

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

July 7, 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 [4:20 arrival]
Commissioner Miguel Chavez
Ms. Denise Fort

Member(s) Excused:

Councilor Peter Ives

Mr. J. C. Helms [Citizen Member alternate]
Councilor Michael Harris [Council Alternate]

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
Jerry Schoeppner, County Hydrologist
Marcos Martinez, Assistant City Attorney
Bernardine Padilla, BDD Public Relations Director
Erminia Tapia, BDD Administrative Assistant
Bruce Frederick, Assistant County Attorney
Matthew Sandoval, BDD Interim Operations Supervisor
Cheryl Vokes, Citizen
Rick Carpenter, Acting City Water Division Director
Mary Chacon, Las Campanas Co-op
Bryan Romero, Las Campanas
Ginny Selvin, Las Campanas Water and Sewer
Wendell T. Egelhoff, Club at Las Campanas
Paul Karas, CDM Smith

[Exhibit 1: Sign-in Sheet]

3. APPROVAL OF AGENDA

[Exhibit 2: Agenda]

CHAIRMAN DOMINGUEZ: Are there any last minutes changes from staff?

CHARLES VOKES (BDD Facilities Manager): No changes from staff.

CHAIRMAN DOMINGUEZ: What are the wishes of the Board?

COUNCILOR HARRIS: I'll move to approve

CHAIR DOMINGUEZ: We've got a motion. Do we have a second?

BOARD MEMBER FORT: Second.

CHAIR DOMINGUEZ: Board Member Fort has a second. Any discussion on this item? Hearing none.

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

4. APPROVAL OF CONSENT AGENDA

9. **Monthly Update on BDD Operations**

10. Request Approval of Amendment No. 1 to the Professional Services Agreement with ALS Global in the Amount of \$120,000 Inclusive of NMGR - **ISOLATED FOR DISCUSSION**

11. **Request for Approval of Professional Services Agreement with Hall Environmental Analysis Laboratory in the Amount of \$30,000 Exclusive of NMGR**

12. **Request Approval to Extend Authorization of \$500,000 for the Major Repair and Replacement Fund for Fiscal Year of 2016/2017 for Pump Replacement**

CHAIR DOMINGUEZ: Is there anything that you want to change there, Chuck?

MR. VOKES: No changes.

CHAIR DOMINGUEZ: No changes.

COMMISSIONER CHAVEZ: Mr. Chair.

CHAIR DOMINGUEZ: Commissioner Chavez.

COMMISSIONER CHAVEZ: I'll make a motion to approve the Consent Agenda as posted unless anyone else wants to pull any items off. So I'll make a motion and hope for a second.

COUNCILOR HARRIS: Mr. Chair, I'd like to pull 10.

CHAIR DOMINGUEZ: If you could go ahead and make that part of your motion, Commissioner.

COMMISSIONER CHAVEZ: So then the motion, I will amend my motion to approve the Consent Agenda minus item 10.

CHAIR DOMINGUEZ: Okay. Do we have a second on that?

BOARD MEMBER FORT: Second.

CHAIR DOMINGUEZ: And a second. So item #10 has been pulled for discussion. Any other discussion? Hearing none.

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

5. APPROVAL OF MINUTES: June 2, 2016

CHAIR DOMINGUEZ: Any changes from staff?

STEPHANIE LOPEZ (BDD Liaison): No changes, Councilor.

CHAIR DOMINGUEZ: Okay. The Board?

COMMISSIONER CHAVEZ: Move for approval, Mr. Chair.

CHAIR DOMINGUEZ: We've got a motion. Do we have a second?

BOARD MEMBER FORT: Second.

CHAIR DOMINGUEZ: And a second. Any discussion? Hearing none.

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

6. MATTERS FROM STAFF

None were offered.

7. REPORT ON JULY 5, 2016 FISCAL SERVICES AND AUDIT COMMITTEE

MACKIE ROMERO (BDD Finance Manager): Mr. Chair, members of the Board, a FSAC meeting was held on July 5th at 3:00 pm. In attendance was Charles Vokes, BDD Facilities Manager, myself, Erminia Tapia, Administrative Assistant. From the County we had Commissioner Chavez, Carole Jaramillo, Finance Director, Don Moya, Budget Director, Greg Shaffer, County attorney, and we had no attendance from City staff. We did discuss all of the agenda items on here which will be discussed later. I don't know if Commissioner Chavez wants to add anything.

COMMISSIONER CHAVEZ: I think that covers it. The one item that was pulled is item 10 so we'll have discussion on that. The other ones seem to be okay. So thank you for your presentation.

MS. ROMERO: Thank you.

CHAIR DOMINGUEZ: Anything else?

MS. ROMERO: That's it. Thank you.

CHAIR DOMINGUEZ: Any comments or questions from the Board?

INFORMATIONAL ITEM

8. Report on Completed "Financial Statements with Accompanying Independent Auditor's Reports" for Buckman Direct Diversion Facility Operations as of Fiscal Year ended June 30, 2016

MS. ROMERO: Mr. Chair, members of the Board, I am pleased to present to you the completed financial statements for the BDD facility operations for the fiscal year ended June 30, 2016. These financial statements and audit were completed per the

requirements under the PMFSA agreement in which the City of Santa Fe serves as the fiscal agent. The full financial statements have been included in the packet and I do have bound copies if anybody wishes to have a copy. They're nice, pretty and colorful. I can pass them out.

[Commissioner Stefanics joined the meeting.]

CHAIR DOMINGUEZ: So Commissioner, just so that you know, we are on item #8.

COMMISSIONER STEFANICS: Thank you.

MS. ROMERO: My memo included some high-level account balances for all the different fund types that BDD has. I'll go over just a few. We have our BDD operating fund. We have a BDD special revenue fund, which accounts for our expenses from our maintenance and emergency reserve funds, which are authorized by the Board. We have our capital projects fund which tracks our habitat restoration project, and then we have our agency funds which track our two reserve funds.

The auditors did note two findings. There was a late completion of our audit report as per the PMFSA agreement, it only allows us 90 days after the end of the fiscal year to reconcile, audit and prepare the financial statements. This time constraint staff does intend to extend in the new agreement. The second finding was our project wide cost allocation and right now our partners are currently discussing resolution on that and we hope to bring an amendment to the FOPA to address that issue. Is there any specific questions on the financial statements or the numbers?

CHAIR DOMINGUEZ: Any questions?

COUNCILOR HARRIS: Yes, I do.

CHAIR DOMINGUEZ: Councilor Harris.

COUNCILOR HARRIS: Just on the first finding, adequate personnel resources. I assume that's going to be addressed in the new budget with the new FTE?

MS. ROMERO: That is correct. We did add an additional FTE to the financial area and that should definitely help with the delay in this audit.

COUNCILOR HARRIS: Okay. Very good. That's all I have. Thank you.

CHAIR DOMINGUEZ: Okay. Anyone else? Is there anything else, Mackie?

MS. ROMERO: No. That's it.

CHAIR DOMINGUEZ: All right. Thank you very much.

MS. ROMERO: Thank you.

10. Request Approval of Amendment No. 1 to the Professional Services Agreement with ALS Global in the Amount of \$120,000 Inclusive of NMGRT

CHAIR DOMINGUEZ: Councilor Harris, you pulled that one.

COUNCILOR HARRIS: Thank you, Chair. I really have kind of the same question for item 10 and item 11 and this is something that Chairman Dominguez will – he's heard many times before, because oftentimes I don't find the certificate of insurance indicating professional liability coverage. And I realize this is an amendment and your contract summary form says it's attached to the original contract, but as you know those need to be renewed every year. I think it would be a better practice to attach – if we're going to do a new year we should have a new certificate.

But certainly – but then the contract with Hall is an original and I don't see a certificate. So I would just want to make sure that professional liability coverage is provided by both of these vendors, particularly the work that they're given. This is a discussion, again, with the City there is a waiver process for certain groups that just doesn't make any sense for them to provide professional liability coverage, but I think in this instance I think it would be very important to have that coverage in place. So if you could just follow up and demonstrate that coverage is in place I'd appreciate it.

MS. ROMERO: Councilor Harris, yes. We will definitely make sure that that is part of the packets that we submit to purchasing.

COUNCILOR HARRIS: Okay. Thank you very much. That's all I have, Chair. Thank you.

CHAIR DOMINGUEZ: Any other questions? Do I have a motion?

COUNCILOR HARRIS: Yes. Move to approve.

CHAIR DOMINGUEZ: Okay, so on item #10 we have a motion to approve. Do we have a second?

COMMISSIONER CHAVEZ: Second.

CHAIR DOMINGUEZ: Second. Any discussion? All right. I don't hear any discussion.

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

DISCUSSION AND ACTION

13. Request for Approval to Contract with American Alternative Insurance Corporation for BCC Insurance Policies Including Real Property Coverages in the Amount of \$140,053

MS. ROMERO: Mr. Chair, member of the Board, we are requesting approval to accept a policy with American Alternative Insurance. This will be for an effective date of July 1, 2016 to July 1, 2017 at a premium of \$140,053. Currently under the JPA the Board is required to carry coverage separate and apart from the partners' respective policies. Therefore the Board has also contracted with Daniels Insurance who serves as our agent broker. Daniels has remarketed out account to several companies. However, only one of those companies was able to provide a competitive bid based on our expiring premiums – that is American Alternative.

They have been our policyholder for several years and offer us the coverages outlined in the memo. I think it's important to note our premium was increased by less than one percent from last year, given that our property values did increase by four percent as they increase every year by that amount.

Unfortunately, George Segura from Daniels Insurance could not attend so I will do my best to either answer your questions or I will jot them down and get answers back to you.

CHAIR DOMINGUEZ: All right. Thank you very much. Any discussion on this item? Let me go to Board Member Fort, and then –

BOARD MEMBER FORT: I have a question, just by way of background. I think here it's saying we're doing this because we're not covered by either City or County and the Board adopted a resolution requiring that we have separate insurance.

Can someone give me just an explanation as to why it's – this seems like it's a rather substantial amount. I don't know what the City's insurance policy is or the County's but this seems like an awful lot for a single facility.

CHAIR DOMINGUEZ: Thank you. Anyone?

NANCY LONG (BDD Board Contract Attorney): Mr. Chair and Member Fort, there are other insurance coverages available. The PMFSA requires actually the project manager to carry some fairly extensive insurance on our behalf.

BOARD MEMBER FORT: And could you explain the acronym. I'm sorry.

MS. LONG: The Project Management and Fiscal Services Agreement, where the City acts as our fiscal agent. So there's insurance coverage there, and then also in that same agreement the Board is required to have insurance for its own property at the site, so we're talking about property damage and also coverage and equipment coverage, as well as some Board coverage there. But there is additional coverage available through the City as the fiscal agent. There also may be coverage for the public officials through their respective entities. So there are some different layers of insurance that we keep and that are required.

BOARD MEMBER FORT: Is it necessary to have it? I understand under the PMFSA it's required but is it in your opinion necessary to have this coverage in addition to City coverage?

MS. LONG: Yes, it is. We had an insurance consultant help us determine what insurance coverages were necessary and would best protect the Board's interests and property and he looked at what the Board should have and also what the City should have on our behalf. And so we feel that that was advisable and he understood the functioning and the needs of the Board very well.

BOARD MEMBER FORT: Thank you.

CHAIR DOMINGUEZ: On that point, Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Chair Dominguez. So maybe what you could do for everyone's information, could you couch your comments or expand your comments and reference them in the joint powers agreement, Section 23, stating that the Board is required to carry coverage separate and apart from the partners' respective policies. I think that's pretty much what you just said but is there a different way that you could say that? Is there anything that you left out that's not in the joint powers agreement?

MS. LONG: I think that that covers the requirement that the Board must have insurance separate and apart from what the entities may have, and then in addition we've got the fiscal agent requirements as well.

COMMISSIONER CHAVEZ: And I don't know. I would think that this is not your standard operation. It's far from that and I think that the companies that provide this type of coverage for these type of facilities are a relatively short list and we've gone through that list. Or Daniels has gone through that list.

MS. LONG: That's correct, Commissioner, and they have served as our broker and agent, and they also provide some other insurance services as well. When we have an insurance question that is part of the scope of their services, but they have gone out in the market and looked for competitive coverage and I think you are correct that there is a limited number of companies that provide this type of insurance.

COMMISSIONER CHAVEZ: And then I'll just highlight that the overall premium increase, even though the dollar amount seems to be somewhat high, I think it fits with the list of coverage areas we've highlighted, but that's one percent. Why is that? Is there a reason for that? Are we doing things that are exceptional?

MS. ROMERO: Commissioner Chavez, they didn't give me a reason why they did that but they do come out every year and they do evaluate our operations and our facilities and so it could be that just based on operations they thought that there is less loss within our facility, based on how we operate. They could have –

COMMISSIONER CHAVEZ: And did they give you suggestions on what to do to mitigate that?

MS. ROMERO: If there are any suggestions they do submit a memo to us giving us suggestions about what type of risk assessments and any other things we could do within our operations to limit that risk.

COMMISSIONER CHAVEZ: So can you give us one example, a recent example of how that played out?

MS. ROMERO: I can give you one example. I think about two years ago they came and they recommended that we go ahead and address our tour liability. There was a liability section on our tour form that was filled out by tours, and they asked us to go ahead and elaborate on that and they gave us some language that needed to be included and we went ahead and updated those forms now and it is included within the forms that get completed by any tours that come to our facilities. So that's one example of a risk assessment that they saw needed to be addressed.

COMMISSIONER CHAVEZ: Thank you, Mr. Chair. Thank you, Mackie.

CHAIR DOMINGUEZ: Board Member Fort, you have the floor still.

BOARD MEMBER FORT: Thank you. Is the City – this might be a question directed to those who are familiar with it. Does the City self-insure, or through risk management for it's own facilities?

CHAIR DOMINGUEZ: I believe we're self-insured. I'm not quite sure exactly how. There's City staff in the back; if they want to make sure I'm not lying.

BOARD MEMBER FORT: I'm just trying to get a comparative sense of this, the City – asking the Board if that's how it worked out, the City asking the Board to have it's own insurance for these facilities, thinking the City would have –

CHAIR DOMINGUEZ: Do you want to answer that, Kelly? Or do you have an answer, Nancy?

MS. LONG: Well, not on the City insurance coverage. Kelly would know that one. I think they're self-insured to a certain limit and then there's re-insurance, is what I understand.

KELLY BRENNAN (City Attorney): Actually, Councilor, I only came down to say that I don't feel like I can authoritatively answer it.

CHAIR DOMINGUEZ: So why don't we just maybe get that off line and – Commissioner.

COMMISSIONER STEFANICS: On that point, it was determined earlier on, besides what was in the agreement that both the City and the County had to protect the millions of dollars of investment that we have put into this, of taxpayer dollars. And if you look at a project that cost over \$200 million and what each entity is putting in, we need protection and that the insurance is really there for that protection. And we're not

depending upon the reserves of the City or the reserves of the County to take care of this facility. Thank you.

CHAIR DOMINGUEZ: Board Member Fort.

BOARD MEMBER FORT: And I of course would have – I believe everything should be insured. I'm just trying to understand how – whether there's an additional requirement because of this as the nature of this as a joint City-County entity. I trust that all the City and County's facilities are in some fashioned insured. I just was curious.

MS. BRENNAN: I think there are assets of the Board and the venture between the parties that are not of either party but are in fact of the Board that need to be independently insured.

BOARD MEMBER FORT: Thank you.

CHAIR DOMINGUEZ: Okay, Councilor Harris and the Commissioner Stefanics.

COUNCILOR HARRIS: Thank you, Chair. I think it would be useful at some point to see how this breaks down. I'm sure the way they quoted it they would provide a quote by line item, I assume, so I think that would be important. Maybe that's been seen by the smaller committee. Particular when I look at professional liability, as you've heard, I've been focused on professional liability but I guess I have a hard time and I'm not in the insurance business, but I have a hard time kind of conjuring up a scenario where the professional liability of the Buckman Direct Diversion Board, of which the City and the County are partners, and as the Board itself we have a fiduciary responsibility to really make sure it's managed properly. I guess I would have a hard time seeing how that would apply.

I think that American Alternative Insurance Company, or many the consultant you've discussed this with in the past should really clarify that. But I do think it's important to have a breakdown about where the dollars are per line item, and I also wonder – I assume, yes, it's a very small increase and I guess the limits of coverage and the deductibles are the same as what they were last year. We all know from our health insurance premiums that that's part of what people do to get a more reasonable premium, so is this the same limits of coverage and deductibles?

MS. ROMERO: Councilor, these are the same limits. The only thing that went up was the real property, which went up by four percent.

COUNCILOR HARRIS: Right. Right. So that's as you said, we bumped that four percent, I think is what you said. So that's good, the fact that we didn't have to raise our deductibles from, say, on real property, from \$25,000 to \$75,000, or whatever. That's just an example. So I think that's just fine. And I also – certainly American Alternative Insurance, you said that they make an annual visit, call it an inspection, whatever they may call it, are aware of the issues that have been ongoing out at Buckman. So the whole failure to supply issue to me is – again, I've just never seen that language. I assume it would be very important coverage, whether it's our group of the Shoshone Municipal Water Joint Powers Board up in Wyoming. So do they have any kind of response to the ongoing problems we have?

MS. LONG: Councilor Harris, I think that that would be an issue more appropriately addressed in executive session because it does relate to the potential claims that we have regarding the diversion structure.

COUNCILOR HARRIS: Okay. Very good. Those are my questions, Chair. Thank you.

CHAIR DOMINGUEZ: All right.

MS. ROMERO: And I do just want to note the consultant that was hired back in 2011, they did look at the program and they're the ones that came up with what coverages need to and they include a professional liability, flood, based on the equipment and based on the property that we had and that was their recommendation. And so that's kind of the coverages we've continued to keep going forward.

COUNCILOR HARRIS: Right. But I think we should look at it again. It's five years on.

MEMBER HELM: I'm assuming workers comp is not included.

MS. ROMERO: Workers comp is a premium that's paid through the City, because we are City employees, so it's not included in this particular policy.

MEMBER HELM: So that's separate.

MS. ROMERO: Yes. That is separate.

CHAIR DOMINGUEZ: Okay. Anyone else? What are the wishes of the Board on item #13?

COMMISSIONER CHAVEZ: Mr. Chair.

CHAIR DOMINGUEZ: Commissioner Chavez.

COMMISSIONER CHAVEZ: I'll go ahead and make a motion to approve the request to enter into a contract with American Alternative Insurance for the \$140,000 that's listed in our packet.

CHAIR DOMINGUEZ: All right. So we've got a motion. Do we have a second?

COMMISSIONER STEFANICS: Second.

CHAIR DOMINGUEZ: And a second. Any other discussion on this one? Good job, Mackie. Thank you very much.

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

14. Request Formal Adoption of the 2016/2017 Annual Operating Budget in the Amount of \$8,203,803, Plus \$411,812 in Contributions to the Major Repair and Replacement Fund

MS. ROMERO: Mr. Chair, members of the Board, we are here to request formal adoption of the BDD annual budget for the fiscal year 2016/2017. On May 5, 2016 the Board did approve our proposed operating budget of \$8,203,803, plus \$411,812 for the major repair and replacement fund. The funding from our partners have been approved by our governing bodies and therefore we are just requesting formal adoption, and I stand for any questions.

CHAIR DOMINGUEZ: Right. Any questions from the Board?

COMMISSIONER CHAVEZ: I have none, Mr. Chair.

CHAIR DOMINGUEZ: What are the wishes of the Board?

COMMISSIONER CHAVEZ: I'll make a motion and hope for a second and discussion if necessary.

BOARD MEMBER FORT: I'll second.

CHAIR DOMINGUEZ: So we've got a motion and a second. Discussion, Commissioner Chavez.

COMMISSIONER CHAVEZ: No, I have nothing else to add. I think Mackie pretty well covered it and I think both have gone through the governing bodies and have been approved so I think if there's any other questions from other Board members I think I would just yield to them at this time.

CHAIR DOMINGUEZ: Any other discussion?

BOARD MEMBER FORT: I would just congratulate all those who much have been involved in the effort to do this successfully.

MS. ROMERO: Yes, thank you.

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

MATTERS FROM THE PUBLIC

CHAIR DOMINGUEZ: Is there anyone from the public who would like to speak to the Board? Anyone? Going once. I'll call it a second time. One more time on Matters from the Public. Okay, we're going to get off that item and get on to Matters from the Board.

MATTERS FROM THE BOARD

CHAIR DOMINGUEZ: Are there any Matter from the Board that needs to be discussed? Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you. I know that the staff and the BDD Board and I think even the County has tried to do the best we can to try to get any information out regarding our water quality reports. I received an email. I didn't bring it with me. It's a little dated. Probably at least a week, maybe two. Apparently there was information that was sent in a bill that must have gone to a County customer and it had to do with water quality of the BDD but part of it was snipped off. So it was like incomplete. And so that caused some concern. So I guess what I'm asking is that we try to – I know it's hard to ask staff to do more, but water quality I know is a concern ongoing, so what I would suggest is that maybe we double up with BDD staff. Bernardine, I know you've done a really good job t the outreach and getting the information out, but maybe we double-team it with Kristine at the County and just highlight it and be really aggressive with that water quality report. It's just one email from one or two residents that have this concern. I don't know – have you gotten anything, Commissioner Stefanics?

COMMISSIONER STEFANICS: Mr. Chair and Commissioner, it came out on our County water bill and it was the miniscule printing and some other things. So I do wonder if it's an internal problem to the County or if it's something related to the BDD reporting. I'm not sure.

COMMISSIONER CHAVEZ: I don't know either, but again, I think, Bernardine, you can work with County staff and be sure that we're getting that message really clear and that it's the same message whether it's in printed form or email. Right?

Because I think if it's information that we can use in our billing process, that's good. It just needs to be consistent and all the same. Have you tried any calls?

BERNARDINE PADILLA (PR Director): I'm not aware of what you're speaking of. If you could shoot me an email.

COMMISSIONER CHAVEZ: I'm not sure. I'd have to backtrack. I'd have to go to that email and go to the person that raised the concern. I'm just bringing it forward in general terms. But if you want more specifics I can work on that.

MS. PADILLA: Okay. Yes, if you can shoot me that email or from the person and I can research it and I will talk to Kristine and see if we can work together. That would be fine.

COMMISSIONER CHAVEZ: I'll have to go back into the email at the office. Maybe you can work with Tessa Jo to retrieve that email.

MS. PADILLA: Okay.

COMMISSIONER CHAVEZ: So we can work on that. But I think just in general, I didn't want to point fingers. I think it's just about getting the information out.

MS. PADILLA: Yes. That's okay. It would be good to see that communication piece, because I'm familiar with what goes out with the City bills. I'm just not familiar if the County has something totally different.

COMMISSIONER CHAVEZ: Okay, well, I'm not going to get that in the email because the email was very short. It's just like we got something in our bill about water quality; it was incomplete. Would you please –

MS. PADILLA: Okay.

COMMISSIONER CHAVEZ: So that's not going to be too helpful. But if you could work with County staff maybe to see what we do put in our billing, in our bills.

MS. PADILLA: Okay. Definitely. We'll definitely do that. Thank you for the heads-up.

CHAIR DOMINGUEZ: Anything else from the Board? Councilor Harris.

COUNCILOR HARRIS: Thank you, Chair. So, I probably have the acronym wrong. FSAC? Is that the acronym for the Fiscal Committee, Ms. Romero?

MS. ROMERO: Yes. It's Fiscal Services and Audit Committee.

COUNCILOR HARRIS: Okay. So I saw your email a few days ago where there's a conflict with Finance. Does that happen all the time? I think it's important for the City to be able to be at this particular meeting, and as you know, both Chair Dominguez and myself and Councilor Ives are all on the Finance Committee, so unless there's some sort of accommodation none of us will be able to be there.

MS. ROMERO: Councilor, the FSAC schedule gets put out in January. That's typically before the Council schedule comes out, and so we do try to monitor it and if we do see that conflict – I did try to reschedule it. I moved it up to 3:00 to try and accommodate that, because I know our typical meeting is from 4:30 to about 5:30. So I did move it to 3:00 so that you could attend but I don't know if that was enough time or enough accommodation for that.

COUNCILOR HARRIS: Yes, I think for myself it wasn't quite enough time, so that's my only point. I realize that everybody has a lot to do, and I don't think this committee should be just driven by City Council schedules, but if there's some way to make it work I think it would be –

MS. ROMERO: Absolutely. And we want attendance from the City. I know we did try to send out an email last week to ask what times and dates would accommodate everyone and we didn't get a response, so we kind of had to make a date, but we'll definitely in the future make sure that those don't conflict so that you can attend.

CHAIR DOMINGUEZ: Anything else?

COUNCILOR HARRIS: Yes, one more thing. Again, referring to the minutes of the June meeting, this might be a question for you, Ms. Long, and this has to do with the status of the Project Management and Fiscal Services Agreement. Is that moving forward?

MS. LONG: Yes. Mr. Chair and Councilor Harris, the BDD staff has passed that agreement on to me, their draft of it, and I am making some further revisions and we plan to get that out to the interested parties at the City so that we can keep that moving. But it is pretty far along on our side, I would say. So we'll be getting it to them soon.

COUNCILOR HARRIS: So expectation for being able to circulate it is the next few weeks?

MS. LONG: Yes. Certainly in the next few weeks.

COUNCILOR HARRIS: Okay. That's all I had, Chair. Thank you.

CHAIR DOMINGUEZ: Anyone else? Commissioner Chavez, one more time?

COMMISSIONER CHAVEZ: Well, no. Just on schedules. I personally – I adjusted my schedule to be there on the 5th at 3:00 instead of 4:30, and that's not easy for me all the time, either. So I think we need to respect each other's schedules and commitments to the extent possible. And we try. Thank you, Mr. Chair.

CHAIR DOMINGUEZ: All right. Thank you very much, Commissioner.

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, Section 10-15-1(H)(7), for discussion regarding threatened or pending litigation in which the BDD is or may become a participant, including without limitation discussion regarding diversion structure issues. And we will be in the Planning and Land Use conference room.

BOARD MEMBER FORT: I would move we go into executive session for the purposes presented by Ms. Long.

COUNCILOR HARRIS: Second.

CHAIR DOMINGUEZ: So we've got a motion and a second. Discussion? Roll call.

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:

| | |
|-------------------------------|------------|
| Commissioner Chavez | Aye |
| Councilor Harris | Aye |
| Commissioner Stefanics | Aye |

Member Fort
Chair Dominguez

Aye
Aye

[The Board met in closed session from 4:53 to 5:45.]

COMMISSIONER STEFANICS: Mr. Chair, I move that we come out of executive session having only discussed the item that was discussed, I mean noted in the agenda.

COMMISSIONER CHAVEZ: Second.

CHAIR DOMINGUEZ: We have a motion and a second. Any discussion?

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

NEXT MEETING: Thursday, August 4, 2016 @4:15 pm

ADJOURNMENT

Having completed the agenda, Chair Dominguez declared this meeting adjourned at approximately 5:45 p.m.

BUCKMAN DIRECT DIV MIN
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COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss
I Hereby Certify That This Instrument Was Filed for
Record On The 22ND Day Of September, 2016 at 09:04:19 AM
And Was Duly Recorded as Instrument # 1805081
Of The Records Of Santa Fe County

Approved by:

C. Dominguez
Carmichael Dominguez, 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:

GERALDINE SALAZAR
SANTA FE COUNTY CLERK

ATTEST TO





CITY CLERK'S OFFICE

DATE 6/28/14 TIME 2:05p

SERVED BY [Signature]

RECEIVED BY [Signature]

AGENDA

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

Buckman Direct Diversion Board Meeting

**THURSDAY, JULY 7, 2016
4:15 PM
CITY COUNCIL CHAMBERS
CITY HALL
200 LINCOLN AVENUE**



SFC CLERK RECORDED 09/22/2016

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF CONSENT AGENDA
5. APPROVAL OF MINUTES FROM THE JUNE 2, 2016 BUCKMAN DIRECT DIVERSION BOARD MEETING
6. MATTERS FROM STAFF
7. REPORT ON JULY 5, 2016 FISCAL SERVICES AUDIT COMMITTEE (FSAC)

INFORMATIONAL ITEMS

8. Report on completed "Financial Statements with accompanying Independent Auditor's Reports" for Buckman Direct Diversion facility operations as of fiscal year ended June 30, 2015. (Mackie Romero)

CONSENT AGENDA

9. Monthly Update on BDD operations. (Matthew Sandoval)
10. Request for approval of Amendment No. 1 to the Professional Services Agreement with ALS Global in the amount of \$120,000 inclusive of NMGRT. (Mackie Romero)

11. Request for approval of Professional Services Agreement with Hall Environmental Analysis Laboratory in the amount of \$30,000 exclusive of NMGRT. (Mackie Romero)
12. Request for approval to extend authorization of \$500,000 for the Major Repair and Replacement Fund for Fiscal Year 2016/2017 for pump replacement. (Mackie Romero)

DISCUSSION AND ACTION

13. Request for approval to contract with American Alternative Insurance Corp. for BDD Insurance Policies including Real Property coverages in the amount of \$140,053.00. (Mackie Romero)
14. Request formal adoption of the 2016/2017 Annual Operating Budget in the amount of \$8,203,80 plus \$411,812 in contributions to the Major Repair and Replacement Fund. (Mackie Romero)

MATTERS FROM THE PUBLIC

MATTERS FROM THE BOARD

EXECUTIVE SESSION

In accordance with the New Mexico Open Meetings Act NMSA 1978, §10-15-1(H)(7), discussion regarding threatened or pending litigation in which the BDDDB is, or may become, a participant, including without limitation: Discussion regarding Diversion Structure issues. (Nancy R. Long)

End of Executive Session

NEXT MEETING: Thursday, August 4, 2016 @ 4:15pm

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