

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

February 5, 2015

This meeting of the Santa Fe County/City Buckman Direct Diversion Board meeting was called to order by Councilor Joseph Maestas, Chair, at approximately 4:30 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 Joseph M. Maestas, Chair
Commissioner Liz Stefanics
Ms. Consuelo Bokum
Councilor Carmichael Dominguez

Member(s) Excused:

Commissioner Miguel Chavez

Others Present:

Charles Vokes, BDD Facilities Manager
Nancy Long, BDD Board Consulting Attorney
Stephanie Lopez, BDD Staff Liaison
Mackie Romero, BDD Finance Manager
Erminia Baca, BDD Administrative Assistant
Teresa Martinez, County Finance Director
Bernardine Padilla, BDD staff
Nick Schiavo, City of Santa Fe
Rick Carpenter, City of Santa Fe
Claudia Borchert, Santa Fe County
David S. Rhodes, LANL Liaison
Kyle Harwood, BDD Board Counsel
Michael Dozier, BDD Interim Chief of Operations
Charles Nylander, Club at Las Campanas
Wendell T. Egelhoff, Club at Las Campanas
Barbara Crockett, CH2MHill
Paul Karas, CDM Smith
J.D. Steele, CDM Smith



BUCKMAN DIRECT DIV MIN
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COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

Hereby Certify That This Instrument Was Filed for
Record On The 17TH Day Of March, 2015 at 03:49:27 PM
and Was Duly Recorded as Instrument # 1759833
of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Geraldine Salazar

Deputy *Laura Hernandez* County Clerk, Santa Fe, NM

3. **APPROVAL OF AGENDA**

[Exhibit 1: Agenda]

CHAIRMAN MAESTAS: We have the agenda before you. Before I entertain a motion are there any changes from staff?

MR. VOKES: Not at this time.

CHAIRMAN MAESTAS: Board members, what is your pleasure?

COUNCILOR DOMINGUEZ: Move for approval.

COMMISSIONER STEFANICS: Second.

CHAIRMAN MAESTAS: Motion and second. Any discussion on the motion?

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

4. **APPROVAL OF CONSENT AGENDA**

COMMISSIONER STEFANICS: I'll move for approval.

COUNCILOR DOMINGUEZ: Second.

CHAIRMAN MAESTAS: Okay, we have a motion and a second. Any discussion on the motion?

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

5. **APPROVAL OF MINUTES: January 8, 2015**

CHAIRMAN MAESTAS: Members you have the minutes of the January 8, 2015 meeting. Any changes to the minutes?

STEPHANIE LOPEZ (BDD Staff): We need to add under Others Present, Erminia Baca, our Administrative Assistant.

CHAIRMAN MAESTAS: Okay, any other changes to the minutes? Do I hear a motion to approve as amended?

COUNCILOR DOMINGUEZ: I'll move for approval.

COMMISSIONER STEFANICS: Second.

CHAIRMAN MAESTAS: Okay, we have a motion and a second. Any discussion on the motion?

MS. BOKUM: Mr. Chair, I'll abstain because I wasn't here.

The motion passed by 3-0 voice vote with Ms. Bokum abstaining.

6. **MATTERS FROM STAFF**

None were presented.

7. REPORT ON FEBRUARY 3, 2015 FISCAL SERVICES & AUDIT COMMITTEE

MACKIE ROMERO (BDD Finance Manager): Mr. Chair, members of the Board, we did have a Fiscal Services and Audit Committee meeting that was held on Tuesday, February 3, 2015. In attendance was Councilor Maestas via telephone, myself, Charles Vokes, Erminia Baca and Carole Jaramillo from the County. We had five items on our agenda. I gave a verbal update on the audit of BDD operations. We have an entrance conference scheduled with our auditors for February 25th. Just to remind the Board, the auditors will be doing three years of operations and I will be giving a verbal monthly update on the status of that audit until it is complete. We discussed the second quarter financial report and we also discussed a request for approval for an RFP for professional services with Long and Komer and Associates. We discussed approval of expenditures and authority to enter into contracts by the facility manager and those are discussion and action item number 13 and discussion and action number 14. We are going to be presenting that to you today so I won't go into too much detail. There wasn't too many questions. If you have any questions?

CHAIRMAN MAESTAS: Any questions for Ms. Romero? Okay, thank you.

MS. ROMERO: Thank you.

DISCUSSION AND ACTION ITEMS

12. Discussion and Possible Action on Proposed Revisions to the Rules of Order for the Buckman Direct Diversion Board

NANCY LONG (BDD Board Counsel): Yes, Mr. Chair and members of the Board. You will recall, most of you, from the meeting last month that we had a discussion about revising the Board's Rules of Order to provide for a different month or a different time period in which your chair and vice chair would be elected.

As I mentioned last month, your current chair was elected in April due to the City elections in March and the resulting committee assignments and organization that occurred in March. Of course, the County is on a different schedule. As you all know, the County runs on a calendar year for their appointments and those are done in January. Of course, those appointments would not be done in time for your first January meeting so we know we need to change the election date from January at least.

I propose some other time periods. You can certainly do February or March. April we discussed as seeming to be a logical choice last month but Commissioner Stefanics did point out that you could have a situation where the chair or vice chair from the County is elected in April but then is not reappointed to the Board in January or perhaps their term is up at the end of the year. So, I would say there is no perfect solution. We're on a cycle now where the next City election will be a year from now in 2016. If we were had a current chair that was from the County that would actually be a better cycle but that's what we're on and we have traditionally this Board from the beginning has always rotated chair and vice chair every year. We talked about extended

terms, a year and a half, two years, but I don't think that really fits with what your practice has been or what the spirit has been.

I am looking for some direction from you all as to when you want to have your elections. It doesn't have to be set in stone. We can revise your rules. We have held it in months other than January at your direction when that particular year required it and, of course, we can have elections if somebody doesn't get re-elected let's say in March and they were chair or were going to be chair for the City then we could hold another election. There's nothing that says you just have one per year.

I also wanted to point out that I included as I indicated I would, some proposed revisions to your resolution that has your rules of order. There were some remnants there that didn't make sense so I have deleted those -- reference to a clerk because we don't have a clerk. There's a provision -- it is paragraph 6 on page 6, regarding documents and I think this was really modeled after a quasi-judicial proceeding which this Board does not engage in. I also included a couple of items that I have noted along the way dealing with alternate members and when they can participate and when they would cease to participate if the regular member were to show up.

They are minor changes but certainly if there are any others that you would like to incorporate we can do and bring this resolution back next month for the Board's adoption. And the resolution of course includes the month in which you elect the chair and vice chair. We're looking at the whole document but our primary mission was to figure out when it made sense for you to have your elections.

I also noted in the memo that one way to handle the problem of a change in committee assignments would be for each respective entity, the City and the County, to agree to either or by their own rules of proceeding or just an informal agreement that they would continue to appoint an officer to this Board to the committee, this being the Buckman Direct Diversion Board, that they are serving on when they make those committee assignments so that that person could fulfill their term. And you all know better than I do how your -- how the Council or the Board of County Commissioners would deal with that. But that was one suggestion so that you would just honor that office.

CHAIRMAN MAESTAS: So if the County does its thing every January, when it came to Buckman it would kind of status quo but the appointment wouldn't take effect until the beginning of the term, if we define the term to be March or April. So would that work for --

COMMISSIONER STEFANICS: Mr. Chair, I wouldn't even suggest that this body would determine what the County is going to do. I think the County changes its mind every year so I wouldn't even get into that conversation. I am fine with the April suggestion for the chair.

But I have another totally different topic that I forgot to bring up last time

CHAIRMAN MAESTAS: Okay.

COMMISSIONER STEFANICS: And I brought this up a couple of years ago. I wanted to see an alternate for the consumer member or citizen member; could this fit into this revision or does that have to be part of the MOA or what?

MS. LONG: Mr. Chair, Commissioner Stefanics, we did look at that issue. I remember that you brought that up some time ago and maybe we didn't officially report back but we did investigate it and it would require a revision, an amendment to the

joint powers agreement because it does not provide for an alternate. So that is the process that would be involved. It could be done if the Board were to direct that but we do not have any provision for an alternate in the joint powers agreement. It is our opinion that that would have to be amended.

COMMISSIONER STEFANICS: So, Mr. Chair, as this document stands it is fine with me with the April but I would like this Board to consider this other issue. Ms. Bokum has been great and I just wanted to give her some backup as in having an alternate. But if you're ready, I would make a motion to approve including the April date.

CHAIRMAN MAESTAS: Okay, but in terms of staff direction would you like Nancy to bring back a potential draft to the joint powers agreement. I realize that both bodies have to approve it and just because it's complicated doesn't mean it can't be done. It can be done.

COMMISSIONER STEFANICS: Mr. Chair, I would separate the question and do this first.

COUNCILOR DOMINGUEZ: I'll second it. But on the motion or the item on the table if I read your memo correctly this has to go in front of the respective bodies anyways, this change?

MS. LONG: No, Councilor, it does not. These are your rules. I was just pointing out that you could ask the respecting bodies to keep continued committee assignments but we don't need to do that with the April date I believe. So you all can approve April and then what I will do is bring back a final resolution to you next month so you can formally adopt your rules as a resolution but if I get direction from you on the April date I'll plug that in and I will then I'll bring you the final rules next month.

MS. BOKUM: Mr. Chair.

CHAIRMAN MAESTAS: So we have a motion and a second. Under discussion, Ms. Bokum.

MS. BOKUM: As a historical matter I think when we put in that we wanted to alternate between the City and the County what was important was that we were alternating between the City and the County not that we have – it wasn't so tied to a person as to the importance of keeping – I think what the April thing does is honor that and I think what would be important if there are weirdnesses is to have the continuation of whatever the City or the County, whichever is supposed to be doing it for that year, for that calendar year. Am I being clear?

CHAIRMAN MAESTAS: Yeah.

MS. BOKUM: I think this honors – the main thing is to honor that balance of authority that we had intended when we did this originally.

CHAIRMAN MAESTAS: Okay, any other discussion. So we have a motion and a second to adopt or approve Resolution 2015-2 with one amendment and that's part 2, C on page 3 and fill in the blank with the April meeting. Any other discussion on the motion?

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

MS. LONG: Mr. Chair, members of the Board, I would be happy to bring back what would be involved in amending the joint powers agreement and where that

would fit in and what the process would be so you can decide if you want me to pursue that.

CHAIRMAN MAESTAS: Okay. Yes, Commissioner.

COMMISSIONER STEFANICS: So, Mr. Chair, why don't we just bring back the JPA so we can look at if there's any other changes as well.

MS. LONG: That's a very good idea.

COMMISSIONER STEFANICS: Thank you.

CHAIRMAN MAESTAS: Thank you.

13. Request for Approval of Expenditures and Authority to enter into contracts by the Facility Manager related to the inspection and repair of the BDD Diversion Structure [Exhibit 2: Revised estimated costs for Phase I]

CHARLES VOKES (Facilities Manager): Mr. Chair, members of the Board. As was discussed in the last month's Board meeting the BDD staff have been investigating some issues with the structure that diverts the water from the Rio Grande. As part of this investigation BDD has contacted the engineering firms involved and is working with them to determine solutions to these issues.

One of the things that I'd like to stress to the Board and to the audience that is here is the BDD has continued to treat water and during this time there has been no impact to the finished water quality as a result of these issues. The BDD is a key component of the regional water supply and it is critical that the functionality of the diversion structure be restored especially before the 2015 summer demands.

What we are proposing as a plan for the diversion structure is first to enlist the engineering firm of CDM Smith to return to their role as the Board's engineer to provide the oversight of the inspection and the repair of the diversion structure. We are currently negotiating a contract with them. It's basically a no cost agreement. They want to step up and help us take care of this problem.

The second item that I'm proposing is that we do a map of the current conditions of the river. I think that's very important before we get in there and install a cofferdam and it disturbs the riverbed. We need to know what the conditions are that may have led to these problems and so we have contacted a couple of firms. I think we have a couple of bids and that's reflected in the budget sheet that you received.

The third item would be to install a cofferdam around the diversion structure. The purpose of installing that is obviously to be able to get in there and do a proper repair and see what's going on and inspect the structure. The original estimate for the installation of the cofferdam was provided by one firm for \$150,000. That firm visited with us today. They came out and inspected the site and informed us that their technology will not work in this occasion. We talked to another firm and they also said that their technology wouldn't work. We have contacted the firm that just recently constructed a cofferdam for the City of Albuquerque to do their inspection and they have assured us that they can do the job and the high end of the price would be about \$350,000. So it is an increase cost. The good thing about this structure is it is more a permanent structure. It would allow us to get in and do the inspection and repair and then we could take two sections of this dam out, allow the water flow to be restored to the structure and if there are issues that need to be addressed later in the fall with the structure then that could be reinstalled, those two

panels could be pumped down and we could do the work. The other thing with this particular dam is that most of it is metal and the firm has agreed that once we are done with the project they would sell the metal and whatever monies they got for that, that would be credited to us. So the 350,000 would be the top end cost.

The next step would be to do the inspection of the structure to determine what the issues are and to document that. Again, we would join up with the CDM/CH2MHill and staff to do that inspection and document what the findings are.

The next step would be to repair the structure. There are currently three screens in place which provides three cells which provides over the plant capacity. What we need to do is we need to get in there and make sure that those screens are properly installed and also work on the air cleaning system that is underneath the structures. We have also determined with our fiber optic camera that we purchased that one of the screens that disappeared in the flood of 2013 is actually sitting in the river below the structure. So once we retrieve that screen, if it's in good condition, then it may be possible for us to have four cells in service at the end of this repair. Once the repairs are done then we would allow the flow back into the structure and we would look at the documentation, meet with the engineering firms and make a determination as to what the long term solutions to the problems that we're having is.

Part of what I've included in your packet was the costs and you should have an updated cost sheet for the project [*Exhibit 2*] and also a timeline. The timeline is pushing us out to around the first of May as you all are aware the snow runoff should be occurring around the middle of May so it is important that we get this project done. Get the diversion structure back ready for service and then get out of the river before that runoff occurs.

The schedule of course is very highly dependent on how quickly they can get the cofferdam up. In conversations with the firm that performed the work for Albuquerque they have assured us that if we get them the go ahead, that they will be able to get that in place around the first of March which would be in keeping with our current schedule.

At this point, I'd like to open it up and see if there are questions or clarifications that I need to do.

CHAIRMAN MAESTAS: Any questions? Commissioner Stefanics and then Councilor Dominguez.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. So the Buckman Direct Diversion would be off line for several weeks?

MR. VOKES: I think the estimate would be a maximum of six weeks. It could be as little as two weeks depending on how the inspection and the repairs go.

COMMISSIONER STEFANICS: So, Mr. Chair, Mr. Vokes, I thought that when we had talked you had even thought it would be longer, about 10 weeks. And I was concerned and wanted to start asking about if there was an issue with the City's water supply if this could impact – whether it's two weeks or six weeks or ten weeks. Could there be an immediate problem?

MR. VOKES: I'm not understanding what your question is.

COMMISSIONER STEFANICS: Well, if the Buckman is offline and the City of Santa Fe water treatment plant is filling in, if they had a problem, then we would have a bigger problem.

MR. VOKES: That's correct. As you know the Buckman Direct Diversion was touted as the City of Santa and the Santa Fe County's fourth water supply. The Canyon Road Plant, the City wells and the Buckman wells would all be used to supply water as needed during the outage. We do not anticipate any problems with the supply from the Canyon Plant during this downtime.

COMMISSIONER STEFANICS: Thank you, Mr. Chair.

CHAIRMAN MAESTAS: Just to be clear. During the cofferdam construction the plant will still be fully online; correct?

MR. VOKES: Yes, yes. We will reach a point where we're ready to put in those last pieces of the cofferdam and begin to pump out the water. At that time the BDD would be off line, yes, sir.

CHAIRMAN MAESTAS: Councilor Dominguez and then Ms. Bokum.

COUNCILOR DOMINGUEZ: I guess just a couple of questions. So the handout that you gave us with these estimated costs versus the one in the packet are significantly different in two areas. Is that just because the one that was provided in the packet was a first take at it or what?

MR. VOKES: We have been working this problem through. We have been contacting engineering firms. Portadam which was the firm that gave us the \$150,000 bid has been assuring us all along that their system would work and until they arrived this morning and went out and looked at it and then came back and shared with me, we can't do it. That's when we went to our plan B which is again a little bit in transient. We've asked this firm for a bid but they have not come out and inspected it. And this is supposedly a worse case bid, the highest bid. They gave us a range from \$250,000 to \$350,000 but, again, they need to come out and look at the river and the site and then we will get a final number for the contract. But indeed the number has gone up significantly.

COUNCILOR DOMINGUEZ: So the only two things that have changed were mapping the current conditions and then installing the cofferdam and the pump water –

MR. VOKES: Right.

COUNCILOR DOMINGUEZ: So those are the only two things that are – I guess what you're telling me is that as of this morning these are the only two things that changed.

MR. VOKES: The mapping figure was basically plucked from air last week so that we could get it in the Board packet. Since then I contacted the two firms and we got the two bids and so obviously that number came down. And the same thing has happened with the cofferdam pricing. It's kind of a moving target.

COUNCILOR DOMINGUEZ: What kind of mapping are we doing?

MR. VOKES: Essentially we have because of our NPDS permit that we have to discharge the sediment back into the river, we have been required to do basically lines of both above and below the diversion structure. So we have three year's worth of data on those particular lines. What this company would do is they would come in and do those lines that are already in existence and then add seven more lines to focus in on the diversion structure, both immediately upstream and then through the different cells of the diversion structure and then downstream of that.

COUNCILOR DOMINGUEZ: So it is not necessarily mapping the water volume. It's mapping just the terrain around the --

MR. VOKES: The concern with the mapping is currently we have a sandbar that covers about 2.5 feet of the structure. It's actually up on the screens. So our concern is long term how do we keep that sand off of the screens so that we have our full capacity from each one of those cells. This should be good information to provide to the engineers so that if we do need to modify the diversion structure we'll have that information, this is what it looks like before we got in there.

COUNCILOR DOMINGUEZ: So I guess that's why I'm asking because it seems as though the mapping is more for long term solution.

MR. VOKES: Yes, sir.

COUNCILOR DOMINGUEZ: So once you do the mapping there may be some changes or improvements that need to be made outside the scope of this particular problem or issue.

MR. VOKES: Yes, sir. The whole intent of the project, well, it's really two. It's one, get the screens, the new screens, get them installed and get us through the summer. And then once we get the inspection of the structure done then look at what long-term solutions need to take place. The difficulty with this, of course, is it's under water. If it was a structure that we could see it would be an easy fix. But we really need to get it out of the water so that we can take a good look at it. And, of course, the plant has been in service almost four years and so it's a good idea to even look at the structure and see what's going on. We do have some concerns about the original say rip rap that was placed around the structure to protect it. From what we can tell a lot of that has been moved in the flood and so that will part of the mapping too, is the as-built shows that the structure looked like this and when we get in there it may look very different.

COUNCILOR DOMINGUEZ: So one other question, if I can, Mr. Chair. The estimate of \$12,000 for I guess it's the repair of existing structure. We really don't know if that's \$12,000 or it's going to be more or less depending on what comes out of the mapping and after you placed the dam, et cetera, right?

MR. VOKES: The 12,000 was based on just replacement of the screens.

COUNCILOR DOMINGUEZ: Okay.

MR. VOKES: Again, we have three new screens and they may have to be modified in order for them to fit properly and then the repair of the airburst system which cleans the screens. Currently that system is down and because we can't get underneath to repair it we're unable to --

COUNCILOR DOMINGUEZ: -- the screens aren't under warranty -- part of any warranty or anything?

MR. VOKES: I think the basic warranty that came with the plant was approximately two years on most of the equipment. There's other pieces of equipment, the membranes that have longer warranties on them.

COUNCILOR DOMINGUEZ: And not that -- I mean \$12,000 is a lot of money to some people but relative to this project it's -- you know, it is what it is. I guess if it's not covered under warranty have you been able to determine whether or not it was a failure in the build of the structure?

MR. VOKES: I think that information will come out during the inspection. If there are design problems with the screens or the structure that's why we

want to get it dry and look at it is to determine exactly what's going on. Right now we do not know.

COUNCILOR DOMINGUEZ: Okay, so, Mr. Chair, I know there's money – the request is to have this money come out of the Emergency Fund. I don't know if there is a mandate on what that reserve is and where this gets us relative to that mandate if it brings us below what the reserve should be or if not, how close to that threshold does it take us?

CHAIRMAN MAESTAS: That came up in our committee. Ms. Romero, do you want to just respond to that – what the thresholds are for replenishing what we draw down.

MS. ROMERO: Mr. Chair, members of the Board, the Emergency Reserve Fund policy states that we do have a \$2 million balance in that fund and if the \$2 million – if the fund falls below that threshold there is a replenishment schedule in place as part of the policy. The policy basically states that if it falls below the \$2 million but is greater than \$1 million then contributions from all BDD partners shall bring the Emergency Reserve Fund balance to the \$2 million at the beginning of the following fiscal year. If the balance were to fall below the \$1 million contributions from all BDD partners shall bring the Emergency Reserve Fund balance back to \$2 million within two fiscal years.

There's a lot of unknown factors at this time and once they're able to get in there we're hoping that if there are repairs there's a possibility that we could shift some of that money to the repair and replacement fund which doesn't have to be replenished. I will also work very closely with the partners and the finance group to try and come up with any brainstorming on how we are to replenish that fund so we have the least amount of impact to our partners and to the budgets for next year. And if you want a copy of the Emergency Reserve Fund policy I do have copies.

CHAIRMAN MAESTAS: Okay, thank you. Ms. Bokum.

MS. BOKUM: Thank you, Mr. Chair. I have three things. I think I'll start with – I happen to be over at the legislature today and there was sort of a water morning at the legislature and I was standing talking to Charlie [Nylander] and we ended up talking to Bruce Thompson and John D'Antonio and what I learned from that was that Albuquerque is having problems with their sediment. They've got a different set up, very different but they're having sediment problems. That this could be seen as a sediment problem and maybe what's going on is maybe there's some dynamics in the river that we don't understand that could be causing all of this. So it may not be – to the question of whether there's a design problem, you could see it as either – there wasn't a design problem because we didn't know how badly the river acted or there is a design problem we don't know about but what I got from this conversation was that we probably need to do a better job of understanding what the river is doing. And I gather that, and maybe Charlie can correct me, when Albuquerque did theirs they did a big sediment study. I think it cost \$250,000, a quarter of a million, that involved somebody in Denver and Bruce said he would look into that. But one of the things that we talked about was that maybe the Bureau and the Army Corps of Engineers could help us with those costs of dealing with this issue. It may be something that we really need to do and there may be help out there to do that because it affects the new plant up north, it affects us, it affects

Albuquerque and I think everybody cares about that river. I just wanted to make that point.

The other thing is that this feels like a real sock in the gut but I think we all have to remember that we're very lucky to have the San Juan-Chama water. We're very lucky that this problem is only related to the diversion and it doesn't affect the plant. So I think even though it feels like a sock in the gut, I think we're actually – we have to keep it in perspective. It's not that big a deal relative to how lucky we are to have done what we did.

And, then the third thing, just to get back to the discussion about shutting down the plant. The plant stores a lot of water so that you can shut down the diversion and still process water. Can you talk about what period of time – if you bring all that water and then store it in preparation for shutting it down to do the work, how many/how long – I understand it depends on when in the year but how much – would that get us through a number of days or weeks?

MR. VOKES: The current storage capability of the plan is approximately 8 million gallons of raw water and then 4 million gallons of treated water. So that would give you a total of 12 million gallons in storage. The current demand for the City and County is somewhat less than 5 million gallons a day. So you're only looking at a couple of days of storage as it currently exists.

MS. BOKUM: Okay, thank you. Thank you.

CHAIRMAN MAESTAS: Well, we're obviously, taking some extraordinary circumstances here to deal with this. In looking at your timeline, Mr. Vokes, time is not on our side and I think that is why you're here before us asking for us to delegate authority to you to engage in negotiations and secure two professional services agreement, a sole source construction contract for the cofferdam and potentially expend almost \$400,000. Ms. Long, can you maybe explain or at least reassure the Board how this is going to work. How we delegate the authority. How we comply with the procurement laws and policies and then what can we expect in the April meeting? Will we maybe have a report out on the final negotiated costs for the contracts and the agreements? So if you could maybe explain that.

MS. LONG: Yes, Mr. Chair and members of the Board. I know that BDD staff, Mackie and certainly Mr. Vokes as well, has been working with the City's procurement officer who under our project manager agreement is our procurement officer. So they have been working through what is required when we don't have the time to go out to bid and when it would be otherwise required just because of the sheer costs. So we feel like we have that under control and we are getting the documentation to Mr. Rodarte at the City that he needs and that he is approving, and has given us direction on how to proceed, given the staff direction.

In terms of the authority, the delegation of authority that we're asking for, as you know under the project manager agreement the facility's manager has authority to \$50,000 basically a small purchase and after that the Board would have to approve expenditures. Obviously, this is going to have to require the facility's manager to be able to execute contracts in excess of that. So, we're asking for – there is the procurement piece that we are following with the City and then in terms of the authority because your operating procedures for the Board, your agreement requires that the Board approves contracts above 50, we need to seek your authority to delegate that to the facility's

manager which is outside of the usual course of dealing due to the nature of the emergency, that it is an emergency matter or at least it needs expedited attention matter. Of course, under your emergency policy if you had something that required attention on a 24 hour basis and the facility's manager would have that authority to executing contract, getting people on site. But with this type of situation we had a little bit more time so we did bring authorization to the Board to expend the money from the emergency fund which is not required under the policy but because we had the additional time to do that and a meeting in place to do it, that is the way that we are proceeding and then we are asking for the Board's delegation of authority to execute contracts that are going to be in excess of what would usually be allowed and would be the Board's prerogative to approve to Mr. Vokes. And that's what the motion that is proposed action or recommended action in Mackie's memo that was handed out today that we're seeking.

CHAIRMAN MAESTAS: And I do want to thank Chuck, Mr. Vokes, for – I told him that this is baptism by fire. I think he's only been on the job about three or four months and here we are taking extraordinary circumstances to really repair this very important facility to our region. So, Chuck, thanks for springing into action and working with all these folks in a very short period of time. My hope is that when we come back together in April that we will get a report out on the result of all the agreements and the contract and if this timeline does hold up and we don't experience any additional delays it seems like we might even be privy to some early inspection results so we can get a better idea of what's happening and what the status is. Cross your fingers, hopefully, our own staff can do the repair to the screens. We found one of the other screens which I think is going to help immensely.

Ms. Long, this is a multifaceted motion, should we just do one at a time or maybe the portion of the recommendations that deals with the delegation of authority and then we can vote on the expenditures – the authorization to expend the money separately? Any suggestions?

MS. LONG: Yes, Mr. Chair. That is what I would recommend that you take these as separate motions and you do have separate agenda items that will cover those.

COUNCILOR DOMINGUEZ : So item 13 is that delegation of authorities?

MS. LONG: Yes. Yes, Councilor, that is the authority that we're asking for.

COUNCILOR DOMINGUEZ : Okay, I'll make a motion to approve item 13.

COMMISSIONER STEFANICS: I'll second.

CHAIRMAN MAESTAS: Okay, we have a motion and a second to delegate authority to the facility manager, Mr. Vokes, to enter into all those agreements: two professional service agreements and the construction contract. Any discussion on the motion?

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

14. Request for Approval to Budget an Estimated \$200,000.00 from the Emergency Reserve Fund to make Funds Available for the BDD Diversion Structure

CHAIRMAN MAESTAS: These are estimated costs, Mr. Vokes, so we don't expect the final number to exceed that. Should we do an up to amount to provide some latitude?

MR. VOKES: That would be my expectation that this would be the maximum if anything significant occurs then we may ask the Board to reconvene and consider those.

CHAIRMAN MAESTAS: And then just to clarify, Ms. Romero, we'll get the budget adjustment request in April just to document what we're doing today?

MS. ROMERO: Yes, Mr. Chair. I would come back in April with the actual budget amounts that we did get approval for based on actual agreements and procurement process.

CHAIRMAN MAESTAS: Okay, so then the motion would be to approve expenditures –

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN MAESTAS: Yes.

COMMISSIONER STEFANICS: Mr. Chair, I'm going to move expenditures – to budget an estimated no more than \$500,000.00 from the Emergency Reserve Fund to make funds available for the BDD Diversion Structure inspection and repairs.

CHAIRMAN MAESTAS: Okay. We have a motion on the floor. Do I hear a second?

COUNCILOR DOMINGUEZ : I'll second it but I have a question.

CHAIRMAN MAESTAS: Okay, we have a second by Councilor Dominguez. Discussion, Councilor.

COUNCILOR DOMINGUEZ : So I guess in terms of the amount that we're potentially approving now with this motion and the autonomy that the director has via the previous motion, will they go hand in hand? In other words, he has the authority to spend up to \$500,000 and he's got – I guess the question is, it's all tied together. He can't spend money outside the scope of this project based on the action that we took on item number 13.

MS. LONG: That is correct. I think that is the Board's intent. The authority was to enter into contracts for repair of the structure as you've discussed and then the authorization for the emergency fund are the funds necessary.

COUNCILOR DOMINGUEZ: I think it is implied just based on the discussion that we've had. I just want to make sure that for the record we are saying that you can't spend it on something that is outside of the scope of this project.

COMMISSIONER STEFANICS: I included – Mr. Chair.

CHAIRMAN MAESTAS: Yes.

COMMISSIONER STEFANICS: I included in my motion the language "inspection and repair to the Buckman Direct Diversion structure," I believe.

COUNCILOR DOMINGUEZ : Very good.

CHAIRMAN MAESTAS: Any other discussion?

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

MATTERS FROM THE PUBLIC

CHAIRMAN MAESTAS: Yes, step forward and state your name.

CHARLIE NYLANDER: My name is Charlie Nylander and I stand before you representing the Club at Las Campanas. I want to just follow up a little bit on the two items that you just passed. We had a meeting with Chuck and Mike and Mackie on this past Monday morning and I want to commend them. They have been very communicative with Las Campanas, both the club and the water and sewer cooperative, inviting us to a briefing on the project. I just wanted to underscore our support for this project and the work that needs to be done because the structure at the river is the beginning of everything and right now if that's not working properly the City, County and Las Campanas are expending a lot of money up the pipeline repairing pumps and other equipment that are being corroded by the excess of sediment in the line. So this is important to all of us and I really applaud Chuck's leadership.

I also want to follow up just briefly on Ms. Bokum's comments. I think this is a wonderful opportunity for the BDD Board to perhaps enlarge the tent a little bit and invite the Corps of Engineers and the Bureau of Reclamation, the Office of State Engineer and the Interstate Stream Commission and even perhaps Bruce Thompson at UNM to work together in a collaborative observer group to actually learn some lessons from what the BDD is experiencing as it might have applications in Albuquerque and it may certainly have applications for the new Pojoaque regional water system that will have a diversion structure along the same lines. So I think it's a real opportunity to educate everybody and they might bring to the table some great ideas and perhaps the Bureau of Reclamation could bring a little funding as well.

So I just make those comments to you. Thank you, Mr. Chair.

CHAIRMAN MAESTAS: Thank you. Are there any other members of the public who wish to address the Board? Any members?

MATTERS FROM THE BOARD

CHAIRMAN MAESTAS: Any matters from the Board? I just wanted to make one statement about the precedent setting nature of what we're doing in that as Chuck mentioned this cofferdam is going to have some permanent elements to it where if the need arises this may be part of our periodic inspection and maintenance of that facility. So it's not just a totally temporary project, I think it will have some aspects that allows us to go in there periodically and have a look at it and I do agree we do need to bring in other federal agencies to assist. I do work for the Bureau of Reclamation. The section where the diversion is just coming out of what's called the Narrows and it is kind of like a canyon area. There's no riverside infrastructure, nothing really, no populated areas that are in danger so it kind of gets neglected but that doesn't mean we can't marshal some of these federal resources to assist us to try and characterize what's happening there. Many of you know in the audience that river engineering is a very

intricate field because the river is so dynamic and it changes quite a bit. So I think this could be the beginning of an expanded partnership to really have us have a better handle of what's going on out there.

Any other matters from the Board?

NEXT MEETING: Thursday, March 5, 2015 @4:30 P.M.

ADJOURNMENT

Having completed the agenda, Chair Maestas declared this meeting adjourned at approximately 5:25 p.m.

Approved by:

Joseph M. Maestas

Joseph M. Maestas, Board Chair

Respectfully submitted:

Karen Farrell

Karen Farrell, Wordswork

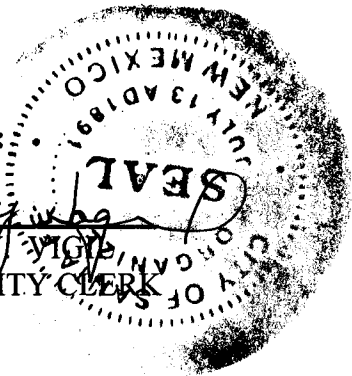
FILED BY:
Geraldine Salazar

GERALDINE SALAZAR
SANTA FE COUNTY CLERK
3-17-2015

ATTEST TO:

Yolanda Y. Vique

YOLANDA Y. VIQUE
SANTA FE CITY CLERK



SFC CLERK RECORD03/17/2015



Buckman Direct Diversion



AGENDA

The City of Santa Fe
And
Santa Fe County

Buckman Direct Diversion Board Meeting

**THURSDAY, FEBRUARY 5, 2015
4:30 PM
CITY HALL
CITY COUNCIL CHAMBERS
200 LINCOLN**

CITY CLERK'S OFFICE

DATE 1/28/15 TIME 10:12 am

SERVED BY [Signature]

RECEIVED BY [Signature]



1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF CONSENT AGENDA
5. APPROVAL OF MINUTES FROM THE JANUARY 8, 2015
BUCKMAN DIRECT DIVERSION BOARD MEETING
6. MATTERS FROM STAFF
7. REPORT ON FEBRUARY 3, 2015 FISCAL SERVICES AUDIT
COMMITTEE

CONSENT AGENDA

8. Monthly Update on BDD operations. (Mike Dozier)
9. Drought, Monsoon and Water Resource Management Update. (Rick Carpenter)
10. 2nd Quarter Financial Report. (Mackie Romero)

CITY CLERK RECORDS 3/17/2015

11. Request for approval of RFP# '15/13/P for a Professional Services Agreement with Long, Komer and Associates, P.A. for legal services for July 1, 2015 – June 30, 2016 for the amount of \$103,000.00 exclusive of NMGRT. (Mackie Romero)

DISCUSSION AND ACTION ITEMS

12. Discussion and possible action on proposed revisions to the Rules of Order for the Buckman Direct Diversion Board. (Nancy Long)
13. Request for approval of expenditures and authority to enter into contracts by the Facilities Manager related to the inspection and repair of the BDD diversion structure. (Charles Vokes)
14. Request for approval to budget an estimated \$200,000.00 from the Emergency Reserve Fund to make funds available for the BDD Diversion Structure. (Mackie Romero)

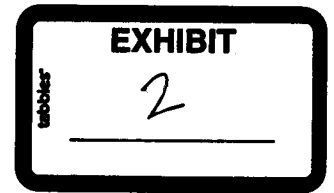
MATTERS FROM THE PUBLIC

MATTERS FROM THE BOARD

NEXT MEETING: Thursday, March 5, 2015

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.**



Revised estimated costs for Phase 1 – BDD Diversion Structure

Estimated costs for Phase 1	
Map current river conditions	\$6,860.19
Install cofferdam and pump water	\$350,000.00
Repair existing cells	\$12,000.00
Contingency (10%)	\$18,000.00
Total	\$386,860.19

S F C C L E R K R E C O R D 0 3 / 1 7 / 2 0 1 5

BDDB Meeting February 5, 2015

