicic acid. And the sodium fluoride is probably bad too but it's not considered a silica fluoride I guess. At any rate, they don't really do the toxicology studies for these at the National Sanitation Foundation. Of course they don't. They're partly chemically – they have inspections at their plants but they don't really – no one's done the toxicology studies. That's the really bottom line. And most people don't really know that these things have come out of smokestacks and that they're – gather up this liquid. Instead of it coming out into the air they us this liquid and it's called scrubber liquor and then they make it – they capture it before it goes out in the air so it doesn't hit the people.

But EPA has never tested the silica fluorides. People think the EPA has tested the silica fluorides. There's some real strange stuff going on, but because the CDC and the ADA, Center for Disease Control and the dentists, are really very vocal, and some dentists can't come to testify because they don't – it's too scary. And the one I'm talking about is my dentist and I'm not going to tell you who he is but I saw him testifying at the legislature on mercury once and he looked so scared I couldn't ask him. But the truth is that somebody that is not on his staff but works in his office, so she's sort of on his staff perhaps but she's not, she told me that it's – they go after the dentists. There's no safety. They can't come here and talk.

That's really it. I just want you to really look at the three things, the FDA, the EPA and the CDC, and to know that that's true. Now, if it hadn't been true, Blake Atkins wouldn't have said the statement was correct, because I just kept going one after the other until I could get to somebody who could answer it.

CHAIR CALVERT: Anybody else?

ALLISON LASKY: I'll wrap it up briefly. My name is Allison Lasky and I just brought brief, additional information for you to take your own time with for your further research. [Exhibit 5] And I'll say too that my dentist as well is not comfortable making a statement because of the threat to her occupation. So I just want you to know that. Thank you.

MICHAEL COLLINS: Hi. My name is Michael Collins. I live in Santa Fe County. Mr. Chair, I just wanted to support Commissioner Stefanics' request for the whereabouts of the money. I think it's a very important issue. I'd like to see an accounting of the history of it since the inception of the Board as far as interest, investments, withdrawals, deposits. It seems to me that this is kind of a major – maybe it's just a temporary issue but I think it's a major question. Thank you very much.

RON ROMERO: Yes. My name is Ron Romero. I am a dentist and I'm here to let you know that I am in favor of community water fluoridation. I'm glad to see that the County and this Board took the action to study the issue and I hope, again, as you know, there are two sides to this story. And the two sides have been played out in Phoenix and they've been played out in Portland and there are similar arguments. The City Council in both cities voted unanimously in favor of community water fluoridation.

I read the newspaper articles and I would ask you to do the same thing as well, and basically you will know that the arguments that you heard here tonight are the same. So I commend the Board for studying the issue and I hope that you do make an informed consent when you do make a decision. I would ask you to look at the editorials in the Santa Fe New Mexican. I think they've been in favor of community water fluoridation. There have been several of those and the Albuquerque Journal supports community water fluoridation as well in some of their articles.

The primary reason I'm here is because in the Santa Fe New Mexican editorial page the State Epidemiologist wrote a letter in support of community water fluoridation. I won't read it all to you but it's the official stand for the Department of Health, and I believe that's a huge endorsement. It says here, Community water fluoridation is a scientific, evidence-based strategy that has been proven to help prevent oral disease. Individuals without access to preventive dental services, especially children, benefit from the exposure to fluoridated water to prevent tooth decay. Therefore, on behalf of the New Mexico Department of Health, I encourage and support continued water fluoridation for the City of Santa Fe. I can further state that the Department of Health opposes cessation of community water fluoridation. Thank you.

CHAIR CALVERT: Okay. Is there anybody else? Please step forward.

JIM MCCLURE: My name is Dr. Jim McClure. This governing body, the Buckman Direct Diversion project, in collusion with the City of Santa Fe and Santa Fe County is illegally placing an unapproved drug into the public water supply. The drug currently being distributed by these corporations without FDA approval is hydrofluorosilicic acid. HFSA is dumped into the public water supply for the purpose of treating disease and dental caries.

The BDD's use of an unapproved drug to medicate the public in order to forcibly treat disease and dental caries without their consent violates the constitutional rights of our citizens and violates the Food, Drug and Cosmetic Act. The FDCA prohibits the distribution of a drug without FDA approval. There are no state law exemptions, as the FDCA pre-empts all state laws and state court decisions that would otherwise permit the distribution of a drug without FDA approval in violation of FDCA, Section 21.v.s.c.s 379r(N): Mills vs. Warner-Lambert Company 581 F. Supplemental 2d 772, 778, Ed text 2008. If the BDD and the City and the County intend to treat disease of tooth decay, no matter how laudable the purpose, federal law requires that you distribute only a drug that has been approved by the FDA for this purpose.

State law also requires you to have a license to practice medicine. Importantly, both the courts and the FDA have determined that even in the context of fluoride, one substance does not equate to FDA approval of a similar or even identical fluoride substance. And I've got the case law for that. In the decision, the court held that even though certain fluoride substances had received FDA approval, a slightly different fluoride substance with a new drug requiring FDA approval for that substance. The FDA is the exclusive agency charged with authority to approve a drug within the meaning of the Food, Drug and Cosmetics Act. Under the FDCA a drug is defined based upon the intent, the intended use or the effect on the body's structure. The term drug means articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man.

Thus any substance that is intended to treat, mitigate or prevent disease is a drug within the meaning of the FDCA.

CHAIR CALVERT: Could you wrap it up?

DR. MCCLURE: The intent and use of the substance is what defines the substance as a drug. The FDA is the appropriate and only authority that is authorized to determine the safety and effectiveness of HFSC and which the BDD, the City, the County intends to treat and prevent disease in consumers. The United States EPA is not authorized by Congress to regulate claims of safety and effectiveness of substances intended to treat or prevent disease in animals, in humans, nor any claims of safety or effectiveness of direct water additives.

My questions: Where is the authorization of the BDD, the City, the County to add an unapproved drug to the public water supply? Where is the authority – number two – where is the authority of the BDD, the City, the County to add HSFC acid to the public water supply? Number 3: Where are the toxilogical studies on the continued use of a drug on the health and behavior effects on the public when you have no guidance on how much of the drug a person should consume? Number 4: Why has the BDD, the City, the County, chosen to medicate the public without their consent with an unapproved drug that is not produced or controlled with good manufacturing practices? Number 5 –

CHAIR CALVERT: Sir, how many numbers are there?

DR. MCCLURE: I've got three more. Where are the analytical studies showing the unapproved drug is not contaminated with lead, arsenic, of other heavy metals, given that HPSA is a toxic industrial waste product captured and then processed from the scrubber systems required by the Clean Air Act to protect against airborne toxicity. The FDA does approve the use of pharmaceutical grade fluoride for topical application to the surface of the teeth, such as in the use of toothpaste.

CHAIR CALVERT: Could I ask you to conclude here?

DR. MCCLURE: I've got about one minute.

CHAIR CALVERT: You've got about one minute left?

DR. MCCLURE: Yes. However, the FDA requires that all such topical applications bear a poison control warning on the packing to keep out of reach of children under six years of age, and to call a poison control center if ingested, based on dosage ingested. Where are the warnings on our public water bills? Our public drinking fountains? Our school drinking fountains? Hotel and restaurant taps? Based on dosage ingested.

Since corporations are now people and to practice medicine in the state of New Mexico requires a person to have a valid license, who on the Board is licensed to practice

medicine. These policies are placing the BDD, the City and the County in potentially dire legal and financial jeopardy and consequences. I wait your timely answer to these questions.

CHAIR CALVERT: Thank you, sir. Anybody else? Okay. Thank you.

**MATTERS FROM THE BOARD**

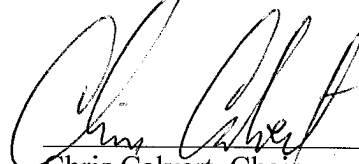
CHAIR CALVERT: Does anybody on the Board have any issues or questions or things they wanted to raise? Okay.

**NEXT MEETING: Thursday, November 1, 2012 @4:00 P.M.**

**ADJOURNMENT**

Having completed the agenda, Chair Calvert was declared this meeting adjourned at approximately 6:20 p.m.

Approved by:

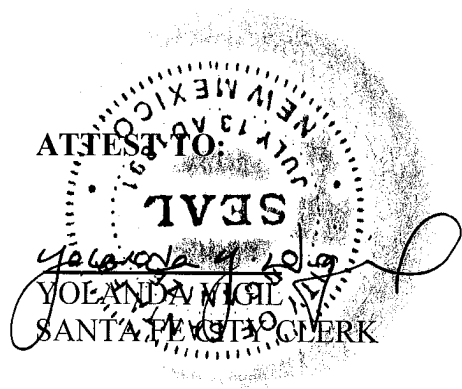
  
Chris Calvert, Chair

Respectfully submitted:

Debbie Doyle, Wordswork

**ATTEST TO:**

\_\_\_\_\_  
VALERIE ESPINOZA  
SANTA FE COUNTY CLERK



2012 OCT 11 PM 4:00  
SANTA FE COUNTY CLERK  
RECEIVED

Oct. 11, 2012

BID

SIGN-IN SHEET

EXHIBIT

1

CLERK RECORDED 11/23/2012

Vesta Webster  
MICHAEL AUNE

Barbara Pero

Mike Salerni

Rick Carpenter  
Jen Sakshaug

City of SF

Las Campanas

Wendell T. Egelhoff

Las Campanas

Pat Nowlin

11

Mark S. Bent

Las Campanas

ERIC OLIVER

SF 87505

Helen Oates

SF 87506

Betsy A. Robinson

SF 87501

Melusi Byer

City staff

ALEX PUGLISI

CITY OF SF

Jonathan Phillips

City of SF

Joanne McClure

Citizens

PAUL KARAS

CDM SMITH

City of Santa Fe



New Mexico

CITY CLERK'S OFFICE

DATE 10/3/12 TIME 4:30

SERVICED BY *Stephanie Lopez*

RECEIVED BY *[Signature]*



EXHIBIT

2

## AGENDA

The City of Santa Fe  
And  
Santa Fe County

### Buckman Direct Diversion Board Meeting

THURSDAY, OCTOBER 11, 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 SEPTEMBER 13, 2012 BUCKMAN DIRECT DIVERSION BOARD MEETING
6. MATTERS FROM STAFF

### CONSENT AGENDA

7. Request for approval of the 2013 Buckman Direct Diversion Board Meeting Schedule. (Stephanie Lopez)

### DISCUSSION AND ACTION ITEMS

8. Discussion and request for approval of Amendment No. 2 in the amount of \$24,000.00 plus \$1,965.00 (NMGRT) for a total amount of \$25,965.00 to the legal services agreement with Harwood Consulting for the provision of

CLERK RECORDED 11/23/2012

specialized services related to the Middle Rio Grande Endangered Species Collaborative Program. (Rick Carpenter)

### **INFORMATIONAL ITEMS**

9. Discussion regarding concurrent ordinances being considered by the City of Santa Fe to cease fluoridation of the City water supply. (Alex Puglisi)
10. Update and discussion of BDD operations. (Erika Schwender)
11. FY 2011/2012 BDD Operating Fund Budget-to-Actual Comparison update. (Brian Shelton)
12. BDD Facility Manager Salary Survey. (Brian Snyder) **HANDOUT AT MEETING**
13. BDD Water Quality Testing frequency, information included on website and frequency of updates. (Erika Schwender)
14. Update on BDDB operational agreements with role of BDD Board in operational capacities and filling of personnel vacancies. (Nancy Long)
15. Update of County's intent to prepare and implement a Facility Improvement Plan to permit the County to deliver raw (non-potable) water to its customers at Booster Pump Station 2A even when BDD deliveries are suspended as the result of poor Rio Grande water quality. (Patricio Guerrerortiz) **VERBAL**

### **MATTERS FROM THE PUBLIC**

### **MATTERS FROM THE BOARD**

**NEXT MEETING: THURSDAY, NOVEMBER 1, 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.**



## Buckman Direct Diversion Project

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

**DATE:** October 10, 2012  
**TO:** Buckman Direct Diversion Board  
**FROM:** Brian K. Snyder,  
City of Santa Fe Public Utilities Department and Water Division Director *Bks*  
**RE:** BDD Facility Manager Salary Evaluation

### Item and Issue

BDD Facility Manager Salary Evaluation.

### Background

The BDD Facility Manager hourly range was established approximately 2-1/2 years ago when this position and other BDD manager/supervisory positions were developed and established. At that time the hourly ranges for existing City and County comparable positions were considered.

The City Public Utilities Department has several existing comparable positions to the BDD Facility Manager. The following is a listing of these positions and the hourly range:

<u>Position</u>	<u>Range Code</u>	<u>Hourly Range</u>
Water Division Source of Supply Manager	N	\$24.93 - \$44.44
Water Division Transmission and Distribution Manager	N	\$24.93 - \$44.44
Wastewater Division Plant Superintendant	N	\$24.93 - \$44.44
Wastewater Division Collections Manager	N	\$24.93 - \$44.44

The County Public Utilities Department has one comparable position to the BDD Facility Manager. The following is a listing of the position and the salary range:

<u>Position</u>	<u>Hourly Range</u>
Infrastructure Manager	\$29.80 - \$44.80

When the BDD staffing plan was developed, the majority of the positions had a higher skill set requirement (e.g. education, training, etc.) due to the advanced water treatment complexities as compared to existing City and County comparable positions. With this in mind, BDD positions were typically established at one (1) range higher than the City and County comparable positions. The following is the hourly range the BDD Facility Manager position was advertised at:

<u>Position</u>	<u>Range Code</u>	<u>Hourly Range</u>
BDD Facilities Manager	O	\$27.42 - \$48.68





Date: Monday, September 17, 2012  
Written by: Michael Aune  
RE: Santa Fe New Mexican Story Compounds the Lie!



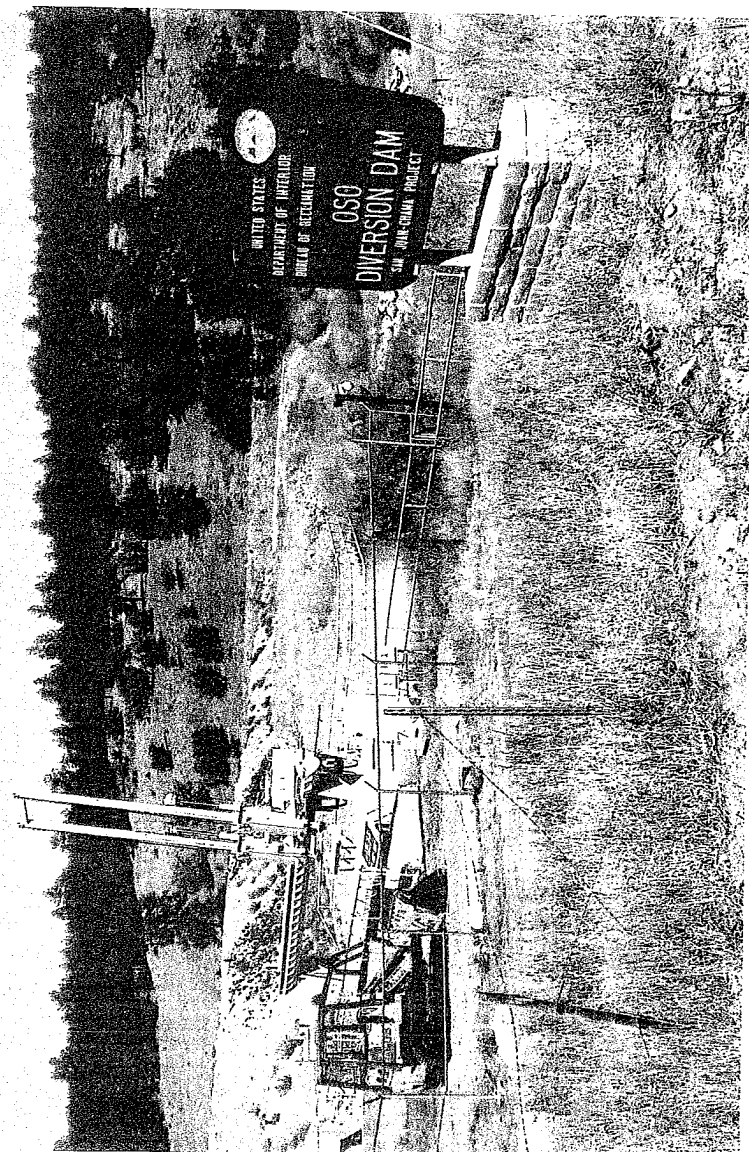
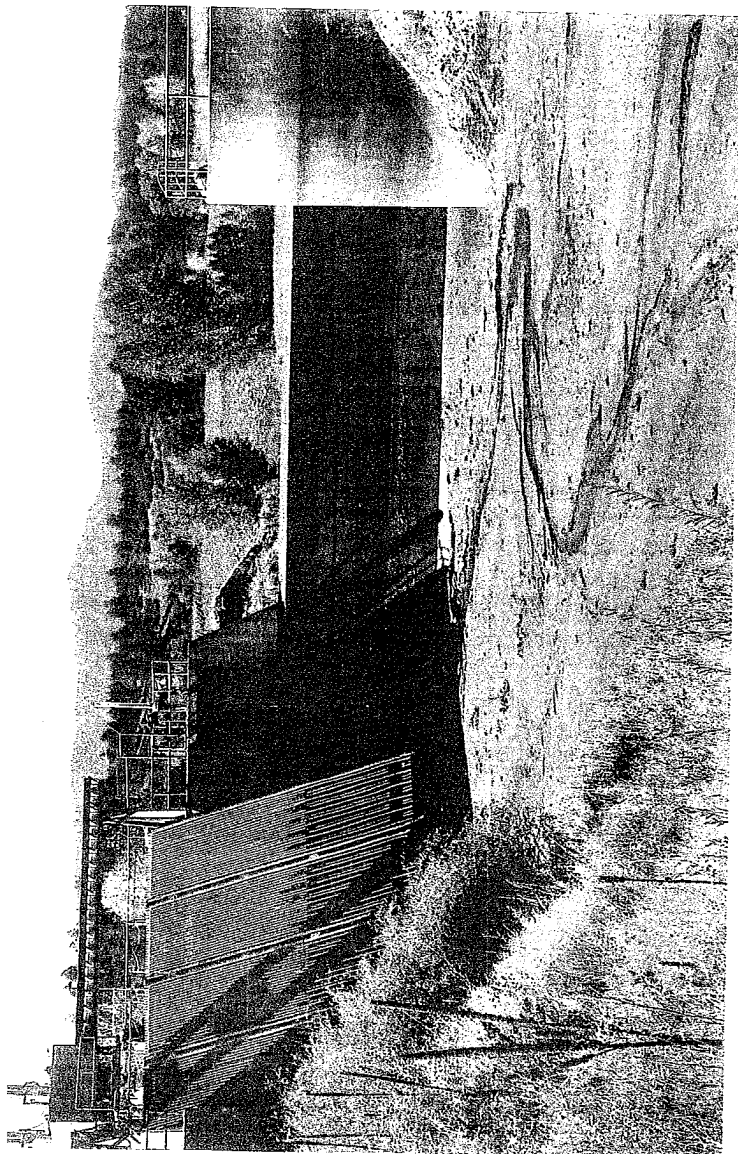
REC'D CLERK RECORDED 11/29/2012

"Costs, Conflict Hinder Water Delivery" – Santa Fe New Mexican, Friday, September 14, 2012

Julie Ann Grimm wrote about Buckman Direct Diversion: "...offline for most of six-week period that lasted from early July to mid-August." Grimm cited Ericka Schwender, interim manager, "...Buckman Diversion Managers have to alert the Federal Bureau of Land Management 24 hours before they want water to be released..." and "...water comes from storage reservoirs that hold flows captured through the Federal San Juan-Chama Project, which diverts Colorado river water..."

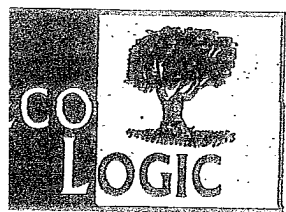
Michael Aune responds: "24 hours? 24 days notice would not be enough time because the Oso Diversion on the Navajo River is still inoperable. The photos I took on Sunday, September 16, prove it. I have been there four times since June, so the diversion 'through a tunnel under the Continental Divide' hasn't been working from at least June to the present. Water may go out of Heron Lake into the Chama, but there is no water going into the reservoir. How long can that last?"

DO I HAVE YOUR ATTENTION?



SEC. CLERK RECORDED: 4/29/2002

"WANT HAS HAPPENED BEFORE, WILL HAPPEN AGAIN"



4-PAGE DOCUMENTED STORY 1998

# THE NEW LAND RUSH Golfing in a Desert?

by Michael J. Aune

Several golf course proposals have been the subject of debate in the Sedona area in recent weeks. When visitors to Sedona take a shower, residents flush the toilet, they don't think about that activity as the cause for these golf course proposals. That is the case, though, because the City of Sedona has to find disposal methods for wastewater treatment plant effluent. The U.S. Forest Service is involved because the City currently uses Forest Service land for disposal. Two of the golf course proposals would require trades with the potential developers enabling the developer to build a golf course on land now a part of the National Forest. A third proposal involves a privately owned land surrounded by the Coconino

study area southwest of Sedona. Amendment 12 identifies 789 acres as high priority parcels of privately held land to be acquired within the National Forest. These include the Bradshaw Ranch, the Woo Ranch which contains ancient pictographs and petroglyphs, the Hancock Ranch, Lincoln Canyon, and the Tree Farm and Cockscomb area. According to Amendment 12, "these properties may be acquired through purchase, donation, land exchanges at The Dells or other means."



PHOTO MARGARET JACKSON

Beautiful Sedona awaits its fate as golf courses get ready to tee off.

Chip Davis, is the only commissioner who represents the area in question. He said he took residents' concerns into consideration when he voted against the plan, citing the change in the character of the forest, the impact to the surrounding area, and the visibility factor. Also of concern was that Yavapai County's own Planning and Zoning Commission voted 4-3 to recommend that the County Board of Supervisors deny approval of the plan and zone change. One Sedona resident, Ivan Finley, spoke in favor of the project because the golf course irrigation gave the City of Sedona an outlet for treated water from the wastewater treatment plant.

the people who live in the area now have expressed their concerns about excessive growth and the limited resources, such as water, to sustain that growth. The second parcel, the Bradshaw Ranch, was acquired by a group

Does a Good Plan Always Bring Good Results?

"SEVEN CANYONS" NOW HAS PRIVATE GOLF COURSE IN GATED COMMUNITY, USING GROUND WATER WELLS TO IRRIGATE  
Jump To 1999

"Coming Together to Work Together for Solutions to Preserve Our Home"

50,000 CITIZENS IN VERDE VALLEY  
IS THERE ENOUGH WATER FOR TOMORROW?

Public Interactive  
TOWN HALL #2

TOWN HALL MEETING

COME & BE HEARD!!

FRIDAY, MARCH 19TH  
7:00 pm  
at the Mingus Union High School

SPEAKERS:

- Michael Aune, Moderator
- Tom O'Halloran, Chairman Verde Valley Watershed Association - Water Issues
- Jim Buchanan, Yavapai Planning Commissioner  
The Need for Additional County Supervisors
- Don Mueller, JD  
What's involved in forming a new county?

YOU CAN  
MAKE A  
DIFFERENCE

Sedona Area Citizens, Inc.  
P.O. Box 3770 • Sedona, AZ 86340-3770  
Plaza West, #213, 2155 W. Hwy. 89A, Sedona  
(520) 203-4084 • Fax: 203-9625  
e-mail: savesedona@sedona.net

“Earth is our Life Support System... this is Earth’s Early Warning System” – Michael Aune

Quotes from Michael Aune regarding the Buckman Direct Diversion -

Aune: “Incidentally, it’s the Bureau of Reclamation, not the Bureau of Land Management. The Bureau of Reclamation contract with the City and County of Santa Fe provides for 5,605 acre-feet of water per year to the Buckman Direct Diversion”.

Aune: ‘The San Juan-Chama project takes water from the Rio Blanco and Little Navajo, and diverts it to the Navajo River. There, the Oso Diversion diverts partial flows from all three rivers into Willow Creek, which flows into Heron Lake and then the Chama River.’”

Aune: “Heron Lake is not at full capacity. Continued drought and reduced winter snow-pack means reduced flows through the San Juan-Chama project. It also means increased risk of forest fire danger in those watersheds. Then ash and mud flows to block the diversions and fill the tunnels. Who is thinking ahead to those possibilities? No one that I’ve seen.”

Aune: “My wife and I have been to the headwaters of the Rio Blanco and the Navajo Rivers in the Colorado mountains over the past several years. The City Council members and County Commissioners who make up the Buckman Board have not. I’ve been to where Santa Fe’s drinking water comes from. Why haven’t our elected officials been there, too?”

Aune: “This past June, there was no snow in the mountains, hence low flows in the Rio Blanco and Navajo Rivers. Our Santa Fe elected officials talk ‘sediment’ when the truth is there is little water available.”

Aune: “Despite low flow issues from drought and low snow-pack, another issue is a legal one. A Federal court has ruled that water sharing between states that sign a compact is voluntary, not mandatory. If the U.S. Supreme Court chooses to not review this decision, then Colorado might assert their water rights over the San Juan-Chama Project rivers. The City and County could lose this 5,605 acre-feet per year allocation to the Buckman Diversion.

Aune: “The City Council and the County Commission knows or should have known that the Oso Diversion has not functioned all summer. Yet they persist with the ‘sediment’ myth. They also know about the Federal court case. Their collective ‘lies of omission’ means simply our elected officials are not telling the voters the truth about real threats to our drinking water supply.”

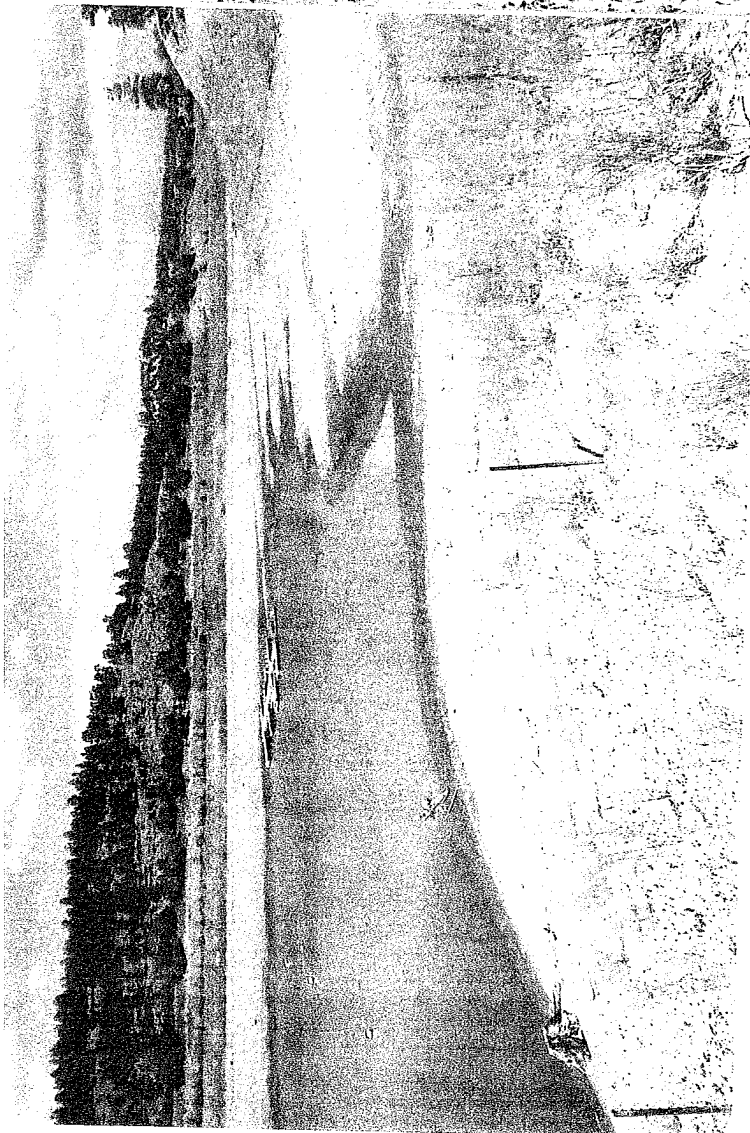
Aune: “At the same time this potential for a water shortage is very real, both the County and the City persist in promoting ‘growth’ plans including an expanded water supply pipeline from the Buckman to the south. I guess ‘developers rule’ and ‘money matters’ more than a kid saying ‘I’m thirsty mamma.’”

Aune says he has been to a number of Buckman Direct Diversion Board meetings since last fall, and has talked about these issues at several water-related public presentations, tours, and meetings during the past year. He wonders if anyone is listening?

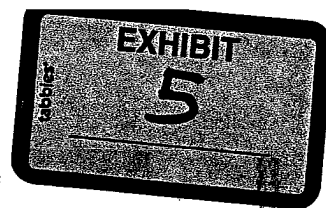
SECRET  
CONFIDENTIAL  
NO FORN DISSEM

San Juan-Chama Project, Heron Reservoir @ 35% capacity, 45' low on September 29, 2012  
photos: Michael Aune

SFC CLERK RECORDED 11/29/2012



# **WATER FLUORIDATION: an IDEA WHOSE HAS PASSED**



CLEAR RECORDED 11/29/2012



Over 50 years ago, on the recommendation of scientists working for the Public Health Service, many U.S. cities began adding a chemical known as fluoride to their water supplies. The scientists promised that fluoride would give children strong, cavity-free teeth. It would particularly help economically disadvantaged children, they said, by making a nutritious diet and good oral hygiene unnecessary for sound dental health. And, they insisted, in the very small amounts administered—about one part per million—it would be perfectly safe.

Today we know better. Proper nutrition and oral hygiene are the key to healthy teeth, as they always have been. There are no short cuts. There is no overall difference in dental health between fluoridated and non-fluoridated communities. And, far from being harmless, fluoride is extremely toxic. Stored up in the body over time, it displaces necessary elements like calcium and iodine, disrupting bone, glandular, and even brain function. Low income groups suffer disproportionately from these effects.

- **IN 2001, THE FEDERAL CENTERS FOR DISEASE CONTROL (CDC) ADMITTED THAT ANY BENEFITS OF FLUORIDE COME FROM TOPICAL APPLICATION (AS IN BRUSHING WITH FLUORIDATED TOOTHPASTE), NOT FROM INGESTION.**
- **IN 2006, BOTH THE CENTERS FOR DISEASE CONTROL AND THE AMERICAN DENTAL ASSOCIATION (ADA) ADMITTED THAT FLUORIDATED WATER IS HARMFUL TO INFANTS AND WARNED AGAINST USING IT IN BABY FORMULA.**

**IT'S TIME TO PUT A STOP TO WATER FLUORIDATION IN OUR COMMUNITY.**



## **Q: What is Fluoride?**

- Fluoride is the name given to any chemical compound containing the element fluorine, whether naturally-occurring or produced by industry. The fluoride used in Austin's water, called fluorosilicic acid, is a waste byproduct of the phosphate fertilizer industry.

## **Q: How Toxic is Fluoride?**

- It is a component of rat poison and of many other common pesticides
- It is corrosive enough to etch glass
- Fluoridated toothpastes carry a poison warning on the label
- The EPA prohibits discharging fluorides directly into natural waterways and the ocean. Fluoride disposal is regulated under the rules for hazardous waste.
- Handlers are required to wear a NIOSH-approved cartridge respirator with full-face shield, tight-fitting chemical splash goggles, and acid-proof protective clothing, gloves and shoes.

## **Q: How Does Fluoride Harm Us?**

- It is stored in the body, especially the bones, teeth and thyroid gland.
- It causes dental fluorosis, a condition marked by stained teeth, including pitting and malformation of the enamel. Fluorosis is now widespread among American children.
- It replaces calcium in the skeletal system, leading to more brittle bones. Fluoride in bone has been linked to osteoporosis, hip fracture, bone cancer, arthritis and skeletal fluorosis.
- It replaces iodine in the thyroid, leading to underactive thyroid, sluggish metabolism, goiter.
- It has been linked to: lowered IQ, premature puberty, and crippling skeletal fluorosis.
- It is especially damaging to certain vulnerable (and very large) sub-populations.

## **Q: Who Are the At-Risk Subpopulations?**

- Newborn babies, infants, and the unborn fetus;
- Diabetics, Kidney patients, and those suffering from thyroid conditions;
- Alzheimer's sufferers and senior citizens generally; and Osteoporosis sufferers;
- Immuno-compromised persons: AIDS sufferers and those undergoing chemotherapy
- People who are undergoing treatment with steroids, including organ transplant patients
- People who have a special sensitivity to fluoride, or who suffer from dental fluorosis
- People who consume exceptionally large quantities of water while working or playing outdoors in hot weather, such as: construction workers, athletes and active children.

## **Q: Why does the CDC Continue to Promote Water Fluoridation Despite**

### **Abundant Evidence That It's Both Ineffective and Health-Damaging?**

- For more than a half century, the U.S. Public Health Service and affiliated agencies, have invested vast resources in selling the false promise of water fluoridation. To abandon their position now would not only seriously damage their prestige but might open the door to litigation from victims of fluoride damage. We cannot expect them to change direction any time soon.

## **Q: Where Can I Learn More?**

- [www.fluoridealert.org](http://www.fluoridealert.org) (reliable scientific information and political updates)
- [www.orgsites.com/ny/NYSCOF](http://www.orgsites.com/ny/NYSCOF) (New York State Coalition Opposed to Fluoride)
- [www.keepersofthewell.com](http://www.keepersofthewell.com) (interesting selection of articles and documents)
- [blog.fluoridefreeaustin.com](http://blog.fluoridefreeaustin.com) (local blog --- talks before Austin City Council and more)
- [info@fluoridefreeaustin.com](mailto:info@fluoridefreeaustin.com) (email us with your questions)

HST bag label.

# HYDROFLUOSILICIC ACID

AVOID CONTACT WITH  
SKIN, EYES, MOUTH &  
CLOTHING



**DANGER  
POISON**



**DIRECTIONS FOR WATER FLUORIDATION:** Application of this product for water fluoridation is subject to approval of all interested state and local health authorities. Its use should conform to the American Water Works Association's "Statement of Recommended Policy and Procedure."

AVOID BREATHING  
FUMES OR VAPOR

DO NOT TAKE INTERNALLY

## WARNING

Exact dosage must not raise the total fluoride concentration in drinking water above 1.5 ppm. (U.S. Public Health Service maximum limit)

IF MATERIAL IS SPILLED OR RELEASED, NEUTRALIZE WITH LIME AND DISPOSE AS CALCIUM FLUOSILICIC WASTE

**SPECIAL PROTECTION INFORMATION:** RESPIRATORS APPROVED FOR FLUORINE, RUBBER GLOVES, CHEMICAL GOGGLES AND A PROTECTIVE APRON OR ACID RESISTANT CLOTHING SHOULD BE USED SPECIAL PRECAUTIONS SHOULD BE TAKEN IN HANDLING AND STORING MATERIAL: AVOID STORAGE IN GLASS CONTAINERS.

WHEN MATERIAL IS CONTACTED WITH FIRE, FLUORIDE GAS MAY BE RELEASED. OVEREXPOSURE TO MATERIAL MAY CAUSE CONSTRICTED BREATHING COUGHING, SKIN REDNESS, OR BURNING OF THE THROAT.

### ANTIDOTE

**SKIN:** COPIOUS AMOUNTS OF WATER FOR 15 MINUTES.

**INTERNAL:** CONTACT PHYSICIAN

**OTHER:** CONSULT PHYSICIAN IN THE EVENT INGESTION HAS OCCURRED,

GIVE COPIOUS AND REPEATED AMOUNTS OF WATER OR A WEAK SOLUTION OF CALCIUM CHLORIDE