



***DRAFT***

subject to approval

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

**February 6, 2014**

This meeting of the Santa Fe County/City Buckman Direct Diversion Board meeting was called to order by Acting Chair, Chris Calvert, at approximately 4:32 p.m. in the Santa Fe City Council Chambers, 200 Lincoln Avenue, Santa Fe, New Mexico.

Roll was called and the following members were present:

**BDD Board Members Present:**

Councilor Chris Calvert  
Commissioner Liz Stefanics  
Ms. Consuelo Bokum  
Councilor Carmichael Dominguez

**Member(s) Excused:**

Commissioner Miguel Chavez

**Others Present:**

Nancy Long, BDD Board Consulting Attorney  
Shannon Jones, Interim BDD Facility Manager  
Stephanie Lopez, Staff Liaison  
Rick Carpenter, City Water Resources and Conservation Manager  
Claudia Borchert, County Utilities Director  
Adam Leigland, County Public Works Director  
Teresa Martinez, County Finance Director  
Erick LaMonda, BDD Staff  
Kyle Harwood, BDD Board Counsel  
Mackie Romero, BDD Staff  
Jeff Mousseau, LANL  
Cheryl Rodriguez, LANL

**3. APPROVAL OF AGENDA**

*[Exhibit 1: Agenda]*

CHAIR CALVERT: Are there are any changes from staff?

SHANNON JONES (Interim Director): Mr. Chair, there are no changes from staff.

COMMISSIONER STEFANICS: I'll move for approval.

MEMBER BOKUM: I had a few things.

COMMISSIONER STEFANICS: Then I'll withdraw my motion.

CHAIR CALVERT: You can second it for purposes of discussion.

MEMBER BOKUM: First of all, on #11, I'd just like to say congratulations.

CHAIR CALVERT: That will be presented, because it's an informational item. We will be hearing that.

MEMBER BOKUM: Okay. Then under the Consent Agenda I would like to ask a question on #14.

CHAIR CALVERT: Okay. We'll get to the Consent Agenda –

MEMBER BOKUM: Oh, you said the agenda.

CHAIR CALVERT: Yes. We're on the overall agenda.

MEMBER BOKUM: Okay.

COMMISSIONER STEFANICS: #4 is approval of the Consent.

MEMBER BOKUM: Okay. Sorry. I've been over at the legislature. I'm a little –

CHAIR CALVERT: That's okay. That could definitely be confusing.

COMMISSIONER STEFANICS: So, Mr. Chair, I will move for approval of the agenda.

MEMBER BOKUM: I will second.

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

#### **4. APPROVAL OF CONSENT AGENDA**

MEMBER BOKUM: I would like to remove #14, I would like to ask one question.

CHAIR CALVERT: Fourteen. Okay, item 14. Is there any other?

COUNCILOR DOMINGUEZ: I would move for approval as amended.

COMMISSIONER STEFANICS: Second.

CHAIR CALVERT: Okay. Any further discussion?

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

#### **CONSENT AGENDA**

- 12. Update on 2nd Quarter Financial Statement**
- 13. Update and discussion of BDD operations**
- 14. Drought, Monsoon and Water Resource Management Update ISOLATED FOR DISCUSSION**
- 15. Request for approval of Amendment No. 1 to the Professional Services Agreement between Padilla Industries and the Buckman Direct Diversion Board for expanded fencing and gates associated with on-going BDD project habitat restoration work for the amount of \$87,424.00, inclusive of NMGR**
- 16. Request for approval of Amendment No. 5 to the Professional Services Agreement between Harwood Consulting LLP and the Buckman Direct Diversion Board for the amount of \$60,000.00, exclusive of NMGR**
- 17. Request for approval of Amendment No. 3 to the Professional Services Agreement between Alpha Southwest, Inc. and the Buckman Direct Diversion Board for the amount of \$50,000.00 exclusive of NMGR**

18. **Request for approval to release an RFP to develop the Capital Asset Management Plan**
19. **Request for approval to purchase parts and supplies from Boyer and Seeley Pumps to repair Raw Water Pump Stations 1A and 2A in the amount of \$135,600.00**

5. **APPROVAL OF MINUTES: December 12, 2013**

CHAIR CALVERT: Any corrections from staff:

STEPHANIE LOPEZ (Staff Liaison): No corrections.

CHAIR CALVERT: Okay. What's the wishes of the committee?

MEMBER BOKUM: I would like to ask for one change.

CHAIR CALVERT: Okay.

MEMBER BOKUM: It's on page 10. It's the third dash down. "Ms. Bokum said that was before her time." I know I mumble. I don't believe I said that. It wasn't before my time and it doesn't reflect reality, so maybe just omit it. If that's okay.

CHAIR CALVERT: Any other changes? Okay. So if I could have a motion.

MEMBER BOKUM: Move to approve.

CHAIR CALVERT: As amended?

MEMBER BOKUM: As amended.

COUNCILOR DOMINGUEZ: Second.

CHAIR CALVERT: Okay. Any further discussion?

**The motion passed by unanimous [3-0] voice vote with Commissioner Stefanics abstaining.**

6. **MATTERS FROM STAFF**

MR. JONES: Mr. Chair, members of the Board, I do have things I'd like to bring up. The first one is to notify the Board that construction has begun on the 2A solar panel project and right now on the schedule it's looking at a completion date of October 31<sup>st</sup>. Secondly, if it pleases the Board, I'm prepared to give a staffing update.

CHAIR CALVERT: Please

COUNCILOR DOMINGUEZ: Mr. Chair, real quick, did you say October 31<sup>st</sup>?

MR. JONES: Yes. Okay, I want to start with I did receive a letter of resignation today from one of our charge operators who will be relocating to California, and while that's unfortunate I would like to look at the positive side, that we have filled three positions. We made an offer and the person accepted for regulatory compliance. We made an offer and the individual accepted for public relations coordinator, and we made an offer and the individual accepted for safety officer and training administrator. So those three, they all have the same recommended start date of March 3<sup>rd</sup>.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR CALVERT: Yes.

COMMISSIONER STEFANICS: Could you identify those people by name please?

MR. JONES: Mr. Chair, Commissioner Stefanics, let me try to do that. For regulatory compliance, the woman's name is Daniella Bulman. For public relations coordinator, that woman's name is Alana Moriarty. And for safety officer training administrator, the gentleman's name is Cesar Garcia.

COMMISSIONER STEFANICS: Thank you.

MR. JONES: That's it for Matters from the Staff.

CHAIR CALVERT: Great. Thank you.

## **7. REPORT ON FEBRUARY 4, 2014 FISCAL SERVICES AUDIT COMMITTEE MEETING**

CHAIR CALVERT: At that meeting Commissioner Chavez and I were present along with staff, Shannon and Maggie and we discussed – we basically reviewed most of the items on the Consent Agenda that had any kind of fiscal impact, so that would have been 12, 13, 15, 16, 17, and 19, are the ones that we discussed at that meeting. And we're just checking to see if we thought the information was complete or if staff needed to do any further – provide any further information or feedback in the future. So do you have anything to add to that, Shannon?

MR. JONES: Mr. Chair, members of the Board, no. I think that's complete. Thank you.

CHAIR CALVERT: Any questions?

## **INFORMATIONAL ITEMS**

### **8. 2014 Fiscal Services and Audit Committee Schedule**

CHAIR CALVERT: I'm going to suggest – I think we discussed this too. I'm going to suggest that everybody can take a look at it now but since you will have new people coming onto this Board shortly and everybody may need to check their schedules anyway, that we just take this under advisement for right now and I guess maybe we can do it on a month-to-month basis until we get to, say, April and then at the April meeting I think we can do for the rest of the year. Does that sound like a reasonable plan?

So we're not approving anything anyway, but it is information that this isn't finalized and I think we can bring it back at the April meeting for approval, I think that would be the best course of action.

### **9. Update on Early Notification System**

MR. JONES: Mr. Chair, members of the Board, as reflected in the memo on December 12<sup>th</sup>, the Board did pass a resolution requesting Los Alamos National Lab and their site office work with BDD staff on extending the duration of the current MOU. So we have been talks with Los Alamos National Lab and I believe we also have someone here from Los Alamos National Lab, Mr. Mousseau, is going to come. We did ask him to come and present on six talking points that we thought were relevant.

CHAIR CALVERT: Welcome. And if you'd just give your name for the record.

JEFF MOUSSEAU: My name is Jeff Mousseau. I'm the associate director of environmental programs at the laboratory, and it's my pleasure to brief you today. Mr. Maggiore who is usually here with me has taken ill so this is his second day. I talked to him this morning and he didn't sound good, so I think we can all be pleased that he took a day off to be sick. I've got an update here; I'll just pass this out. *[Exhibit 2]*

So Councilor Calvert, distinguished Board, there's a couple things in front of you. One is just a briefing that I'll walk through fairly quickly this afternoon. The other one is a map, kind of as a refresher of where the gauge stations are and so as we go through that you can refer to that to see the locations. When we were here last time we talked about moving forward with replacing E109.9 with E050 and E060 stations and adding one other station, E062 as a kind of a backup or a contingency for verification. And at that time we had talked about putting in place the flow detection systems, the camera systems, and making them have equal capability to what we had at E109.

So kind of where we are, since we started that in September after the flood event and got that up and going with the flow detection, we do have the cameras installed now at E050 and E060 stations. Those cameras are taking a photo once every hour. Those photos are uploaded onto a secure website for the Buckman Diversion and that really started viewing on the 27<sup>th</sup> of January. We're working with Shannon's folks now and we're putting place the capability for the five-minute image collection. We began work on that February 4<sup>th</sup> and hope to have that in place shortly.

Both of those stations, E050 and E060, are in a winterized status, meaning that they still – we still have the cameras working. They provide the flow detection, but we're not doing the sample collection during the freezing seasons. We really do that June through October. And then the handout just shows the locations. One other thing we did on E062 where we don't have the – there's pictures of each of those down in the bottom of the 11x17 handout and certainly you can see the flow detection there at 50 and at 60. At E062 we don't have that but that is, again, that's a verification that you can see flow, and that's down after the confluence of the two canyons. And so we do have a camera working at that location also today.

So that's kind of where we are on the stations. The amendments and the extension request as Shannon talked about, we are working together with them. We held a technical meeting in November. We've got another meeting scheduled, a technical working meeting scheduled for February 11<sup>th</sup>, so next week, and I think that's going well. The request is to be discussed at DOE headquarters for the extension in the upcoming months and we're basically continuing to work on the technical papers, technical issues and get this up and running in preparation for the monsoon season this year.

We had originally scheduled – I think twice now we've scheduled a tour to go look out at the stations and by other events that's been overtaken. We would continue to encourage a tour to come up and look at those. One idea that we had was perhaps even at the next Buckman Board meeting we'd be happy to host at Los Alamos so we could have the meeting, we could look at the stations, things like that if that would work out for you, Councilor, we'd offer that.

CHAIR CALVERT: On that, I will just offer that that's probably not a good month, simply because there's going to be transition on this Board because of the

City election in March, so I think that we might as well wait until you have the new people on before we schedule that.

MR. MOUSSEAU: Okay. That's a good idea. Just a couple of other pieces of information. DOE Los Alamos has a new field manager, put a new field manager in place, Kimberly Davis Lebak started January 27<sup>th</sup>. It's interesting to me because she has a real interest in environmental and really her first day on the job was out looking at some of the work that we've done with environmental. We will provide her a briefing if Pete hasn't already done this of kind of what our obligations to Buckman and give her a good idea of exactly what that is. She came to Los Alamos from Livermore National Laboratory where she was acting manager and the deputy site manager also at Sandi National Laboratory. So she has experience in New Mexico which is a good thing, along with her environmental experience. And then as it says she was at headquarters for a while as well as Pantex and I think she had started at Savannah River project.

Federal budget update – pretty good news from where we've been at the last couple years at \$173 million, so the new congressional number now is \$225 million. It's interesting to note that's \$5 million above the president's request and we think a lot of that has to do with some of the progress that's been made on cleanup, the good relations we have with stakeholders and regulators, and the support we got from everybody, really, for trying to get that budget increase so we could get some more cleanup done. So that's really good going into this year. In March we'll know the pass-back number from the president and so we'll know what the 15 number is. We've got our fingers crossed it's roughly the same as our 14 budget.

And then I talked about the upcoming technical meeting next week, and then considering the week of the 17<sup>th</sup> of March for the next biannual MOU technical meeting. That's all I have to present today. Thank you very much.

CHAIR CALVERT: Thank you. Does anybody have any questions? Yes, Councilor Dominguez.

COUNCILOR DOMINGUEZ: Thank you, Mr. Chair. I didn't catch that last part that you said about March. You want to have another technical meeting in February but also in March.

MR. MOUSSEAU: That's correct. It's called the biannual MOU technical meeting and that's the one that's scheduled I think right now for March 17<sup>th</sup>.

COUNCILOR DOMINGUEZ: Okay. So do we have an anticipated date when this MOU might be finalized and ready to, I guess take action on? It sounds like, if I'm reading this correctly, that you want to wait till after the 14 monsoon to make any changes to it as a result of what happened in 2013. Am I reading that correctly?

MR. MOUSSEAU: I believe that's correct. As I talked about this with Pete a little bit he had started the process with headquarters and I was unsure how long that was going to take to get that through the various departments that need to look at that. I can get you a better answer.

COUNCILOR DOMINGUEZ: Staff, do you have anything you want to add?

MR. JONES: Mr. Chair, Councilor Dominguez, while we are looking at making the modifications, the existing MOU doesn't actually expire until 2015, so we are looking at that early, trying to take a pro-active approach. So the MOU does continue to 2015. The technical meetings that we're having is really still looking at our existing



MOU and the appendixes to it and how we modify our current operation to better acquire the data that we're trying to get. The biannual technical meeting is just to also set up an MOU where we're required to meet twice a year to discuss that.

COUNCILOR DOMINGUEZ: But we're not going to wait until 2015 to amend it, right?

CHAIR CALVERT: Hopefully not.

MR. JONES: Mr. Chair, Councilor Dominguez, I think as soon as we can get a resolution and be able to bring that back we would move forward.

COUNCILOR DOMINGUEZ: So the intention is to amend it as soon as everyone feels comfortable with the agreement.

MR. JONES: Mr. Chair, Councilor Dominguez, that's correct.

COUNCILOR DOMINGUEZ: Comfortable to present the agreement, maybe not with the terms of the agreement. Okay.

CHAIR CALVERT: Let me just ask on that point, is that your understanding?

MR. MOUSSEAU: It would certainly be our intent to get this in place well in front of the existing one today.

COUNCILOR DOMINGUEZ: I had one other question but I can't find it here. That's it for now.

CHAIR CALVERT: Okay. Anybody else? So, the only question I have at this point, and it has to do with amendments to the MOU and the extension request. What are you looking at in terms of, if anything, an extension to the existing MOU? What is LANL's thinking on this at the present, if you would?

MR. MOUSSEAU: Cheryl.

CHERYL RODRIGUEZ: Hi, I'm Cheryl Rodriguez with the Department of Energy Environmental Projects Office. And regarding the extension to the MOU, Pete actually went back to headquarters last week, was it? And he said it was the most expensive breakfast he's had because they closed down headquarters. So his intent was to go over the request, the resolution back then and he didn't. So hopefully, like we said in here, within the next couple months – hopefully it won't even be that long before he can broach it with headquarters, and I know the formal letter was going to be sent for the resolution. I'm not sure if we've gotten it, but either way I think Pete already sent the resolution back to headquarters.

So as far as a timeframe for that, I think as soon as Pete gets the go ahead to begin working on an extension or discussions of such then we would start that. But the amendments to the MOU, it was established that we have a technical appendix and twice a year we get together and we go over the technical aspects of what we do under there. So this biannual meeting is that.

CHAIR CALVERT: Okay. I just wanted to – I guess make a request. In our previous meeting I think I stated that I would like to see that extension be at least five years because that was the length of the original MOU and we're basically starting over as we've had the new site. However, I did say at least five. So if it's at all possible I would prefer something like ten and I'll tell you why. One, we didn't foresee this circumstance. I know this was more of a jurisdictional thing than anything. But with climate change and more – what should I say? dramatic weather phenomena to come, probably, we can build this and think that this is going to be good and the right thing but

I'd certainly like to hedge and give ourselves, both of us more time to make sure that this will be a robust facility and will be a lasting one. And so I would again encourage as I said a minimum of five but hopefully something more like ten so if we get into another situation like this we don't have to stop in the middle to renegotiate again and all that. And like I said, with climate change I'm sure we're going to have more dramatic weather phenomena and so we're going to need to be able to see that this is a sustainable facility into the future.

MR. MOUSSEAU: So, Councilor Calvert, we will take that back and at our next briefing we'll go over kind of exactly where we are on that extension and how long we're looking at and things like that and we will absolutely carry this message of at least five years and preferably long that that back.

CHAIR CALVERT: Okay. And was there something – you said you needed some documentation you needed from the staff?

MS. RODRIGUEZ: Oh, I think it was just a formal transmittal of the resolution.

CHAIR CALVERT: Okay, Shannon, have we done that? Do they have a copy of the resolution that we passed?

MR. JONES: Mr. Chair, they do have a copy of the resolution and the letter that she spoke of, we are executing as we speak.

CHAIR CALVERT: Okay. All right. Thank you. Thank you very much. Appreciate it.

#### **10. Update on recently filed WildEarth Guardians Notice of Intent to Sue regarding the Rio Grande Silvery Minnow**

MR. JONES: Mr. Chair, members of the Board, while we have been monitoring these issues, I have asked Kyle Harwood to come and provide the latest update to the Board.

KYLE HARWOOD: Good evening, Mr. Chair and Board members. There is late breaking news on this topic. *[Exhibits 3 and 4]*

CHAIR CALVERT: So that means paper. You're going to walk us through it, right?

MR. HARWOOD: So at the time we prepared the packet, as the packet describes, we wanted to just bring an informational update on the matter we are monitoring. It is a matter of some significance and appears to be getting more significant as the weeks go by. As you I think know and we reported about last year, the environmental group WildEarth Guardians filed a notice of intent to sue over essentially failures to follow the Endangered Species Act. They never pulled the trigger, so to speak, on that threatened lawsuit last year, however, this year –

CHAIR CALVERT: Has it expired then?

MR. HARWOOD: Well, the way the citizen supervision is set up they must provide this notice of intent to sue to provide the 60-day sort of breathing, cooling off and negotiation period, and then they may file their lawsuit after that 60-day period has run. They never did last year.

CHAIR CALVERT: Is there a deadline by which they must file the lawsuit?

MR. HARWOOD: No. They don't ever have to file their lawsuit. It's not that they then have to file it.

CHAIR CALVERT: Well, I know, but I mean is there a period by which is they're going to they have to?

MR. HARWOOD: I think people defending against a suit like this, if it did drag on for months or longer would start to argue that the issue is stale, but that becomes a matter of argument at that point.

CHAIR CALVERT: Okay.

MR. HARWOOD: So as the memo in your packet describes, they first filed a notice of intent to sue the Army Corps of Engineers withdrew from the consultation process around the minnow last fall, and I can give a little more background if you'd like on that. Then just after the new year, I think it was the 9<sup>th</sup> of – I'm sorry. That was on the 9<sup>th</sup> and then a couple days later they filed one against Colorado for Colorado's activities that adversely affect the minnow, and that's a whole new front in the silvery minnow, Rio Grande management dispute, because Colorado, of course is taking the position that their water use is governed by the Rio Grande Compact and that protects them from this sort of thing. This holding Colorado accountable for their changes to the flow in the critical reach of the minnow has been something that a lot of folks have talked about. We haven't actually seen an environmental group present the attack, so to speak, in this way in New Mexico before. So those are the two notices of intent to sue that you see in your packet.

And then the two that I've handed out today are both filed two days ago on February 4<sup>th</sup>. One is naming the US Fish and Wildlife Service for their failures to follow their own rules, in a nutshell, and also one filed against the US Bureau of Reclamation. And the one against the US Bureau of Reclamation is particularly important because in the first round of minnow fights, which are now 12 years ago the attack on the Bureau of Reclamation also picked up the San Juan/Chama contracts, because the Bureau of Reclamation administers those.

We've had – things have changed in the intervening 12 years, including the collaborative program and their efforts to come up with system-wide solutions for the silvery minnow but as is evidenced by the current interagency fighting that is going on, particularly between the Bureau of Reclamation and the Corps, who are the two main agencies involved with the collaborative program, the picture does not look good. There's one thing, just adding to what you might ask Rick about in his drought and monsoon memo, there's an interesting graph on page 5 of the Fish and Wildlife Service notice of intent to sue and you can see here part of the reason why WildEarth Guardians is so concerned for the future of the minnow. The purple line is the 2014 snowpack. It picks of the January and February – you can see we started out at the beginning of this year kind of middle of the way between last year's horrible situation and our sort of normally dismal situation. We started off in the middle between those and we have just gone straight down with the February 1 forecast to as bad as we were last year at this time.

And the angle of that line is not very encouraging. Now we have had a storm since the February 1 forecast. So these letters have a lot of factual information in them and they have a lot of citations to regulations and to federal environmental laws. I think I'll stop here for now with just letting you know, informing you these are obviously starting to define the boundaries of what is looking like it's going to shape up to be a very

important year for the Rio Grande. And one other fact I'll just remind us all of in case I failed to mention it earlier, the 2003 biological opinion expired last year and the agency has attempted to extend it by what's called re-initiation, and we're in a little bit of a gray zone right now with continuing coverage, and that is for the river activities, management activities generally. The Buckman Direct Diversion project has its own biological opinion, as does the Albuquerque diversion, standalone biological opinions, which we're obviously very protective of, and how these attacks, frankly, on all of these agencies, what this ultimately means for our projects and environmental permits we don't know yet, is the short answer.

So I'll stop there unless there's other questions or you have any direction for staff.

CHAIR CALVERT: Were there any questions?

COUNCILOR DOMINGUEZ: Could you send me a copy?

MR. HARWOOD: I'd be happy to send these to you. Yes, sir. I'll send it to –

CHAIR CALVERT: Yes, just send it to all of us, including Commissioner Chavez.

MR. HARWOOD: Yes, sir.

CHAIR CALVERT: Also, dare I characterize this as somewhat the legal shotgun approach? Naming as many people as possible, hoping that at least one of them will –

MR. HARWOOD: Yes. If we really want to use that analogy I would say this is pulling the shotgun out of the scabbard. It is not firing it yet.

CHAIR CALVERT: Not yet, no, but –

MR. HARWOOD: We could continue that analogy. But yes.

CHAIR CALVERT: Okay. Do you see any one of these as more – like the one with the Bureau of Reclamation, do you see that as potentially more serious for us than, say, some of the others? Or is there any way to know at this point?

MR. HARWOOD: I think the one against Colorado is the most creative one and it will be very interesting to see how a judge reconciles that claim. There's been a lot of talk, as I said about holding our neighbor to the north partially accountable for the influence they have on flows in New Mexico. I think probably the biggest concern is in the Fish and Wildlife NOI where they start to mention related non-federal parties, and that could mean anything from the Interstate Stream Commission, the Middle Rio Grande Conservancy District, Albuquerque Bernalillo County Water Utility Authority and other entities. We have kept a middle profile. Rick and I have gone to different meetings and listened and participated but we haven't had the same profile, as say the Albuquerque Bernalillo County Water Utility Authority or the Middle Rio Grande Conservancy District, so we don't know how this is going to unfold.

CHAIR CALVERT: Are you saying you don't know – would it bring in those others, would it bring in this project as well?

MR. HARWOOD: There are scenarios where environmental permits could be a topic of conversation and I think if we want to go into more detail I know it's always – I guess my recommendation is to go into more detail, I guess I'd recommend an executive session, although I'm not entirely clear, without talking to Nancy about whether we clearly have the grounds to do an executive session but I think that when we start talking in more detail about our exposure we should probably consider that.

CHAIR CALVERT: Okay. Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, thank you. And thank you, Kyle, for that. So right now, we're an observer, not a party?

MR. HARWOOD: We are not – we have not been named by any of these and in the collaborative program we are an observer, not a party.

COMMISSIONER STEFANICS: Thank you.

CHAIR CALVERT: So at this time we will take all this information under advisement and we'll see if we need to schedule such an executive session in the future.

MR. HARWOOD: Okay. Thank you.

**11. Presentation of New Mexico Water and Wastewater Association Max N. Summerlot Award and Good Housekeeping Awards**

MR. JONES: Mr. Chair, members of the Board, I'm actually pleased tonight to introduce one of our charge operators, Erick LaMonda. Erick is not only one of our charge operators but he's also – was one of the original members of our start-up team. So he's been with us from the beginning and Erick recently represented the BDD Board in Las Cruces where the New Mexico Water/Wastewater Association presented these awards, and so I will now turn that over to Erick LaMonda.

ERICK LAMONDA (Charge Operator): Mr. Chair, members of the Board, good afternoon. I would like to take a moment to thank you the Board for allowing me to speak on behalf of my colleagues. I recently had the opportunity to accept two awards that show the true fluidity of the well-oiled machine that BDD has become. The first award is the Good Housekeeping Award. The Good Housekeeping Award, this award defines true discipline and structure, followed by the Max Summerlot Award.

The Max Summerlot Award solidifies our position as a powerful, unified entity. The hard work and heartfelt dedication of the employees shows daily. As a result we received these accolades. I believe this solidifies the reason BDD employees are held to a higher standard. I feel this is only the horizon of many opportunities for both the facility and individual employees to be recognized. You the Board, in addition to our upper management's support and continued leadership is reflected in these awards. Because of your support and leadership we could not be more honored than to receive the highest, most prestigious award, the Max Summerlot Award.

This award alternates between water and wastewater each year. It is given to the system that demonstrates excellence in operations, maintenance, management, safety and professionalism of the system. We have defined these attributes and feel honored to aim for these awards and many more available in the future. Once again, I would like to thank you for your time and I will stand for any questions.

CHAIR CALVERT: I'd like to thank you for all of your hand work, for making this presentation both at the award ceremony and here, and hopefully, you'll take that back to all of your associates and fellow employees that we appreciate your hard work and dedication and we too look forward to more of these in the future. And maybe you could just bring those up and we can pass them down. Anybody else? Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I would like to thank all the staff, but we also have some staff and assistants from the past that were very

instrumental in getting us to this point and I think that everyone needs to be recognized for leading up to our accomplishments. And thank you very much.

MR. LAMONDA: Thank you.

CHAIR CALVERT: Yes.

MEMBER BOKUM: I finally want to add my heartfelt congratulations. It's really wonderful to have been a part of this Board and have it start from scratch and have it run so beautifully and it wouldn't do that without the staff. So thank you so much.

MR. LAMONDA: Thank you.

COUNCILOR DOMINGUEZ: Just very quickly, I think it's all been said. Thank you very much for all your hard work. I didn't even know that these awards exist, so there we go. Thank you.

CHAIR CALVERT: Shannon, anything you want to add?

MR. JONES: Mr. Chair, members of the Board, no, I think that's good. And thank you, Erick.

CHAIR CALVERT: Yes, I concur with Commissioner Stefanics. There's been a lot of staff that was involved up to this point and also various other Commissioners and Councilors that served on this Board and we thank all of them for their hard work and appreciate all their efforts, even if they're not as actively involved as they once were. Thanks.

#### **14. Drought, Monsoon and Water Resource Management Update.**

RICK CARPENTER (Project Manager): Thank you, Mr. Chair and members of the Board and thank you for the kind words. Board Member Bokum, do you have any specific questions or need for clarification or some additional information that you'd like?

MEMBER BOKUM: Yes, I just had one question. At the very last part of the report you talk about a January 15<sup>th</sup> meeting, and I wonder what happened at that meeting.

MR. CARPENTER: I'm sorry. I did not hear your question.

MEMBER BOKUM: On the third page, under San Juan Basin, you talk about the Bureau of Reclamation calling a meeting of the San Juan contractors for January 15<sup>th</sup>, and I was wondering what happened at that meeting.

MR. CARPENTER: Yes, I was there. Kyle Harwood was there. It was kind of an interesting meeting. They do this about this time every year and then they follow up as they have a little more certainty in their projects and the data's coming in. I thought at the meeting that the Bureau of Reclamation was being pretty optimistic; the numbers that they were putting forth were looking a little better than I thought that they would put forth. Since then we have a lot change and a lot of data has come in since then. I think if they were going to revise those numbers today they would revise them downward and that's what I would expect at the next meeting.

Also, at that time, you'll see in that last paragraph, they are saying that Heron Reservoir is at 35 percent capacity. It's now at about 28 or 29 percent. And it's not empty but it's pretty close and unless we get some very significant snowfall over the next few weeks it's just not going to come up a whole lot. The good news on that that's different from last year is that the soil moisture is much higher than last year, so if we do have

even moderate runoff it should reach it into the reservoirs. So we'll be happy to report back to the Board when BOR schedules a follow-up meeting.

CHAIR CALVERT: Any questions? It's Consent Agenda so we do need action to accept the report.

MEMBER BOKUM: Move to accept the report.

COMMISSIONER STEFANICS: Second.

CHAIR CALVERT: Any further discussion?

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

## **DISCUSSION AND ACTION ITEMS**

### **20. Election of Chair and Vice-Chair of the Buckman Direct Diversion Board**

CHAIR CALVERT: I don't know if we really want to do this at this point, election of chair and vice chair. What are the feelings of the Board on this matter?

NANCY LONG: Mr. Chair, it is – our rules call for the election of the chair and vice chair the first meeting of the year or sooner, as it says. I think in past years we have delayed this, a couple of times that I remember, depending on appointments to the Board, and as you pointed out, with the City March elections, we won't know who the City Councilors appointed to this Board will be until the organizational meeting of the Council, which is anticipated to be March 12<sup>th</sup>, as I understand it. Now, the election is March 4<sup>th</sup>. Our scheduled meeting is March 6<sup>th</sup>, two days later, but the new Councilors would not take office until the 10<sup>th</sup>. So if we did have a meeting in March, Councilor Calvert could continue to chair that as the vice chair. And the next year is a rotation so that the chair will be from the City, vice chair from the County, since Commissioner Holian chaired last year. So you may want to delay this really until April.

COMMISSIONER STEFANICS: Mr. Chair, I would be fine doing it either way. If we went and moved ahead tonight to elect you as our chair we just would know that there would be change come April.

MS. LONG: Another election.

COMMISSIONER STEFANICS: Right. But I'll go either way.

COUNCILOR DOMINGUEZ: I think it would be beneficial if – I think we should just wait. As long as the current – as long as you want to continue to be the vice chair for the next couple meetings.

CHAIR CALVERT: Well, one more meeting. That's fine. I don't have any stake one way or the other, obviously, but I'll be glad to continue to run the meetings if we'll defer titles until April, if that's okay. I think I'm the acting vice chair right now.

MEMBER BOKUM: So I'll move that you continue to be the acting vice chair or the acting chair since we don't have a chair, through the March meeting and that we'll make a decision in April when we know who the full Board will be. Also, I would like to move that we change the rules so that we don't have to do this every time, and I suppose that would be a future item.

CHAIR CALVERT: Why don't we separate those two?

MEMBER BOKUM: Yes. Shall I start with the first? I'll make a motion – what I just said. That Chris will continue to chair the meetings through March and that we'll elect new officers in April.

CHAIR CALVERT: Okay. That's the motion?

MEMBER BOKUM: That's the motion.

COUNCILOR DOMINGUEZ: I'll second for discussion I guess, just in terms of procedure. Is that okay with you, Nancy?

MS. LONG: Yes. I think that gets us to the same place. I don't think you have to have a motion. I think the officers continue in their office until the next election.

CHAIR CALVERT: Until the don't.

MS. LONG: Until they don't. Our rules don't specifically say that. We may want to. But I think this clarifies it for the Board and it's certainly appropriate for this item as noticed on the agenda so you could do it.

CHAIR CALVERT: So with that motion, is there any further discussion?

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

MEMBER BOKUM: So then I would like to propose that –

CHAIR CALVERT: On a future agenda?

MEMBER BOKUM: One a future agenda, probably April or May, that we considering changing the rules so that we don't have this problem.

CHAIR CALVERT: So that's just direction to staff to perhaps bring that forward.

MS. LONG: Yes. We haven't looked at our rules in several years, so it would be a good time to look at all of our governing rules. And maybe we could just bring back some proposals. So having a different time period, maybe for election, you're thinking?

CHAIR CALVERT: Well, I think we've always had this a little bit because the County does theirs at the beginning of the year and the City, if there's changes, they occur in March. So April will be – we'll make sure that we would have all of that taken care of until –

MS. LONG: That makes sense to me because I think a couple of times I know we've had to have several elections and not just because people have resigned or we had election issues. So I think that's a good idea to address that timing issue in the rules.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR CALVERT: Yes.

COMMISSIONER STEFANICS: Nancy, the other way too might be to handle it as – with language “by April” of each year, so that there is – if there is a continuation by everybody then it might not be a big issue but if there's going to be change then you could put in “by”.

COUNCILOR DOMINGUEZ: So, Mr. Chair, just to chime in a little bit, I think it would be beneficial to actually review those rules after the new group comes in, because I know that – I'm not sure how much they've changed over the existence of this Board but it seems as though we're not in the midst of negotiations between the two governing bodies and some of the other things that maybe have called for meetings to happen more often. But just generally speaking, it might be a good thing to look at all those rules. We've changed the time of our meetings that start, so I think it should be official.



MS. LONG: It's a good idea. And I have a couple of notes from past meetings on recommendations I would have for changing the rules.

CHAIR CALVERT: Okay. Thank you.

**21. Request for consideration and possible action of Resolution No. 2014-1, determining reasonable notice for Public Meetings of the Buckman Direct Diversion Board**

MS. LONG: Mr. Chair and members of the Board, as you all know we're required by state law to annually pass what is known as an Open Meetings Act Resolution. Typically you do that the first meeting of the year. We didn't meet in January so it's appropriate to consider that Open Meetings Act Resolution at this meeting. Last year, as my memo points out, we actually passed two resolutions. Nothing prevents you from passing more than one. That was because of the legislative changes that went into effect after the 2013 legislative session addressing time for agendas to be made available, 72 hours instead of 24, and posting action and notifying the Attorney General's Office of any emergency meetings and action taken at emergency meetings.

So we made those adjustments. We had two resolutions last year. So the resolution presented to you has been reviewed by staff for notice requirements and is acceptable and outlines the process that we use for notifying of our meetings, and also contains the changes that we made last year. Now, I wanted to point out that I think it was at the second – consideration of the second resolution that we passed, there was discussion about participation of members by telephone. The law allows that so long as you have enabling legislation, so long as your resolution says members can participate by telephone, they can when it is difficult or impossible for them to attend the meeting.

This Board decided they wanted to further restrict that and allow telephone participation only – well, you would have to comply with the law when that member cannot attend the meeting, where it would be difficult or impossible, and also, only if needed for a quorum. Otherwise, participation was decided to be not allowed by the Board. So that's the way I presented this resolution. But I did want to point out that deviation from what is allowed by state law and remind you of that discussion we had last year.

CHAIR CALVERT: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, thank you. Nancy, is there any – I've been scanning this so I'm not finding it. Is there anything that says that members of both bodies and the public must be present to establish a quorum? Could it be all City and the member of the public without a County member or vice versa?

MS. LONG: That requirement is in our rules, not in the Open Meetings Act resolution.

MEMBER BOKUM: Mr. Chair, just to clarify, it's only that we have to have at least one City Councilor and one County Commissioner. It doesn't affect the public member's participation.

MS. LONG: That is correct. That's absolutely correct.

CHAIR CALVERT: But we do have to have three.

MEMBER BOKUM: You have to have three and at least one –

CHAIR CALVERT: One from the County and one from the City.

MS. LONG: A third could be the non-citizen member, County Commissioner, City Councilor.

COMMISSIONER STEFANICS: So, Mr. Chair, when you go back to looking at the rules, two years ago when I was on this body, or a year ago-plus, I had requested that we look at an alternate to the public member and I still would like to recommend that if we're going to be looking at rule changes.

MS. LONG: I believe, Commissioner Stefanics, we did look at that and decided it would require an amendment to the joint powers agreement, so it would very difficult to do, but I will certainly look at that again in conjunction with the rule review and give you our conclusions.

COMMISSIONER STEFANICS: Thank you.

CHAIR CALVERT: So, on the matter before us, this resolution. What's the pleasure of the committee?

COMMISSIONER STEFANICS: I would move for approval.

COUNCILOR DOMINGUEZ: Second.

CHAIR CALVERT: Is there any further discussion?

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

**22. Request for approval of process for selecting Buckman Direct Diversion Project Manager**

ADAM LEIGLAND (County Public Works Director): Good afternoon, Mr. Chair, members of the Board. The JPA creates the office of the project manager, and the project manager is an entity that manages essentially the day-to-day operations, the back office if you will, the day-to-day operations of the BDD. That's spelled out in the JPA and there was the creation of a second agreement called the Project Management Fiscal Services Agreement. Paragraph 13 of the JPA specifies that in December of 2015, the Project Management Fiscal Services Agreement expires and the BDD Board will have the opportunity to turn to a new contract or a new agreement with another entity, and the JPA says that the choice of agencies are the City Water Utility, the County Water Utility, or a regional entity.

So to prepare for this selection, in July of last year this Board asked the BDD staff to convene a committee to create an evaluation process. In August, Shannon came to you with the composition of that committee, which was approved by the Board. And then since then, since August we've been meeting every month to come up with a selection process. And I just want to stress that it was just to create the process and what we're looking for tonight is approval of that process and maybe some direction on how that process is implemented.

So the memo in front of you describes that process and I'll just reiterate it a little bit. The first step is just first of all establish what the project manager does. So we've called out and parsed out all the existing documents and came up with a list of 51 individual acts that would then be subsequently grouped for ease into six larger categories, and those categories are described in the memo and also in the large process description.

The second step in this process is to rank the ability of each of the possible successor agencies to do that. So for instance, one of the categories is financial support. The City and the County and whatever the regional entity is, they would have differing abilities to provide that financial support. So we need to evaluate each of their abilities to meet these tasks. And then once you prioritize the tasks and evaluate the abilities to do it you can combine those into an objectively ranked ranking of those possible successor agencies.

One of the weaknesses we've found in the JPA language is this concept of a regional entity. We said that's too vague. How can we evaluate that as an agency? So we came up with this idea of creating what we call notional agencies or straw men. So you create a notional entity and then you just evaluate it, knowing that that might not be what the regional entity ultimately looks like if that's what's selected but just as a tool for evaluating. In order to come up with these notional entities we looked around at the region and compared them to existing regional entities. So if we look you look on the memo you'll see that we called one the modified status quo, and that's essentially the BDD Board as it is now with a little bit of tweaking, and then one, a second notional entity, I think it's closer to the Solid Waste Management Authority.

And so we would propose we would evaluate those as what the JPA calls a regional entity. And both those entities are described in more detail in the process. And so we're looking for – if there are any questions about this process I can answer them.

Also then, in the course of coming up with this process the committee identified some changes that we think should be down regardless of whatever else happens, and if you look at the very last page of the packet material in Attachment E you'll see four recommendations that we think should happen, and one of them may seem kind of trivial, but we believe that the current project manager should be changed because it causes a great deal of confusion. People confuse the project manager, which is an agency, with the BDD facility manager who is a person. So we wanted to somehow clear that up. We've talked about internally some possible names but whatever happens we believe that the next entity should be called something different.

The Project Management and Fiscal Services Agreement expires in December but we think that if a transition has to occur it should occur on a fiscal year, either July of 2015 or July of 2016, just to ease that transition process. We think that whatever else happens the BDD Board should come up with some personnel policies. And then finally, just now that the JPA and the other agreements are aging, just as this Board mentioned about some of the rules, we think we should evaluate the Project Management and Fiscal Services Agreement, and maybe the FOPA and some other things and evaluate some structurals and kind of learn from our experience and maybe bring back some changes to that.

So in addition to approving the selection process we've presented to you we'd also like you to approve these four recommendations to be implemented in this transition process. With that, Mr. Chair, I'll stand for any questions.

CHAIR CALVERT: Okay. I guess I'll start off, Adam. What I would say is I've got some questions but since I just got this document on Monday because that's when I got back from vacation, I haven't had a chance to look at it in the depth that I would like to, so I would – I appreciate all the work you guys have done and it's probably fine the way it is but personally, I would like to have a little more time with this. I did

look at the timeline. I don't think, say, actually voting on this at the next meeting would affect the timeline any. So I'm just saying for me, my personal preference would be to have more time with this. Quite honestly, some of these original agreements are not as clear in my recollection as they should be but I was hot and heavy on them in 2006 when I first came on the Board but now some of them, my memory on details is not clear. And so I would also like an opportunity to be able to go back through those as well.

So I'm just stating that. If everybody, if the other people want to move ahead tonight, that's fine. I'm just stating where I stand personally, then I'll open it up to the rest. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. First of all, Adam, is this time-sensitive?

MR. LEIGLAND: Mr. Chair, Commissioner Stefanics, we outlined a schedule in here – I think we're okay. We could probably – we tried to build in a very good schedule and we have plenty of time – well, we have some time before December 2015, but I don't think it's time-sensitive.

COMMISSIONER STEFANICS: Well, the reason I ask is I already know I will be in Washington, DC at the next meeting, so I won't be present, and I wanted to weigh in. I appreciate and would support Attachment E, the recommendations that are there. So if the chair has some concerns about some of the old documents needing changes it looks like some of those would still have to go to both governing bodies if we changed them. Is that correct, Nancy?

MS. LONG: Yes, Commissioner, it is correct. You would have to go through that process.

COMMISSIONER STEFANICS: Well, Mr. Chair, I'll wait to hear what my other colleagues have to say. Thanks.

CHAIR CALVERT: Yes, Member Bokum.

MEMBER BOKUM: I guess my first question is a timing question. The agreement says that the timeframe to consider making the change is by the – it would be sort of aimed at the end of next year but is that mandatory? Do we have to make the decision by December 2015 or is that just sort of a goal? How mandatory is the language I guess is –

MR. LEIGLAND: Mr. Chair, Member Bokum, the JPA says on December 1, 2015, the BDD Board will choose this, so I would – I guess I'll defer to counsel but I would interpret that as –

MEMBER BOKUM: Pretty solid.

MR. LEIGLAND: Yes.

CHAIR CALVERT: Yes, I will just point out, in terms of the timeline, which is on page 16, it lists like – it has a milestone at 4/14, finalize selection process and identify PM evaluation team. So I'm guessing that that allows for more consideration of this evaluation process. Do you have any –

MEMBER BOKUM: I'm finding this hard. There's the actual content and then, for instance, I have a concern because the County has convened a Water Advisory Board and they're supposed to look at the regionalization and not just – in a much broader way than is reflected in the Level 1 regionalization and the Level 2. They're talking about a real regional entity that deals with water and wastewater. I don't know how smart it is to, on the one hand, be considering making a major change like this and

then sort of doing a change pursuant to this, if we're just going to turn around and do something else. So that concerns me some. It seems like maybe if we're really considering something major, just maintain the status quo might be advisable. So instead of having to deal with all the changes that might be disruptive and the consequences of those, maybe it's just better to maintain the status quo so if we're really considering something major we can focus on that. So that's just one concern, since the County started that conversation.

And then when I went through I had a fair number of questions. And then I think it is totally appropriate for us to go back and look at the JPA and the FOPA and the other agreements. I think we've probably learned a whole lot in the last however many years it's been, and we very well may want to change those. So if that's true, I'm not sure how far down we should go in this process. If we are going to start looking at them and if we do think there are some changes then we could change. We could put off this decision for a year or two. So I guess I'm feeling some discomfort with adopting it tonight and I really appreciate when you came to us and said if we're going to do something by the end of 2015 we better get started on it and you were right. Only I think the work that you did only shows actually it's a bigger deal and it raises more issues than we maybe anticipated.

So I'm feeling a little uncomfortable at this point. Because I think I would like to go through a more reasoned process where first we look at the JPA and the FOPA see what all that raises, then be able to come back to this and then if we are going to be considering a regional authority, either one, two, or what I think as a third possibility, that could affect what we decide. So, I'm sorry but – because you've put a lot of work into it and it's clearly very thoughtful but it just sort of raised a lot of flags for me.

MR. LEIGLAND: Mr. Chair, I'll just point out that Paragraph 13 of the JPA which is what says the PMFS will expire, it also says that the new PMFS contract can essentially have any term that is chosen. So it could be a possibility, if you want to maintain the status quo for some period of time you could just negotiate or enter into a new PMFS but make it last only a year or two and then get it to December 2016 or something like that.

CHAIR CALVERT: I'm sorry. Were you done?

MEMBER BOKUM: I'll pass for a while. I may pass permanently.

COUNCILOR DOMINGUEZ: I guess, Mr. Chair, I'm just wondering how comfortable you are with Attachment E and the process itself.

CHAIR CALVERT: Well, I don't necessarily have a problem with Attachment E, although #2 concerns me in that on page 16 you show a timeline and on 4/15 a milestone that says execute agreements and implement transition plan. What I don't see is the final date. So I don't know if you're shooting for 6/15 or 12/15 or what date with that transition plan are you shooting for. Because your second recommendation – if we're shooting for 12/15 but your Attachment E, second recommendation is transition on a fiscal year period, 12/15 doesn't work. So I'm a little – how you reconcile that. I know you mention two possibilities to do that but I'm trying to also reconcile that with the timeline and what that's trying to tell me.

MR. JONES: Mr. Chair, members of the Board, we didn't want to make the assumption that though we were making a recommendation on the fiscal year that that would go either way. So while this is a draft transition plan as you can see – and also the

timeline talks about the development of the transition plan. So if those times were to change that's when that should occur. So as we did the draft we didn't want to make assumptions that our recommendations would be heard. So I think just to add, Attachment E, while a series of recommendations necessarily for the Board, but these would be recommendations for the actual selection committee who's doing the work and developing it, that these would be recommendations that they would consider and present – recommendations back to the Board for final approval.

CHAIR CALVERT: Well, I think – go ahead.

COUNCILOR DOMINGUEZ: Mr. Chair, so what I'm hearing staff say is that, well certainly I think that it's important for us to get the ball rolling, if you will, but it doesn't sound like staff is too concerned about – it doesn't sound like they're thinking that we're going to get too far ahead of the process before we can kind of open up all the other stuff. So I'm kind of inclined to go with what Commissioner Stefanics I think was almost recommending was that we kind of go that direction and looking at Attachment E and allowing that process to start. Did I hear that correctly, Commissioner?

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR CALVERT: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: Yes, that is what I was suggesting. I also would like to comment that the water task force at the County has a time limit. It's not a forever and it's not going to drag on because we don't let things drag on without getting upset. So we in fact had a conversation with Adam and others a month or so ago saying we'd like to see a report sooner rather than later. I don't believe continuing a status quo is something that allows change to occur within our organization and this same conversation started while I was still on the BDD. So it's been over a year since it was brought up. It could have been two years for all I know. So this is not a new concept and the staff, all of the staff, have put some time and work into this. I don't think we have to approve everything tonight but I do think we should take seriously moving step by step. And if we want to break it down into little pieces I think that's fine. But to say, oh, we're just going to wait another year or two I don't think is acceptable.

CHAIR CALVERT: Member Bokum.

MEMBER BOKUM: First of all, just for a point of information, the task force is only meeting quarterly, and I don't see the task force having developed any cohesion yet, although they are aware that there's a time limit. I think there's a very clear intent to try and do something sooner. My use of the word status quo was maybe not quite reflective of what I meant. I think if we need it we should take a couple of extra months to make this decision. It sounds like there's sufficient language that we could work our way around the December 2015 deadline by coming to an agreement that the "status quo" would last three, five, six months while we continue the process. I really like Liz' idea of trying to figure out, at least work through approving steps at some point and maybe we could do that at the next meeting. I won't be here in March either, so for what it's worth.

CHAIR CALVERT: Okay. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. And I guess I'd like to ask Shannon and Adam and whoever else has been involved in trying to screen applicants for the position of the operations manager, how much – let me rephrase it.

CHAIR CALVERT: Are you talking about the facility manager?

COMMISSIONER STEFANICS: The facility manager. How important this will be to a person before they are selected. If an applicant comes along are they going to want to see what they're going to be operating under?

MR. LEIGLAND: Mr. Chair, Commissioner Stefanics, actually, I think that's a great point because it could potentially change quite a bit. For instance, one of the – in the notional regional entities that we created we posited a structure closer to the Solid Waste Management Authority where the facility manager reports directly to the Board. I think that would definitely change the character of that position, so I maybe have to look at the acting manager to see what his opinions are but I think that's a great point.

COMMISSIONER STEFANICS: Well, Mr. Chair, the reason I bring that up is we have gone through different operations managers and facility managers, and I'd like to get this secured but I'd like to make sure that what we have in place is something that whoever is offered the position is going to know what their future is going to hold, and not have another turnover in another six months or a year. That's all I'm saying. And I think our staff are doing a great job right now, and thank you, Shannon for spending time with me and getting me up to speed, but I think it's only fair for whoever is applying to know what they're going to be dealing with. Thank you.

CHAIR CALVERT: Okay. So we've got a time deadline here because the Planning Commission meets at 6:00 in this room, so what's the pleasure?

MEMBER BOKUM: Mr. Chair, I just want to point out another complicating factor which is I think it's hard for this group to make a decision when we're going to have two new members in April that won't have – that probably should be part of this decision making process, because they're the ones that are going to be here to follow through.

COMMISSIONER STEFANICS: So Mr. Chair, we could actually start tearing it apart, piece by piece, and bringing forward portions of this that we want to review and actually make recommendations for changes to so that the working group can go back and say, okay, this is an easy thing to change or this is massive, so that we can at least get going. Three out of the five of us will be remaining.

CHAIR CALVERT: We don't know that.

COMMISSIONER STEFANICS: No, I'm talking about Commissioner Chavez, myself and Board Member Bokum.

CHAIR CALVERT: Right. You're right.

COMMISSIONER STEFANICS: And I'm going to assume positive things here, but I am saying there are three of us that are constant, so we could have a great conversation. You all have the background and you've been here many, many years. You've been here a long time and we could continue to have a productive conversation about this.

CHAIR CALVERT: Well, I guess here would be my recommendation, and everybody can weigh in on it. I guess what I would say is I'll be glad to give this a – what? – conceptual approval at this point and then have the formal approval at the April meeting when you have the full Board here. So that way staff can continue working down this path, and even if something changes it probably won't change that much but it will allow them to continue to work. But I think one of the other things that comes up in my mind is identifying these people that are going to be doing this evaluation. Because when you talk about the people ranking these entities' abilities – I'm trying to understand. Yes,

if we have somebody from the City they can speak to that but how is the County going to know – if they're ranking that same entity, how do they know the ability of that body to do it?

So I'm a little unclear exactly how that's going to work. Each will know their own strengths or abilities but they won't necessarily know the others'.

MR. LEIGLAND: Mr. Chair, yes. It will have to come down to really a discussion of the subject matter experts and maybe it will come down to arm-wrestling. Me doing a footrace with Nick or something like that. Because we're looking just for a relative ranking. I think it will just have to be a frank discussion and say, this is how we do it. This is how we do it, sort of thing.

CHAIR CALVERT: All right. So that would be my recommendation at this point and given the time is we conceptually approve this at this point and formally adopt it, I guess if you will at the April meeting when you have the full team that will be moving it forward. Does that sound reasonable?

COUNCILOR DOMINGUEZ: I was going to say, for me it sounds reasonable as long as staff feels that's enough direction to kind of get things –

CHAIR CALVERT: Keep things moving. Because I think one of the things, and if it kept moving, because that 4/14 timeline says part of that is not only adoption of the process but approval of those individuals, right? So I think that's something you're going to have to be working on as well, right?

MR. LEIGLAND: Mr. Chair, I think that one thing that could come out of tonight is just an appointment of the selection committee and I think we're anticipating it would be the same committee that put together the process, so it would be the same individuals.

CHAIR CALVERT: The selection committee that did the –

MR. LEIGLAND: The implementation committee would be the same committed that would process –

CHAIR CALVERT: Are they going to be the evaluators as well?

MR. LEIGLAND: Those would be the ones that would implement any process, so one thing that could come would just be the creation of that committee. And then we could be looking at some of the members. We could just meet to maybe figure out how to answer the question you have about ranking the relative abilities, for instance, and maybe that's just a matter of how we do that.

COUNCILOR DOMINGUEZ: So, Mr. Chair, I guess the question is, is conceptual approval – does that give – does staff feel comfortable that that's enough?

MR. LEIGLAND: Well, conceptual approval, but if there are no changes yet – if you want us to start marching down this – we would – I think the steps that we could undertake that could await other changes would be just as I said, appointment of the committee if you will. I think we're recommending they be the same committee that has gotten us this far. And then maybe coming up with a way to answer the chair's question about the abilities, because that might just have to be a process. We didn't anticipate having that get approved today.

CHAIR CALVERT: That was included in the – I understand there's going to be, what did you call it? The implementation, but it wasn't clear to me that they were going to be the same ones that were going to be doing the evaluation.



MR. LEIGLAND: Well, Mr. Chair, they don't have to be. It could be anybody. It doesn't even have to be – it could be the Board, if they –

CHAIR CALVERT: Well, no, I don't think that's going to work. I mean we will eventually weigh in, right? I think we will be the ultimate arbiter of that but I don't think that probably scheduling-wise it's going to work to accomplish what you want to do. But I do think that – I guess that's one of the questions I had or one of the things I want to reflect on is who should be on this evaluation team, and I've read through this. Maybe it would be the same people that have been on there so far but maybe we need some other skills or something on that. One that comes to mind is like a procurement manager or something like that. When you talk about the process and the waiting and all that, that's something that they know well how to do and I'm not sure I see that necessarily. I'm not saying it's not on the team currently but not specifically. So that's just a for instance.

COMMISSIONER STEFANICS: Mr. Chair, I move that the team, the committee that's been working on this be the initial team to continue its work with room for additional recommendations by this Board.

COUNCILOR DOMINGUEZ: I'll second that because I think staff would appreciate some action from the Board. So I'll second that.

MEMBER BOKUM: I think I'm comfortable with that. I would just like to suggest that we all read this carefully and give you all questions and concerns that we have, so that you can take those into account sooner rather than later. And on Councilor Calvert's question, one thought I had was shouldn't the City Manager and the County Manager be part of this, because they need to take into account how this fits into their whole operation.

CHAIR CALVERT: I'm sure they would love that addition to their schedule.

COMMISSIONER STEFANICS: They may not even be here.

MEMBER BOKUM: Okay, so that presupposes it's a bad idea, which it may be. I don't know. But if I were one of the two managers I'd have concerns about – that's a pretty big change if we're going to change and –

CHAIR CALVERT: Well, I do think it's a good idea, like you said, I would like to have more time with this. I appreciate all the work that's gone in and I will certainly give staff my questions and concerns and I hope the rest of the Board will pass that along to Commissioner Chavez as well. Take some time to look through this. If nothing else it's a good review of all these documents that we're supposed to be abiding by and sometimes, like mine, your memory isn't as good as it once was, so it's good to refresh your memory. And that will be good for the new members as they come on as well, is to get that refresher because to them it will be new.

So we have a motion and a second. Is there any further discussion?

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

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR CALVERT: Yes.

COMMISSIONER STEFANICS: I would propose that we have this discussion again, continue this discussion at least on our April agenda.

CHAIR CALVERT: Right. I will – I appreciate the fact that you won't be here and neither will Member Bokum and we won't decide anything but we might have another iteration of it March, even. So Commissioner Chavez will be here. Whoever else. And so we can continue to refine this as we go and it will probably be a regular item on the agenda henceforth. Is that –

MR. LEIGLAND: Yes. I think we have enough direction.

CHAIR CALVERT: All right. Thank you very much. Sorry you didn't get exactly what you wanted but we're getting there.

#### **MATTERS FROM THE PUBLIC**

None were offered.

#### **MATTERS FROM THE BOARD**

None were offered.

**NEXT MEETING: Thursday, March 6, 2014 @ 4:30 pm, County Chambers**

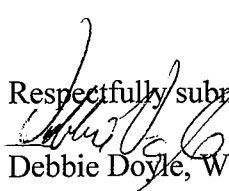
#### **ADJOURNMENT**

Having completed the agenda, Councilor Calvert declared this meeting adjourned at approximately 6:00 p.m.

Approved by:

\_\_\_\_\_  
Chris Calvert, Acting Chair

Respectfully submitted:

  
Debbie Doyle, Wordswork

**ATTEST BY:**

\_\_\_\_\_  
GERALDINE SALAZAR  
SANTA FE COUNTY CLERK

**ATTEST TO:**

\_\_\_\_\_  
YOLANDA VIGIL  
SANTA FE CITY CLERK