

**MINUTES OF THE**  
**THE CITY OF SANTA FE & SANTA FE COUNTY**  
**BUCKMAN DIRECT DIVERSION BOARD MEETING**  
**June 2, 2016**

This meeting of the Santa Fe County/City Buckman Direct Diversion Board meeting was called to order by Councilor Carmichael Dominguez, Chair, at approximately 4:17 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 Carmichael Dominguez, Chair  
 Commissioner Liz Stefanics  
 Commissioner Miguel Chavez  
 Councilor Peter Ives  
 Ms. Denise Fort  
 Mr. J. C. Helms [Citizen Member alternate]

**Member(s) Excused:**

None

Councilor Michael Harris [Citizen Alternate – non-voting]

**Others Present:**

Charles Vokes, BDD Facilities Manager  
 Nancy Long, BDD Board Consulting Attorney  
 Stephanie Lopez, BDD Liaison  
 Kelly Brennan, City Attorney  
 Greg Shaffer, County Attorney  
 Mackie Romero, BDD Finance Manager  
 Mike Kelley, County Public Works Director  
 Carole Jaramillo, County Finance Director  
 Marcos Martinez, Assistant City Attorney  
 Claudia Borchert, County Utility Director  
 Nick Schiavo, City Utilities Director  
 Bernardine Padilla, BDD Public Relations Director  
 Erminia Tapia, BDD Administrative Assistant  
 Daniele Bowman, BDD Staff  
 Matthew Sandoval, BDD Interim Operations Supervisor  
 Cheryl Vokes, Citizen

David S. Rhodes, DOE EM-LA, Los Alamos Field Office  
 Rick Carpenter, Acting Water Division Director  
 Mary Chacon, Las Campanas Co-op  
 Don Moya, County Budget Director  
 Charlie Nylander, Club at Las Campanas  
 Ray Eldridge, Deere and Ault  
 Ginny Selvin, Las Campanas Water and Sewer      *[Exhibit 1: Sign-in Sheet]*

### 3. APPROVAL OF AGENDA

*[Exhibit 2: Agenda]*

CHAIRMAN DOMINGUEZ: Are there any changes that staff needs to make?

CHARLES VOKES (BDD Facilities Manager): Mr. Chair, members of the Board, I believe there are no changes.

CHAIRMAN DOMINGUEZ: All right. What are the wishes of the Board?

COMMISSIONER STEFANICS: I'll move for approval.

COUNCILOR IVES: Second.

CHAIR DOMINGUEZ: We've got a motion and a second. Is there any discussion on this item? Hearing none.

**The motion passed by unanimous [4-0] voice vote.** [Commissioner Chavez was not present for this action.]

### 4. APPROVAL OF CONSENT AGENDA

#### 9. Monthly Update on BDD Operations

#### 10. Request Approval of Amendment No. 3 to the Legal Services Agreement with Long, Komer & Associates, PA, in the Amount of \$202,000 Exclusive of NMGRT for the Fiscal Year 2016/2017

#### 11. Request for Approval of Amendment No. 3 to the Professional Services Agreement with Chavez Security in the Amount of \$139,000 Exclusive of NMGRT for the Fiscal Year of 2016/2017

#### 12. Request Approval of Amendment No. 2 to the Professional Services Agreement with Sub Surface Contracting, Inc. in the Amount of \$139,000 Exclusive of NMGRT for the Fiscal Year of 2016/2017

#### 13. Request Approval of Amendment No. 3 to the Professional Services Agreement with Alpha Southwest in the Amount of \$50,000 Exclusive of NMGRT for the Fiscal Year of 2016/2017

#### 14. Request Approval to Extend Contracts for an Additional Year for Water Treatment Plant Chemicals from Various Vendors for Fiscal Year 2016/2017

CHAIR DOMINGUEZ: Is there anything from staff that you want to have us consider?

MR. VOKES: Mr. Chair, members of the Board, I don't believe there are any changes to the Consent Agenda.

CHAIR DOMINGUEZ: Okay. What are the wishes of the Board on item #4?

COMMISSIONER STEFANICS: Mr. Chair, I'm happy to move for approval unless somebody has an objection.

COUNCILOR IVES: Second.

CHAIR DOMINGUEZ: Got a motion and a second. Any discussion? Hearing none.

**The motion passed by unanimous [5-0] voice vote.** [Commissioner Chavez voted after the fact. See page 9.]

#### 5. APPROVAL OF MINUTES: May 5, 2016

STEPHANIE LOPEZ (BDD Liaison): No changes.

CHAIR DOMINGUEZ: All right. What are the wishes of the Board on this item?

COMMISSIONER STEFANICS: I'll abstain because I wasn't here.

CHAIR DOMINGUEZ: Okay. One abstention.

COUNCILOR IVES: I was not here either. Does that give us a sufficient number to actually pass the minutes? Or do we wait for the next meeting.

NANCY LONG (BDD Contract Attorney): Yes, you still have three members.

COUNCILOR IVES: Mike's our alternate.

MS. LONG: Mr. Chair and Councilor Ives, the alternate when the primary member is here does not vote. He can participate in discussion and I don't think we can change out items for that, so he should not vote.

COMMISSIONER STEFANICS: So, Mr. Chair, I would suggest that we hold the minutes until Commissioner Chavez gets here.

CHAIR DOMINGUEZ: All right. We can do that. Or we can even postpone it to the next meeting. It just all depends. Let's see how long it takes for him to get here.

COMMISSIONER STEFANICS: Okay.

#### 6. MATTERS FROM STAFF

MR. VOKES: Thank you, Mr. Chair, members of the Board. I'd like to point out the BDD facility has been offline since Monday, May 30<sup>th</sup> and will return to service on June 11<sup>th</sup>. This is a planned shutdown for inspection and repairs to the raw water diversion systems. The inspection is being administered by the engineering firm of Deere and Ault and Mr. Eldridge will be available at today's executive session to answer any specific questions about – any questions that the Board may have. So moving on to the next item unless there's questions.

CHAIR DOMINGUEZ: Questions on this particular issue? No? Okay. Go ahead.

MR. VOKES: We held a pre-bid conference for the BDD raw water pump project this morning. These are the pumps to replace pumps at 1A and 2A. Funding for these pumps was approved during the November 2015 Board meeting. The current schedule calls for bids to be completed in time for the July 7<sup>th</sup> Board meeting. So any questions on this item?

CHAIR DOMINGUEZ: Anything? Go ahead, Chuck.

MR. VOKES: Okay. Third item I'd like to mention is we did hold a meeting to review information that was requested by Member Fort on the BDD solids processes. So, Member Fort, did you want to make comments on that at this time?

MEMBER FORT: Just an update for Board members and members of the public. The question I had asked and appreciated a response to was whether or not it was necessary to treat solids, which are essentially sand, from the water treatment process, whether or not it was necessary for them to be trucked to and disposed of in the City's landfill. And there's a cost associated with doing that. There's both an economic cost. There's also, to my mind and maybe that of others, a wastefulness about throwing sand into a landfill.

And so we've started with attorneys' advice and the regulatory officer's advice looking at whether or not there are alternative ways that the sand could be used. Thank you. That's all.

CHAIR DOMINGUEZ: Anything else on that?

MR. VOKES: No, that's it. Any other questions from Board members on that item?

CHAIR DOMINGUEZ: Councilor Ives.

COUNCILOR IVES: Just one. So if we're looking at alternate disposal methods for the sand that comes out of the process, have we reached any conclusions on that, or where are we going with it?

MEMBER FORT: We have – I can answer this if it's appropriate. There are questions to be further pursued about whether there are any – legally whether it's possible to dispose of it or to use it in some other fashion. So the questions have to be resolved.

CHAIR DOMINGUEZ: It's essentially the beginning.

MEMBER FORT: It is.

CHAIR DOMINGUEZ: The very beginning.

COUNCILOR IVES: And do we have any sense of when we'll have answers to the questions?

MR. VOKES: Depending on when we get our questions answered. One of the things that I was going to do is approach the Albuquerque Bernalillo County Water Authority and see what their processes are. Also, El Paso pulls water from the Rio Grande and see what their processes are, to see if that will point us in a direction as to what they're doing. We've also looked at adjacent states and their processes, so I'm suspecting it will take us another month or two to have a direction on that.

COUNCILOR IVES: Thank you.

CHAIR DOMINGUEZ: All right. Commissioner Chavez, thank you. We're just getting down with Matters from Staff and Chuck is giving his report. What we'll do is we were waiting for you to get to item #5 because we needed a quorum. So we'll go ahead and entertain, the Chair will entertain item #5.

##### **5. APPROVAL OF MINUTES: May 5, 2016 (cont.)**

MEMBER FORT: I'll move approval.

COMMISSIONER CHAVEZ: Second.

CHAIR DOMINGUEZ: So we've got a motion and a second? Any discussion?

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

## 7. REPORT ON MAY 31, 2016 FISCAL SERVICES AND AUDIT COMMITTEE

MACKIE ROMERO (BDD Finance Manager): Mr. Chair, members of the Board, a Fiscal Service and Audit Committee meeting was held on Tuesday, May 31<sup>st</sup>. However, this meeting was scheduled in conflict with the Board of County Commission meeting, and the City of Santa Fe Finance meeting. Therefore, in attendance from was myself, Erminia Tapia, BDD Administrative Assistant, Claudia Borchert, Santa Fe County Utilities Division Director, and representatives from Las Campanas Water and Sewer Cooperative. We do apologize and in the future we will make sure these meeting do not conflict with the regular meetings of our partners. However, we did continue with our meeting and we did discuss in detail all items that were listed on the Consent Agenda. There were minimal questions as most of these agreements are recurring and are part of our yearly budget request.

We also discussed action items #15 and #16 which will be presented later on in this meeting. I also gave an update on the fiscal year 14/15 audited financial statements in which we have received a draft version and that is being reviewed by City Finance and myself. We should have a final version available for presentation to the Board in our July meeting. We also discussed any future meeting conflicts and we did identify that the July 5<sup>th</sup> meeting was going to be in conflict with the City Finance meeting so we'll get some emails out to the partners and the Board representatives to reschedule that FSAC meeting. Is there any questions?

CHAIR DOMINGUEZ: Any questions?

COMMISSIONER STEFANICS: I'm sorry. I was preoccupied. So the next – this next meeting is still at the regular time and date? So it's not the first Tuesday or Thursday.

MS. ROMERO: Right. It still is the first Thursday. I think it's the 7<sup>th</sup>. But the FSAC is July 5<sup>th</sup> and I think City Finance is also that same day.

COMMISSIONER STEFANICS: Okay. Thank you.

CHAIR DOMINGUEZ: Okay. Anything else? Councilor Harris.

COUNCILOR HARRIS: Thank you, Chair. I just wanted to, Ms. Romero, you know when we review and approved the budget a month or so ago we discussed the fact that some of the legal fees were mischaracterized. They were showing up in Materials and Supplies rather than in Other Operating Costs. I assume you reformat that. Will you reformat that?

MS. ROMERO: Mr. Chair, members of the Board, that is correct. I'll be bringing the budget back for adoption in the July meeting.

COUNCILOR HARRIS: Okay.

MS. ROMERO: And that adoption presentation will have the numbers in the correct categories.

COUNCILOR HARRIS: Okay. And do you typically provide a higher level of detail under particularly the materials and supplies and other operating costs? They seem to be – they're pretty broad categories and it's not clear to me anyways what's in there.

MS. ROMERO: Right. Mr. Chair, members of the Board, we do typically just have the high level, but I can include another page in there that has it a little bit more detailed if you wish, and I can include that for the adoption of the budget.

COUNCILOR HARRIS: Okay. Do other Board members think that's appropriate?

CHAIR DOMINGUEZ: I think – I'll work with staff on trying to get, I guess a clear level of details because I don't think that we need to look at timesheets and –

COUNCILOR HARRIS: No, no, no, no, no. No. But –

MS. ROMERO: And we do have a – it's based off line item and so we can maybe categorize into a little bit higher level.

CHAIR DOMINGUEZ: I think they've provided – I think you've provided some of it in the past, so we can probably look at that and see if it's –

COUNCILOR HARRIS: That would be useful. Thank you, Ms. Romero.

MS. ROMERO: Thank you.

CHAIRMAN DOMINGUEZ: Okay. Anything else? Thank you, Mackie.

MS. ROMERO: Thank you.

## 8. BDD Public Relations Update

BERNARDINE PADILLA: Thank you. Chair Dominguez, members of the Board, basically, in your packet is an overview of the public relations outreach for the last fiscal year. I'm got a memo that sort of gives you an overview of every single thing that we did, and I'll just go over that briefly.

So we included events, tours, education and various outreach from July 2015 to June 2016. These opportunities affected 400 students, industry professionals, or community members. That included nine school tours including elementary, junior high and college level students, 17 industry professional tours, four tours that included community members such as reporters, Chama Peak Alliance and WESTCAS, eight community outreach opportunities such as the kids' water fiesta, century bike ride, the SWAAN Park event and other community events and outreach, seven staff educational growth opportunities such as the leadership training, the biofiltration lecture that Chuck brought in. He's also teaching Excel and math classes for the staff, and the City customer service training.

And the reason that I include staff training in PR outreach is because first of all we don't have an HR Department in BDD and I feel that public relations doesn't just extend out in the community. Public relations starts from within and communicating with our staff, having good communications and opportunities for the staff is very important. We start from within and we grow out, and that's why I include that.

We also initiated this year social media outreach with Twitter. We just started FaceBook so look us up because we only have a few followers right now. I don't have a lot of time to spend on it but it is important because all other organizations are doing social media, and that's actually how I get a lot of my information and news is through Twitter, through the AWWA, and other professional organizations, the reporters in town, the media. I know what's going on quickly; it's very quick and then I can communicate that to Chuck or the rest of the staff. So we're delving into that a little bit more.

We're also partnering with Santa Fe Conservation Department and I share with them and they share with me because they do other – they participate in other events or venues such as Instagram. And they don't do Twitter; I do Twitter, so we share. At this point we're also finishing up on the narrated tour that I'm really excited about and that's an overview of the history of BDD – how it was created, why it was created. We're working on the script right now and the final edit and adding a little more footage and it's going to be awesome. I'm really excited about that. It's taken us a long time to get here. I want to present that in July, at the July Board meeting if time permits.

We're also updating the virtual tour, which if you've gone online you've seen the virtual tour. It's a great 360 panorama view of each of our facilities at BDD. But there's no text or voice

over and that's what we're working on right now is throwing that script in or voice over that the general public might now understand what they're looking at. Those of us who work in the industry do know what we're looking at or outside industry professional know, but if it's a classroom or community member they'll have a better understanding of what they're looking at.

And that's about all for my presentation. Does anyone have any questions for me?

CHAIR DOMINGUEZ: Just a real quick question. Whenever we have the opportunity to get feedback are we collecting some of that feedback and organizing it somehow? Or categorizing it or storing it?

MS. PADILLA: What type of feedback are you –

CHAIR DOMINGUEZ: Just, well, so like there's an HOA lecture here and there's been some educational tours, and just any kind of feedback.

MS. PADILLA: We don't do a survey after these groups leave. It's usually verbal and it's all been positive. I have thought about doing some type of survey afterwards. But when people come to our facility they have to fill out a lot of paperwork and registration and it's sort of tedious for them. I don't want to make it too complicated at this point. If that's something you would be interested in I can look to maybe setting up a follow-up email like a Monkey Survey, if that would be interesting for you.

CHAIR DOMINGUEZ: The only reason I bring it up is because I think that there are a lot of people still who don't really necessarily understand the relationship between the City and the County and even Las Campanas.

MS. PADILLA: Right.

CHAIR DOMINGUEZ: And the BDD. And I know that part of public relations is public education and some of that. And so I'm just curious to find out kind of what the extent of that program is in terms of educating folks about various aspects of BDD.

MS. PADILLA: Okay, so awareness.

CHAIR DOMINGUEZ: History, the relationships that we have, just whatever kind of data we can pull from there, what kind of information we can pull from there.

MS. PADILLA: Okay.

CHAIR DOMINGUEZ: Any other questions, comments? I'll go Councilor Ives and Board Member Fort.

COUNCILOR IVES: Thank you, Mr. Chair. So I just went to the FaceBook page and liked it. You have six or seven likes now.

MS. PADILLA: Thank you.

COUNCILOR IVES: But I was going to say, clearly, I think we'd like a lot more than that and as I look through what's posted on the site, obviously lots of pictures and some of the rivers, some of the plant. Many of children liking Santa Fe water, which certainly is always good. I wonder if we might use it to push out information, more on some of the statistics and some of the, if you will, the fact about the plant. I don't know if that would attract folks to it but we certainly have many hardcore water issue followers in and around Santa Fe, and certainly Santa Fe in our area is known for water conservation and how we run our water system so it might be a great opportunity to reach a broader audience. So just a suggestion of things we might do to push a little bit more information about the actual plant, the river, water, etc. So thank you.

CHAIR DOMINGUEZ: Board Member Fort.

MEMBER FORT: I have a question that might actually be appropriate for other Board members and that's just what's the history and purpose of this program, the public

relations program in particular? It might sound obvious but I would appreciate knowing and I know both City and County have public relations, and what was the thinking? Thank you.

COMMISSIONER CHAVEZ: Do you want to take a stab at that, Chuck, or do you want me to?

MEMBER FORT: The oldest person here has to answer.

COMMISSIONER CHAVEZ: I'll pass then.

CHAIR DOMINGUEZ: Go ahead, Chuck.

MR. VOKES: Mr. Chair, members of the Board, of course I've been here a year and eight months and we've had a lot of interaction with the public and the press, and managing the interaction, putting out a positive message. Any time we have a hint that we're in the news or going to be in the news, Bernardine and I will have a meeting and we'll discuss how we are going to handle the message. Or if we get a call from the *Reporter*, or the inquiry, so it's a blending of a lot of different goals, I guess you could say. One is having that positive message, responding educationally, providing the virtual tour, I think has just been an incredible tool for people.

One of the things that I found incredible is this thing going on for a long time, is there's a course at Texas A&M University and they actually track the Rio Grande from the headwaters all the way down to the Gulf. And so the BDD is one stop on that tour. And so we will continue to explore different ways to use the PR program. But I think it's just to portray a positive message, and also one of the other goals that I'm very aware of is our transparency to the public, so that the public feels like whatever information they want, we have all that on the website. So not only our water quality monitoring or just what's going on. So that's my view of the public relations program and some of the Board members that maybe have been here longer can share maybe some of the history of that.

CHAIR DOMINGUEZ: So we'll go to Commissioner Chavez, Commissioner Stefanics.

COMMISSIONER CHAVEZ: I'll yield to Commissioner Stefanics and go last.

COMMISSIONER STEFANICS: Okay. Thank you. I've been here about 6 ½ years and our PR program has really served a variety of purposes and Mr. Vokes said, but the education of the public and the school children has been extremely at the top of the list. One of the other issues though is that taxpayers do want to know how their funds are being used, and so this is a great avenue to do this. When we've had controversies about the quality of our water we have done a lot of public outreach with PR and that especially occurred when we were coming on line, whenever we have storm surges and whenever there's a fire in the lab area. There's many questions about the quality of water. So we have on the website and with all of our partners been very transparent about putting out the results of the water testing. And that is really meant to assure the public that the water we're drinking, including all of us tonight, is really safe and not something that people have to worry about.

But between controversies, safety of the drinking water, quality of the drinking water, the use of taxpayer dollars, the educating of children and our high school students, not just the children, it really is helping to involve the community. We also never have enough employees that are trained as water operators. And this has been another avenue to interest individuals, the public and students in doing that. And I do think our website tied in very well – this is before Mr. Vokes got here – when we set up the educational program with the Santa Fe Community College to do the water training operators and we actually paid to have a class go through so that we



knew that we would have instructors later who could carry that on and we also had employees that could be licensed.

So the PR has really – it's multiple in terms of its goals, but we have used it at times of conflict but we've used it as a positive movement with the public. That's all.

COMMISSIONER CHAVEZ: Thank you. The only thing that I would add, would build on that is that it's a pro-active way for the BDD to tell its own story and Bernardine I think touched on it earlier, or you talked about public relations starting from within.

MS. PADILLA: Yes.

COMMISSIONER CHAVEZ: And you're broadcasting that out to the public. So we have public relations within the Buckman Direct Division facility itself that's specific to all of the details and nuances that that project involves – the water quality, who makes the decision to shut it down and why and for how long, and who pays the price if there is a price to pay, right? There's a lot of things that are – a lot of details and a lot of variables in managing this – it's a \$120 million facility that's importing water from a watershed in Colorado. I forget how many miles away. So for me, the high points or the importance of this is us telling our own story and how and why we got to where we are and what our future is. Because we're always going to have challenges in that future no matter what we think now. We have challenges now that we're dealing with and I think that there will be ongoing challenges that those in the future will have to deal with, but hopefully we can deal with what we're dealing with now and leave the BDD in a good financial situation or keep the BDD in a sound financial situation and keep the plant, the structural plant itself, operating into the future.

So I think that PR in this case is really important. It's a relatively new project. It's going to continue to have challenges and we have to explain those challenges and the only way we can do that is with real transparency and I think having that in-house will help us do that. Thank you, Mr. Chair.

CHAIR DOMINGUEZ: Thank you. Anyone else?

MS. PADILLA: I just wanted to, if I might, expand a little bit on what each of the Councilors and Commissioners have said and from what Chuck said. The Texas A&M tour, it is a mandatory stop for them to come to BDD in order to get their graduate studies degree. So it's mandatory. And that's really enlightening and I think it's a great opportunity for them and for us. They're a great group.

Along the lines of what Commissioner Chavez said, I'm one BDD PR person, but in our facility we have 30 people that can also go out and do great, positive PR along with the Board. So when you inform and educate them then you have a little more hands outreaching to the public. And that's why I think it's very important to involve the staff. And I will take into consideration what you said, Chair Dominguez and I just right away thought of an idea. Or I think it was Councilor Ives. FaceBook is only new. I think we've only done it two or three weeks right now. So I could do a "Did you know?" campaign. Did you know...and then a fact. Maybe a daily did you know fact on FaceBook and Twitter. And just getting those facts out there and statistics.

CHAIR DOMINGUEZ: Yes, and I guess in that same line my comment was kind of geared in that direction. What's the biggest misperception that you hear from the public about the BDD and how can we better educate the public about that.

MS. PADILLA: Definitely. I agree.

CHAIR DOMINGUEZ: I think that kind of summarizes where I was going in terms of getting some feedback from the public and the tours and everything else that you all are

doing. Is there anyone else with any other comments? So thank you very much, Bern, for your presentation. You do a great job. I have to tell you that when this position was first created there was not a lot of discussion. There was some but I think that the Board then felt and the Board now feels that the position is important and that the job is important for the various reasons that we've talked about. Of course we need to keep on growing and transparency is not something that you just do one time and that's it. You have to keep on working at it. So thank you very much for all your work.

MS. PADILLA: Thank you.

COMMISSIONER CHAVEZ: Mr. Chair, on an off topic just a bit, but could I have the record reflect that I support – I'm hoping that the Consent Agenda passed in the majority and I would like to be on record in support of the Consent Agenda, being that I got here late. Thank you, Mr. Chair.

CHAIR DOMINGUEZ: Okay. We'll get that recognized.

### **DISCUSSION AND ACTION**

#### **15. Consideration and Possible Approval of Amendment No 5 to the Project Management and Fiscal Services Agreement ("PMFSA") between the Buckman Direct Diversion Board and the City of Santa Fe to Extend the Term of the Agreement from June 30, 2016 to December 31, 2016**

CHAIR DOMINGUEZ: Who's going to do item 15? Nancy?

MS. LONG: Yes, Mr. Chair and members of the Board. Before you for consideration is Amendment #5 to the Project Management and Fiscal Services Agreement to extend the term and allow for an additional six months for the finalization of a new agreement with the City as the support entity, continuing as the support entity. We do not believe that we will need the entire six months but rather than come back to you in increments, we are seeking another six-month extension.

By way of background, when the original and currently in place PMFSA with the City was near expiration the Board formed a staff advisory group to make recommendations about who the new support entity should be. That staff advisory group that included members of the City and the County and staff Buckman members recommended that the City of Santa Fe continue as the new support entity. The Board adopted that recommendation. So we have previously extended the agreement. It did expire first on December 31, 2015. This Board extended that to June 30<sup>th</sup> and so we are seeking some additional time to come up with a new agreement.

Staff has worked on the draft agreement which I now have, which I received last week and my plan is to review that and then that will go out to the partners to review, to the County and to the City and the goal was to reflect more accurately what the current duties are. When the first – when the original PFMSA, as we call it, was entered into in 2005, of course, the project was not constructed. It was geared toward managing that process and the construction of it. So now it will be reflecting what the current duties and obligations of the parties are, so it more accurately reflects what the ongoing operations are and what the City will be doing to support that.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR DOMINGUEZ: Let me get Commissioner Chavez first.

COMMISSIONER CHAVEZ: So what I wanted to do at this time, Mr. Chair, is make a motion and hope for a second and further discussion and I have one or two questions on the fiscal impact.

COMMISSIONER STEFANICS: I'll second.

CHAIR DOMINGUEZ: We've got a motion and a second. Discussion.  
Commissioner Chavez, Commissioner Stefanics.

COMMISSIONER CHAVEZ: So under the one whereas on the first page of Amendment #5, it's the last whereas, it does talk about the monetary expenditures for the project in contracts. There's a dollar amount for the projects from \$20,000 to \$30,000 pursuant to Amendment #2. Is that the only fiscal impact that we would see in this amendment?

MS. LONG: Mr. Chair and Commissioner Chavez, that whereas paragraph is meant to describe what the previous amendments to the PMFSA did, so that is not presently before you. The project manager – the authority was increased along with state law that allowed for entering into contracts without having to come to the Board. So small purchases contracts is what they're called.

COMMISSIONER CHAVEZ: Then we're only agreeing to extend the term then to December 31<sup>st</sup> and everything else is in place.

MS. LONG: That is correct, Commissioner Chavez. The only issue I would bring up as to any fiscal impact, is, as some of the Board members or previous Board members will recall, the fee to the City was agreed to be increased from one percent to four percent on July 1. So we will need to make that effective as of July 1 in the new agreement, but the four percent fee was included by Ms. Romero in the budget that you all recommended and that the entities have approved.

COMMISSIONER CHAVEZ: Okay. That's all I have, Mr. Chair.

CHAIR DOMINGUEZ: Okay. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you. More a comment. I was totally in support of continuing this. I would just ask the Board that in the future you continue to look at regionalization. Thank you. That's all.

CHAIR DOMINGUEZ: Okay. Anyone else? Member Helms.

ALTERNATE MEMBER HELMS: I'm new and I'm going to stumble around a little bit so please swat me down if I'm treading on already trod ground. But it's not entirely clear to me what services the City does that could not be done in-house. Isn't it kind of difficult to have two bosses of an operation? My question is what does the City do positively or negatively in return for a fairly large amount of money. We're talking about four percent of what; \$8 million or something like that? Is that four percent of the total budget?

MS. LONG: The budget. Mackie is saying yes. It's four percent of the total budget.

MS. ROMERO: Yes. I believe it's about \$360,000 is what we budgeted for the fiscal agent fee.

ALTERNATE MEMBER HELMS: Right. So is there – I don't know what – the desire is to continue it but it seems to me it might be worth looking at it in a fundamental sense sooner or later, not just continuing it.

MS. LONG: Mr. Chair and Member Helms, and Mr. Vokes can speak to this as well. I know the City – there are obviously services that are done in-house as with Finance, with Ms. Romero and the PR that we've heard about, but the City provides support in procurement, purchasing, in HR, the water division provides support, and there might be some other areas as

well, but we're trying to refine that in the agreement as to the services that are actually performed and those that actually are performed in-house.

MR. VOKES: Mr. Chair and Member, I'll just add to the comment. Those are the services we generally seek from the City. We are considered City employees and so any disciplinary process, any procurement of staff, we follow the City's rules and their procurement processes. It's the same with their financial processes. Even though we seek Board approval for the expenditures, then we have to go through the finance and purchasing areas. We also receive some legal services from the City. Fleet services are also coming from the City. So there are a number of those services that we receive. And we are subject to both the good and the bad in those City processes. There is a checks and balance system that we are subject to.

As mentioned, the initial support agreement was put in place before the BDD really came about and so what staff has attempted to do was take those items we perform now in-house and outline those. We're also including some metrics. There's wording in the JPA that says that the Board should measure the performance of the project manager and the support entity, and so one of the things we're proposing within the new document is performance measures, so we can look at the performance and then present those to the Board, so you can see what we're getting and how they're doing.

CHAIR DOMINGUEZ: Board Member Helms, you had a –

ALTERNATE MEMBER HELMS: Well, with respect what Ms. Stefanics said about going to a regional water authority, to what extent would that step, if it is ever taken, change this structure?

COMMISSIONER STEFANICS: Mr. Chair, on that point.

CHAIR DOMINGUEZ: Go ahead, Commissioner Stefanics. That's an interesting question.

COMMISSIONER STEFANICS: Well, the reason I brought this up is that a year and a half ago, when the work group considered what the model should be, the issue was, or the models that were looked at was whether or not the project management should stay under the City, whether it should move over to the County, or whether we should move to a regional approach and become a quasi-governmental or governmental entity such as the Solid Waste Management Authority. And at that time I did have conversations – I don't think I was Chair yet; I think I was Vice Chair – I did have conversations with Senator Peter Wirth and he was willing at that time to carry state legislation, enabling legislation that would allow the regionalization to move forward. Right now, state statute would have to be amended to allow the regional approach and to establish another governmental entity. But one of the issues that came up for all of our staff and operations is that in order to qualify for some of the government grants, in order for our employees to be the Public Employment Retirement System, they needed to either be associated with the County or the City, and that without moving to a regional authority that would have to be established by state statute, we needed to stay with one or the other.

Hence my comments on the regionalization but that wouldn't occur quickly either. There would have to be state legislation and then the process put into place here at home before anything like that could be pursued. And it could be pursued with this entity first and then added in, other entities brought in.

CHAIR DOMINGUEZ: So it's a good question but it's a long discussion. It's very visionary even, but it's going to take a lot of work. I'm going to go to Board Member Fort, Commissioner Chavez.

MEMBER FORT: I was also going to ask the question, to ask the Commissioner to expound more on her cryptic one-word comment but I would note that I'm interested in seeing other aspects of water resource management in the City and the County, not simply the Buckman project made part of a regional authority. So we're obviously using surface water source, we have groundwater sources and so on and I think there should be a single entity for all of those, not simply Buckman. Thank you.

CHAIR DOMINGUEZ: Commissioner Chavez.

COMMISSIONER CHAVEZ: I would include stormwater in that list, because I think that's another resource of water that we don't always factor in enough. I agree that any discussion about a regional anything is not an easy topic. Albuquerque and Bernalillo I think is a good example. I think that's what you were talking about when I walked in. So we're not alone. Again, this is one of the challenges that we face. We have shared resources that I think we could manage better. To have two water companies or divisions across the street from each other competing for anything doesn't make a lot of sense anymore. So when you regionalize you can accomplish a scale of economy that will make you more efficient and more effective in purchasing and other vehicles.

So I think the discussion does need to continue. There's a resolution that's pretty current that was introduced by Commissioner Holian that's encouraging the County to continue this discussion at a larger forum, because of the fact that it is going to take time. It's going to be expensive. So the more that we're willing to discuss it now the shorter the time period will be in realizing that regional authority.

Again, we have models that I think we could look at and we need to take the time to be sure that what we do here fits for what we need to do. I think we can look at the models but we don't want to copy them exactly. So that's just kind of my background and I guess support for the concept and hopefully one day as a community we can realize that regional water authority. We have regional solid waste. We have the North Central Regional Transportation District, which is working very well. We have other regional models, again, that we can look at, and so I really don't see why this would be undo-able or unrealistic.

CHAIR DOMINGUEZ: So Board Member Helms, I'll give you the floor back. I think that you kind of see some of the realities of regionalization as we're kind of throwing that out is something that's tricky, very political, it can be complicated. It is not – it is do-able. There is lots of factors though that need to be considered. The City of Santa Fe residents have been paying lots of money for many, many years into their water system. There's all sorts of factors that need to be kind of considered when we talk about regionalization. Although this is not – I see where you're going though with your question. I don't think that this pre-empts or doesn't consider regionalization in any form that it's in now.

All right. Anything else on this item? Any other discussion? Hearing none.

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

## **MATTERS FROM THE PUBLIC**

There were none.

**MATTERS FROM THE BOARD**

There were none.

**EXECUTIVE SESSION**

MS. LONG: Mr. Chair, I'd seek a motion to go into executive session in accordance with the New Mexico Open Meetings Act, NMSA 1978, §10-15-1(H)(7), for the discussion regarding threatened or pending litigation in which the BDDDB is or may become a participant, including without limitation discussion regarding diversion structure issues.

COUNCILOR IVES: So moved.

MEMBER FORT: Second.

CHAIR DOMINGUEZ: So we've got a motion and a second. Let's do roll call.

MS. LONG: And Mr. Chair, members of the Board, we will be in the Land Use Conference Room on this first floor.

The motion to go into executive session pursuant to NMSA Section 10-15-1-H (7) to discuss the matters delineated above passed by unanimous roll call vote as follows:

<b>Commissioner Chavez</b>	<b>Aye</b>
<b>Councilor Ives</b>	<b>Aye</b>
<b>Commissioner Stefanics</b>	<b>Aye</b>
<b>Member Fort</b>	<b>Aye</b>
<b>Chair Dominguez</b>	<b>Aye</b>

[The Board met in closed session from 5:05 to 5:55.]

COMMISSIONER STEFANICS: Mr. Chair, I move that we come out of executive session having only discussed the matters on the agenda.

COMMISSIONER CHAVEZ: And I'll second that motion and state – do we need to state who was in attendance?

MS. LONG: No, Mr. Chair.

COMMISSIONER CHAVEZ: We're good. And no action was taken.

COMMISSIONER STEFANICS: Right.

CHAIR DOMINGUEZ: All right. So we've got a motion and a second. Any discussion on that?

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

- 16. Request for Approval of Amendment No. 2 to the LSA between Sheehan & Sheehan, PA and the Buckman Direct Diversion Board to Increase the Compensation by \$300,000 for a Total Contract Amount of \$1,230,000, and to Extend the Term of the Agreement by One (1) Year, Terminating on June 30, 2017**

COMMISSIONER CHAVEZ: Mr. Chair.

CHAIR DOMINGUEZ: Commissioner.

COMMISSIONER CHAVEZ: I'll make a motion to approve Amendment #2 to the LSA, legal service agreement between Sheehan & Sheehan and the Buckman Direct Diversion and to increase the compensation by the \$300,000.

COUNCILOR IVES: Second.

CHAIR DOMINGUEZ: So we've got a motion and a second. Discussion? Hearing none.

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

NEXT MEETING: Thursday, July 7, 2016 @4:15 pm

ADJOURNMENT

Having completed the agenda, Chair Dominguez declared this meeting adjourned at approximately 5:57 p.m.

COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

BUCKMAN DIRECT DIV MIN  
PAGES: 15

Approved by:

I Hereby Certify That This Instrument Was Filed for Record On The 27TH Day Of July, 2016 at 08:46:23 AM And Was Duly Recorded as Instrument # 1799802 Of The Records Of Santa Fe County

*C Dominguez*

Councilor Carmichael Dominguez  
BDD Board Chair

Witness My Hand And Seal Of Office  
Geraldine Salazar

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

Respectfully submitted:

Debbie Doyle, Wordswork



FILED BY:

*N/A*  
GERALDINE SALAZAR  
SANTA FE COUNTY CLERK

