

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

October 7, 2010

This meeting of the Santa Fe County/City Buckman Direct Diversion Board was called to order by Chair Rebecca Wurzburger at 4:00 p.m. in the Santa Fe City Council Chambers, Santa Fe, New Mexico.

Roll was called and the following members were present:

BDD Members Present:

Councilor Rebecca Wurzburger
Board Member Conci Bokum
Commissioner Liz Stefanics
Councilor Chris Calvert

Others Present:

Rick Carpenter, Project Manager
Brian Snyder, Water Division Director
Nancy Long, BDDB Contract Attorney
Kyle Harwood, BDDB Contract Attorney
Marcos Martinez, Assistant City Attorney
Mark Ryan, CDM, BDD Board Engineer
Teresa Martinez, County Finance Director
Stephanie Lopez, BDD Staff
Neva Van Peski, League of Women Voters
Joni Arends, CCNS
Marie Lee, BDD Project Financial Manager
Lyn Komer, Public Relations
Robert Mulvey, BDD Facility Manager

Member(s) Excused:

Commissioner Virginia Vigil

APPROVAL OF AGENDA
[Exhibit 1: Agenda]

Chairman Wurzburger requested that the introduction of BDD Staff, Item 15, be heard directly following Approval of Consent Agenda, Item 5.

There were no further changes to the agenda and Councilor Calvert moved to approve as amended. Her motion was seconded by Commissioner Stefanics and passed by unanimous [4-0] voice vote.

BUCKMAN DIRECT DIV MI
PAGES: 28

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

I Hereby Certify That This Instrument Was Filed for
Record On The 16TH Day Of March, 2011 at 11:22:11 AM
And Was Duly Recorded as Instrument # 1629598
Of The Records Of Santa Fe County

Deputy _____
Valerie Espinoza
County Clerk, Santa Fe, NM

Witness My Hand And Seal Of Office
Valerie Espinoza
County Clerk, Santa Fe, NM



SFC 011111 RECORDED 03/16/2011

APPROVAL OF MINUTES: September 2, 2010

Stephanie Lopez, BDD staff, noted the following corrections to the minutes:

Page 1: Joni Arends name was misspelled

Page 2: Brian Snyder not Mark Ryan provided the Scheduled First Diversion update

Page 14: Gauging system not gating system

Councilor Calvert moved to approve the minutes as amended. His motion was seconded by Chair Wurzburger and passed by unanimous [3-0] voice vote. [Commissioner Stefancis abstained.]

APPROVAL OF CONSENT CALENDAR

- 8. Project Manager's Monthly Project Exception Report**
- 9. Project Manager's Report on Staffing and Training Program Progress**
- 10. BDD Public Relations Report for September 2010**
- 11. Request for Approval of 2011 Buckman Direct Diversion Board Meetings Schedule**

Councilor Calvert for approval and his motion was seconded by Commissioner Stefancis. The consent agenda was approved by unanimous [4-0] voice vote.

15. Introduction of Newly Hired Project Staff

RICK CARPENTER (Project Manager): Thank you Madam Chair and members of the Board. As you know, we've been working hard over the past several months to recruit highly trained staff of 31 persons. We've had a lot of success in that regard. We have a large group of key staff with us here this evening. Mr. Mulvey facility manager is with us and I will begin to closely transition out of the project over the coming weeks and months and Bob will be running the project once we are in the operational mode. All the folks that he is about to introduce will report either directly or indirectly to Mr. Mulvey. At this time I would like to turn it over to Mr. Mulvey.

COUNCILOR WURZBURGER: Welcome.

ROBERT MULVEY (Project Facility Manager): Thank you very much. I'm pleased to be before you tonight to introduce the members of the BDD staff, the ones that we have hired so far. I'd like to start with Erica Schwender. Erica is our regulatory compliance officer. She has a bachelor's degree in chemistry and 18 years of experience in the environmental lab management and environmental compliance field. We're very happy to have Erica on board.

Gary Durrant, our chief operator. Gary has a bachelor's degree in environmental management and has 29 years of experience and he comes to us from the metropolitan water district of Salt Lake City.

Diego Olivas is a charge operator and he comes to us from the City of Santa Fe where he's worked for seven years at the Canyon Road Water Treatment Plant and he is a proud native of the City of Santa Fe.

Michael Dozier is a charge operator. He has an associate's degree in water/wastewater advanced technology, four years experience in the field and he comes from the City of Las Cruces.

Jesus Salayandia is a BDD operator. He comes from the Sangre de Cristo Water Division in the water treatment section and he has three years of experience.

Randy Surgure is an advanced water treatment operator with 10 years experience. He is currently with the City of Santa Fe and works as a water conservation specialist and a supply supervisor and has 10 years of experience.

Carlos Salas is an advanced water treatment operator at BDD. He has an associate's degree in utility operations, 15 years of experience and comes to us from the Village of Ruidoso and prior to that he worked for US Filter as a plant manager.

Matthew Sandoval is an advanced water treatment operator at the BDD. He has a bachelor's degree in business management. He comes to us from the City of Santa Fe where he's worked as an operator in the source and supply unit. He has eight years of experience.

Eric Hall is a charge operator. He's worked in Aztec, New Mexico. He has a degree in water and wastewater operations.

Eric Armstrong is our automation and security administrator. He has 27 years of experience in this field. He's worked with the City of Santa Fe most recently as the water equipment engineer at the Canyon Road Water Treatment Plant and we're very pleased to have Eric onboard the BDD.

Shelley Larson is our safety and training administrator. She has a bachelor's of science and environmental science. She recently worked at Cisco New Mexico out at Albuquerque and she has 16 years of experience in the environmental health and safety field.

Michael Delbecq is a charge operator at the BDD. He has 12 and half years of experience in water plant operations. He worked at the Albuquerque Service Water Treatment plant and prior to that he worked in Anchorage, Alaska in the water and wastewater field.

Hunter Stanland has six years of experience and comes to us from the Bay area where he has done several jobs related to water up there and within his file he wrote the proudest moment was being hired onto the BDD staff.

That's all the bios I have did I miss anybody? Marie was previously introduced at the last Board meeting. Marie is our financial manager and I don't have a bio on you – if you'd like to say something.

MARIE LEE: I have 20 years experience in finance and accounting. I'm a CPA and also have an MBA from Baylor.

COUNCILOR WURZBURGER: Thank you all.

[The BDD staff received a round of applause]

COMMISSIONER STEFANICS: Madam Chair, do we have any more vacancies or is this a full staff?

COUNCILOR WURZBURGER: No, this is not full. What do we have left, 20?

MR. CARPENTER: Madam Chair and Board, these are mostly the operators and what we call the big seven, the people that have to go through the full suite

of training that we're offering. Other staff, maintenance people and inventory supply clerks and people like that will be brought on towards the end of December or January.

COUNCILOR WURZBURGER: The total number is –

MR. CARPENTER: The total number is 31.

COUNCILOR WURZBURGER: And we have?

MR. MULVEY: About 12 or 13 I believe.

COUNCILOR WURZBURGER: It's actually within one of the items we have in here.

COMMISSIONER STEFANICS: Okay, the reason I'm asking is so the population that we're going to send through the Community College education program is not this group, it's other people we would hire?

MR. CARPENTER: It's mostly the operators that will go to the Santa Fe Community College program. So it's mostly these people here. These are the operators. We don't have every single operator position filled, for example the two inadvertently skipped over wastewater treatment positions that just went through City Council we still have to hire them. But this is the bulk of who would go to the Santa Fe Community College.

COMMISSIONER STEFANICS: Great, thank you very much.

COUNCILOR WURZBURGER: Any other questions? Thank you and welcome. You're welcome to stay or you're welcome to leave.

FISCAL SERVICES AND AUDIT COMMITTEE REPORT

[Exhibit 2: BDD Capital Budget Information]

MR. CARPENTER: Thank you, Madam Chair. You have a four or five page handout in front of you. The last page of that handout are the items that were discussed this past Tuesday at the Fiscal Services and Audit Committee meeting.

COUNCILOR WURZBURGER: Is this the budget that you're referencing?

MR. CARPENTER: Yes, it's the fourth page back.

COUNCILOR WURZBURGER: We'll need additional copies.

MR. CARPENTER: We focused primarily on two items in that committee meeting. The first of which was an update on the status of the project of the audit. That continues to be worked on but so far it looks good. I was not informed of any audit findings to date. So when that is finalized we'll be bringing that back as an agenda item to the Board.

COUNCILOR CALVERT: We'll have a preliminary report at our next meeting.

MR. CARPENTER: Thanks correct, thank you Councilor. The majority of the time was spent discussing the status of the capital budget and most notably the 1 percent fiscal agent fee and that is actually an agenda item for discussion, it's item 12 and I can get into more detail about that as we move through the agenda.

Item 13 was a policy matter that was decided by the group to defer to the next meeting given the magnitude of the discussion of the prior two items. That concludes my report, Madam Chair.

COUNCILOR WURZBURGER: Are there any issues from members of the committee?

COMMISSIONER STEFANICS: Yes, thank you, Madam Chair. I let staff know this today when I came in is that just because we had the meeting does not mean that the County was in acceptance of items discussed for division of responsibilities, so that is still to be negotiated.

COUNCILOR WURZBURGER: Is that in regard to the 1 percent fee?

COMMISSIONER STEFANICS: Yes.

COUNCILOR WURZBURGER: Okay, thank you. Any further comments?

COUNCILOR CALVERT: I think there's – basically we had a lot of discussion but there was still a fair amount of matters to be resolved.

COUNCILOR WURZBURGER: Thank you very much.

DISCUSSION AND ACTION ITEMS

12. Capital Budget Update and Staff's Line Item Fund Re-Programming Strategy and Request for Approval of Related Budget Adjustment Requests (BAR) [Exhibit 2]

MR. CARPENTER: Thank you, Madam Chair. Norm Gaume couldn't make the meeting today so I'll make my way through the memo. That's also been passed out to you. There was cover memo and supporting spreadsheets. I think the majority of what I can emphasize for today is – it's a hand out and not in your packet. Sorry, Madam Chair, Marie and Shaun's staff with Myners were working on this up to 3:30 this afternoon and that's why it was not in your packet. We apologize. There was a lot of work to do. However, we feel very confident that the capital budget is in order. Myners received recently all of the data that they needed in good form so that we could put together an update of the capital budget. The budget as it stands is a matter of concern for the Board, as it should be, especially as we wind down the project. What has been the topic of a lot of concern lately is the status of the contingency fund because the change orders that have come through, both changes orders of the type that you would normally see on a project, unexpected engineering changes or what have you or things that this Board has chosen to do like solar or grow your own were funded out of that contingency line item and we really wanted to get a handle on that down to the very last penny so we knew where we stood exactly and where we stood going forward. We know we may still have additional expenses to get through project close out.

Originally the contingency line item was a total of \$7,846,950 or about 3.6 percent of the total project budget. When we do all of the accounting that we can do to account for all of the change orders and other costs that have hit against that line item, the good news is that we are still in the black to a tune of a little over \$1 million. And there's another caveat there getting back to the 1 percent fiscal agent fee because that is a topic of ongoing discussion and interpretation and I think there is maybe some disagreement on how that should be handled and what the PMFSA really means when it addresses the 1 percent fiscal agent fee. So how that is applied back or not applied back, as the case may be, to the capital budget will be important. The fiscal agent fee could be significant and

if it is determined that it should be part of the \$206.34 million capital budget then it would be into or perhaps consume that \$1 million that I alluded to that is positive.

Staff's position, at least as the conversation has evolved thus far, we know that cost shares or how we're going to approach still hasn't been resolved but staff's interpretation is that regardless of that, that the fiscal agent fee should be not included within the \$206 million capital budget that it should be set off to the side and dealt with separately. If it is determined, and I guess that would be a policy matter for the Board, that it should be within instead of without the capital budget then we would overspend the budget and would need some sort of BAR at that point in order to deal with it.

As I mentioned, these are some matters that we're still working through. There's a meeting tomorrow morning with key County staff where we intend to take this up and hopefully work through some of this and we will keep the Board updated as that particular issue evolves.

COUNCILOR WURZBURGER: Thank you. Are there any questions?

COUNCILOR CALVERT: When is that meeting?

MR. CARPENTER: Tomorrow at 11 o'clock.

COUNCILOR WURZBURGER: And that's a County meeting?

MR. CARPENTER: It's actually a standing meeting between the City Attorney and the County Attorney and their key staff. I've asked for a little bit of time in that meeting because the key people are already there to raise this issue.

COUNCILOR CALVERT: Where is it?

MR. CARPENTER: It is in the City Attorney's conference room, upstairs, City Hall.

COUNCILOR WURZBURGER: Okay, thank you, Rick.

13. Request for Approval of Amendment No. 2 to the Professional Services Agreement Between the Buckman Direct Diversion Board and Norman Gaume, P.E. for the Amount of \$121,500 plus \$9,947.81 (NMGRT @ 8.1875%) for the Total Amount of \$131,447.81

COUNCILOR WURZBURGER: This is an action item. Councilor Calvert.

COUNCILOR CALVERT: Yes, Madam Chair. I guess before staff gets going on this one I would have to say that I would ask that this be postponed until we get resolution on the other matter. It sounds like we might be asking for more contingency for this particular item and I want to make sure that we have it before we do this.

COUNCILOR WURZBURGER: Rick, response.

MR. CARPENTER: Councilor Calvert, Madam Chair, members of the Board, we're not out of money as we stand. The projection of potentially being out of money depending on how we handle the fiscal agent is on down the road. So, as it stands the contingency fund is more than enough to fund Mr. Gaume's item. I would also add that we have intended to bring this item to the Board in September but at the last minute there were some issues with the contract itself and so we decided not to take the amendment at that time.

Since then Mr. Gaume has been doing a lot of work for us and he's more or less out of money and so I would have to issue him a stop work order until these other items are resolved.

COUNCILOR WURZBURGER: An alternative would be to contract him for one month. Right? You were saying he has no money right now for work that he has doing. What is the pleasure of the Committee?

COUNCILOR CALVERT: May I continue?

COUNCILOR WURZBURGER: Yes, of course.

COUNCILOR CALVERT: I'm sorry, Rick, I don't quite understand what you're saying. You're saying we're not going to run out of money until later. If that \$2.16 is included in the budget we're already over it sounds like to me or it looks like to me.

MR. CARPENTER: Councilor Calvert, that's correct.

COUNCILOR CALVERT: So, I don't see why – I'm sorry, I just didn't follow what you were saying about we would run out of money until later. It's going to be a factor whether the actual expenditures come up now or later, we would already be exceeding our budget if we approve this if that gets included. I guess at least until you have the meeting tomorrow I can't really think that I want to move forward.

I understand what you're saying and I don't know if you have other sources or other contracts that we could shift money from that still have balances that could cover for a month or so until we can get that resolved. I don't want to be approving another \$121,000 if in fact we end up being way in over our contingency, which would just add to that.

COUNCILOR WURZBURGER: Yes, Commissioner.

COMMISSIONER VIGIL: Madam Chair, I agree with Councilor Calvert and if he had made a motion I would second it to postpone it otherwise I will be voting against this.

COUNCILOR WURZBURGER: Okay.

COUNCILOR CALVERT: Are there other contracts that maybe you don't need the full amount in that we can shift money from?

MR. CARPENTER: Councilor Calvert, Madam Chair, members of the Board, we would have to make a new set of assumptions about those contracts. We've taken the project capital budget and projected it out to project closeout. We could assume that we won't spend money on legal fees and BAR it in later if that's the assumption we want to make.

COUNCILOR WURZBURGER: I would ask the question, what is the implication of postponing this for a month? You're saying that you'll be in the circumstance of telling Norm don't work or we're having him work without a contract --

MR. CARPENTER: That's correct.

COUNCILOR WURZBURGER: -- which we have tried to avoid judiciously throughout the project; are those the two options?

MR. CARPENTER: As I understand it, Madam Chair, that's correct.

COUNCILOR WURZBURGER: So the question for me is if we want to have a motion that reflects – that directs staff without – that we want to contract for a month or do we want to take the position that ties two actions together and we simply will not have any work done by –

BOARD MEMBER BOKUM: May I get some clarification, Madam Chair?

COUNCILOR WURZBURGER: Sure.

BOARD MEMBER BOKUM: Is there an option, Madam Chair, that you would suggest?

COUNCILOR WURZBURGER: I think in consideration of this on the project needs to be understood. My assumption would be that there would be some impact but --

COUNCILOR CALVERT: What would a month look like?

MR. CARPENTER: How much fees would rack up in a month; I think he's averaging around \$10,000 a month, maybe \$9,000.

COMMISSIONER STEFANICS: Madam Chair, I think this is an issue of management and I cannot support continuing a contract or voting for this until we resolve the larger issue.

COUNCILOR WURZBURGER: Thank you. Is there a motion?

COMMISSIONER STEFANICS: I move that we not approve the request for the amendment No. 2.

COUNCILOR WURZBURGER: Is there a second?

COUNCILOR CALVERT: Second.

BOARD MEMBER BOKUM: I'm in a place between the proverbial rock and a hard place in that I know that Norm's work is really valuable and there's a different kind of jeopardy that we're assuming by not at least having some kind of provision to make sure that the work that needs to be done is getting done. The committee doesn't have to do the whole \$9,000, maybe there's some budgeting that he would only do the things that are critical but I'm anxious on both counts.

I absolutely agree that we need to keep this fiscally clear and this isn't a lot of money and we can't afford to be spending money we don't have but this is an important project and I don't want to start making mistakes.

COUNCILOR WURZBURGER: If it were two: two what happens?

NANCY LONG (BDDDB Counsel): It would be a tie and the motion would fail.

The motion failed with a [2-2] tie vote: Commissioner Stefancis and Councilor Calvert voted for and Councilor Wurzburger and Board Member Bokum voted against.

COUNCILOR WURZBURGER: What I would like to do as Chair is to direct staff to very quickly go into budget assumptions with respect to the entire project because if this is something we need to solve through the County then we would be in a worse situation with respect to this as well as other contracts. Okay, so if you can start that kind of analysis I think that would be very helpful.

MR. CARPENTER: We would be happy to, Madam Chair.

INFORMATION ITEMS

14. Update on Public Draft Independent Peer Review (IPR) Report and the Related Public Meeting Held on September 30, 2010

MR. CARPENTER: Thank you, Madam Chair. We had the second of three independent peer review public meetings last week. Staff felt it went very well. The conclusions of the independent peer review were presented and they were all positive. We have a revised schedule for deliverables and we believe that we will meet the end of the year deadline for that. The independent peer review – the power point presentation that I thought was very well done and we have been able to post on the BDD website which is BDDproject.org if anybody wants to see the power point presentation that was presented at the public meeting last week. With that we'll stand for questions.

COUNCILOR WURZBURGER: Your second public meeting, is that correct?

MR. CARPENTER: This was the second, Madam Chair. The third is scheduled for sometime the week of December 6th the specific date has not been determined.

COUNCILOR WURZBURGER: Questions? Thank you for the report.

16. Update on Presentation to the Interim Water and Natural Resources Committee Regarding the LANL MOU

MR. CARPENTER: Thank you, Madam Chair. We have gone before the Interim Water and Natural Resources Committee before with respect to the LANL MOU that the Board executed recently. The next of those meetings is set for the afternoon of October 18th at the Roundhouse in room 322. And, in addition to making that announcement I thought it would be prudent to ask the Board members if any of you would like to present at the Interim Committee meeting. BDD staff is set to make about a 15-minute presentation on the technical issues and LANL staff will also make a brief presentation on technical issues but the committee staff has requested that we provide them with a list of people in addition to that such as board members who may want to address the committee. And it's the afternoon of October 18th a Tuesday.

COUNCILOR WURZBURGER: I will be unavailable.

COMMISSIONER STEFANICS: Manager, is the intent of – I'm asking staff to apprise us whether it's important for a BDD Board member to be in attendance or support of this item to the legislative committee.

MR. CARPENTER: Madam Chair, members of the Board, Commissioner Stefanics, staff feels that having at least the chair or the vice chair or some representation from the Board would be important.

COMMISSIONER STEFANICS: Okay, I can attend. I will put it on my calendar.

COUNCILOR WURZBURGER: Great. Conci, are you too available?
Great.

BOARD MEMBER BOKUM: I can attend but I don't think either one of us plans to make a presentation. If you wish me to speak I will need you to prepare the remarks.

MR. CARPENTER: Madam Chair, we'll have some brief speaking points prepared.

COUNCILOR WURZBURGER: We can follow up with the vice chair, she may be back by then. Do you recall when?

COMMISSIONER STEFANICS: She's coming back late on the 14th early the 15th.

COUNCILOR WURZBURGER: Let's make sure she is apprised of the meeting and that we already have two people but if she wants to go, that's fine.

COMMISSIONER STEFANICS: Right and I'm happy to step aside for her.

COUNCILOR CALVERT: And I think we just got an email today that said the meeting was going to be at 2 o'clock or something like that.

MR. CARPENTER: It had been scheduled for the morning of that same day and it's been pushed back to 2:45.

COUNCILOR WURZBURGER: All right, thank you.

COMMISSIONER STEFANICS: Madam Chair, can we take comment from the public before Executive Session?

MATTERS FROM THE PUBLIC

[Exhibit 3: Healthy Water NOW ASAP letter to BDD Board]

CHAIR WURZBURGER: I see we have public here; would anyone like to speak? Please give us your name and if this is your memo, then kindly highlight rather than read it to us. We will put it into the record.

ELANA SUE ST. PIERRE: My name is Elana Sue St. Pierre. I am an occupational therapist that works with developmentally disabled children and I am a spokesperson for Healthy Water NOW which has been working on quality assurance and safety concerns of the public. We generated a petition in 2008 and we attended the peer review and wanted first congratulate you all for the incredible work and progress – we appreciate your hires and thank you very much.

We wanted to acknowledge that on the peer review in January it was very well organized, very well attended, very well publicized, and that not the experience of the one that happened in September. It was disorganized. It was very difficult to follow the slide presentation because there was so much information presented we weren't given handouts. It was going by so –

COUNCILOR WURZBURGER: Thank you for your compliment for our progress. If you can highlight the points you want to attend to in this memo, we would appreciate it.

MS. ST. PIERRE: In future I feel like handouts with the presentation, more publicity, places where we look like KSFR was not done on the date of it but we did get emails weeks in advance which was wonderful but on the day of it, it was lacking and there was poor attendance. There was a generalization of people's questions so that specifics did not get attended to. And one of Healthy Water NOW's main question is

around the specificity of risk analysis for premature birth for children, and it was all kind of blown together so I don't really feel that our specific questions were addressed.

COUNCILOR WURZBURGER: And that would be point three on your memo?

MS. ST. PIERRE: Yes, as well as point four. In looking at the website you can't tell exactly if it was 35 chemicals or 287 because they are both referred to. So it is just confusing. And as you read the letter it will become more clear. And one of the main reasons I want to speak is that I know I mean jeez, I hear you talking about having to not be able to [inaudible] contractors who I know has been involved in quality assurance but we as the community what to know what is going to be presented in round three. We still don't know about the early warning system and there are weird rumors going around and you should know that. Until the public knows how this system works there is fear, there is distrust, and we need more information. It was not presented at peer review and we want it presented. If it's to be presented another time or at the following meeting. We really need to know what happens. We are in the age of blowouts. We have the deep-water blowout. We have a new catastrophe in Hungary. There was a bog in our water system around gauges. What happens if the worse case scenario happens? What is our protection?

Currently our water taps are done yearly and there's almost a 12-year [sic] delay between what the public hears when we get the results back. That's not reassuring for a river that can erode the Rio Grande Gorge. We're talking about water standards that can even change possibly within 24 hours. So we need more information about that.

COUNCILOR WURZBURGER: Thank you for your letter. We will study this and have staff get back to you.

MS. ST. PIERRE: Okay, thank you very much.

COUNCILOR WURZBURGER: We do appreciate it very much.

JONI ARENDS: Good afternoon. My name is Joni Arends. I am a Concerned Citizen for Nuclear Safety. I did want to make a comment about number 13 on the amount on the agenda says \$121,000 whereas the agreement in number 13 says \$246,000 and that needs to be corrected.

Number two was about the independent hearing being as always at Genoveva Chavez Community Center, community room, and it is very difficult to hear. It's a very dysfunctional meeting place because it is difficult to hear. You can't hear the speakers and you can't hear the other people commenting. If it's money – I know that the City Council dedicated some money. If there's a way to fix the acoustics in that room it would be very helpful so that it could actually become a community meeting room.

As Elana said there were no handouts at the meeting and the slides went by very very quickly. It was difficult to understand. We have to acknowledge that Brent, the new principal investigator, Brent Finley is new to the project and there should be some additional time for him to become familiar. He was not aware of the fact that the tri annual review, the Water Quality Control Commission is making a decision next week about the standards for radionuclides in the stretch of the river below Los Alamos National Laboratory. So we don't even know whether the analysis that has been done so far includes the possibility of using standards that are more protective that reach in the river. If it comes to past next week that the Water Quality Control Commission adopts

these new standards then we need to be able to go back and look at whether or not the analysis includes the more protection standards.

There's also concern that there were rumors at the meeting that the \$200,000 has already been spent. So the Board may want to ask for an accounting because it doesn't make sense that \$200,000 would already be spent when they're not done with the project or where that money went.

CCNS in particular has concern about publicity for the meeting. The fact that there wasn't an ad in the paper the day of or the day before – I didn't see anything and I would ask for specifics about where the ads ran. CCNS did produce a CCNS update about the need so that was all done and we sent it to our email list of over 600 people. We appreciate that Commissioner Vigil and Commissioner Holian were at the meeting and we were able to have discussions with them. Overall, I think that before water comes into our faucets that it is really important for this independent peer review that has specific questions with regard to those that were raised by Healthy Waters NOW ASAP, that these issues with regards to newborns and the fetus in pregnant women need to be addressed in a way that CCNS feels comfortable with and we're not feeling very comfortable the way the information was presented.

COUNCILOR WURZBURGER: Thank you.

COUNCILOR CALVERT: In response to your question about the contract in item number 13, that was a contract amendment so that \$246 is a total of all the monies in the contract to date. That would be the total if you added this amount in. So that's why you see two different figures. What we would be approving was the \$130 with GRT, and that would bring his total to \$246.

MS. ARENDS: Thank you. Thank you for that clarification.

COUNCILOR WURZBURGER: Thank you.

EXECUTIVE SESSION

Review and Consideration of issues in PRCE Proceedings:

- *In the Matter of the Renewables Stipulation and Public Service Company of New Mexico's Revised 2010 Renewable Energy Portfolio Procurement Plan, Case No. 19-00037-UT;*
- *In the Matter of the Application of Public Service Company of New Mexico for Revision of its Retail Electric Rates Pursuant to Advice Notice Nos. 397 and 32 (Former TNMP Service), Case No. 10-000086-UT; and*
- *In the Matter of Public Service Company of New Mexico's Notice of Filing of Renewable Energy Portfolio Procurement Plan for 2011, Case No. 10-00199-UT).*

Pursuant to NMSA 1978, Section 10-15-1(H)(7).

MS. LONG: Madam Chair, we would seek a motion to move into executive session for the purpose of discussing the pending litigation as described on the agenda.

COUNCILOR CALVERT: So moved.

COMMISSIONER STEFANICS: I'll second.

The motion to move into executive session passed by unanimous roll call vote as follows: Councilor Wurzburger, Councilor Calvert, Board Member Bokum and Commissioner Stefancis all voting in the affirmative.

[The BDD Board met in Executive Session from 4:50 – 5:00]

COMMISSIONER STEFANICS: I'll make a motion to come out of executive session noting that we only discussed those items that were on the agenda.

BOARD MEMBER BOKUM: Second.

The motion passed by unanimous [3-0] voice vote. [Councilor Wurzburger was not present for this action.]

MATTERS FROM THE BOARD

COUNCILOR CALVERT: I would just like to ask staff to really search the budget to cover some of these items that we've been talking about. Really take a fine tooth comb to it and see if there's places in the meantime that we can use until we can get a resolution on the budget and basic capital items.

MR. CARPENTER: Mr. Chair and members of the Board we'll take another look at the budget.

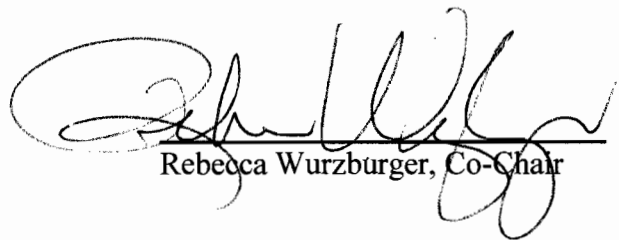
COUNCILOR CALVERT: Thank you.

NEXT MEETING: Thursday, November 4, 2010 @ 4:00 – City Chambers

ADJOURNMENT

Having completed the agenda, this meeting was declared adjourned at approximately 5:00 p.m.

Approved by:

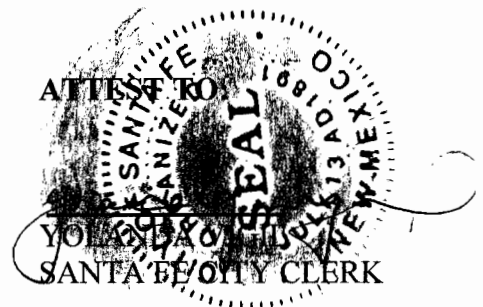

Rebecca Wurzburger, Co-Chair

Respectfully submitted:

Karen Farrell, Wordswork

ATTEST TO:


VALERIE ESPINOZA
SANTA FE COUNTY CLERK



City of Santa Fe



New Mexico

CITY CLERK'S OFFICE

DATE 9-29-10 TIME 10:45SERVED BY Stephanie LopezRECEIVED BY [Signature]**AGENDA**

THE CITY OF SANTA FE

And

SANTA FE COUNTY

BUCKMAN DIRECT DIVERSION BOARD MEETING

THURSDAY, OCTOBER 7, 2010

4:00 PM

COUNTY COMMISSION CHAMBERS

102 Grant Avenue

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF MINUTES FOR THE SEPTEMBER 2, 2010 BUCKMAN DIRECT DIVERSION BOARD MEETING
5. APPROVAL OF CONSENT AGENDA
6. MATTERS FROM STAFF
7. FISCAL SERVICES AND AUDIT COMMITTEE REPORT

CONSENT AGENDA

8. Project Manager's Monthly Project Exception Report. (Rick Carpenter)
9. Project Manager's Report on Staffing and Training Program Progress. (Rick Carpenter)
10. BDD Public Relations Report for September 2010. (Lynn Komer)
11. Request for Approval of the 2011 Buckman Direct Diversion Board Meetings Schedule. (Stephanie Lopez)

CITY CLERK RECEIVED 09/15/2010

DISCUSSION AND ACTION ITEMS

12. Capital Budget Update and Staff's Line Item Fund Re-Programming Strategy and Request for Approval of Related Budget Adjustment Request (BAR). (Rick Carpenter and Norm Gaume)
13. Request for Approval of Amendment No. 2 to the Professional Services Agreement Between the Buckman Direct Diversion Board and Norman Gaume, P.E. for the Amount of \$121,500.00 Plus \$9,947.81 (NMGRT @ 8.1875%) for the Total Amount of \$131,447.81. (Rick Carpenter)

INFORMATION ITEMS

14. Update on Public Draft Independent Peer Review (IPR) Report and the Related Public Meeting Held on September 30, 2010. (Rick Carpenter) **VERBAL**
15. Introduction of Newly Hired Project Staff. (Rick Carpenter) **VERBAL**
16. Update on Presentation to the Interim Water and Natural Resources Committee Regarding the LANL MOU. (Rick Carpenter) **VERBAL**

EXECUTIVE SESSION:

Review and Consideration of Issues in PRC Proceedings (BDD Legal Counsel):

- *In the Matter of the Renewables Stipulation and Public Service Company of New Mexico's Revised 2010 Renewable Energy Portfolio Procurement Plan*, Case No. 10-00037-UT;
- *In the Matter of the Application of Public Service Company of New Mexico for Revision of Its Retail Electric Rates Pursuant to Advice Notice Nos. 397 and 32 (Former TNMP Services)*, Case No. 10-00086-UT; and
- *In the Matter of Public Service Company of New Mexico's Notice of Filing of Renewable Energy Portfolio Procurement Plan for 2011*, Case No. 10-00199-UT).

Pursuant to NMSA 1978, § 10-15-1(H)(7).

END OF EXECUTIVE SESSION

MATTERS FROM THE PUBLIC

MATTERS FROM THE BOARD

NEXT MEETING: THURSDAY, NOVEMBER 4, 2010 @ 4:00 P.M.

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.

MEMORANDUM

Date: October 7, 2010
 To: BDD Board Members
 From: BDD Project Manager
 Subject: BDD Project Draft Capital Budget Update

Meyners + Co., the BDD Board's consulting CPA, working with the City Finance Department, has reconciled all issues with the BDD Project Capital Budget of \$216.34 million. This budget was intended to cover project expenditures prospectively from January 2008. The reconciled capital budget is the first to be produced by Meyners + Co. and presented to the BDD Board without caveats pertaining to the records.

The BDD Board requested the development of this capital budget in late 2007 after taking DB Contract bids in order to understand the partners' respective funding obligations. Rick Carpenter and Mark Ryan assembled this capital budget and presented it to the BDD Board as an information item focused on the funding obligations of the partners.

The prospective \$216.34 million capital budget included a contingency category of \$7,846,950, which represented approximately 3.6% of the total project budget. This contingency was dedicated to fund change orders of two different kinds: 1) Required for unanticipated problems, and 2) Recommended discretionary scope expansion. The allowance provided for change orders to the Design Build Contract for \$3,591,617 and for the Legal, Professional Services and Administration, \$4,255,333.

Of the \$7,846,950 contingency, \$5,739,138 was remaining as of June 30, 2010. This remaining balance is reduced by prospective expenditures including the following:

Transactions Processed After 6/30/2010	\$2,797,028
ROD Wildlife Mitigation	1,060,000
Anticipated Changes in DB Contract	166,000
Anticipated Changes in Board Engineer Contract	43,860
Additional Capital Expenditures	228,137
Reserve for Anticipated Professional Services	<u>467,645</u>
Total	\$4,762,670

After taking into consideration these prospective expenditures, the remaining contingency is \$976,468. This amount is offset by anticipated efficiency credits from PNM estimated at \$100,000 which results in an increase to the projected contingency funds at project completion to total \$1,076,468 when PNM efficiency credits are considered.

The projected remaining contingency funds take into account the funding of several project scopes of work which were not anticipated when the contingency was

originally set up. Specifically those scopes of work include the Solar Integration, Las Campanas BS 3/4 Pipeline Design and "Grow Your Own" Training Program Costs. There have been a minimal number of change orders, and we have been cautious about using the contingency funds for the last several months pending finalization of the capital budget update and audit. We told the Board on several occasions we thought we were within about \$300,000 of using all funds in the contingency and that there was some uncertainty in that number.

The good news is that even with unanticipated scopes of work, and with prospective change orders and Professional Services Agreements forecasted to close out the capital budget, we are still "in the black," but not by much.

Including the latest discretionary change orders, the capital budget contingency balance is estimated to be \$1,076,468.

However, there has been and continues to be some discussion and various interpretations on how to treat the 1% Fiscal Agent Fee during the construction phase of the project.

Staff recommends that this Fee be viewed as a stand-alone cost reimbursement agreement between the County and the City, and that it would not be included within the \$216.34 million capital budget. There has been some recent correspondence between the County Manager and City Manager on this matter and a meeting is set for Friday morning, October 8, 2010, to discuss and clarify how to treat the Project Management and Fiscal Agent reimbursement to the City. This Fee is estimated to be as follows:

Project Management and Fiscal Agent Fee	\$2,163,441
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If the Fiscal Agent Fee were to be included in the contingency allowance, in addition to those listed above, the contingency balance would fall to a deficit of \$1,086,973. This deficiency is the effect from using contingency funds to provide resources for project items that the contingency was not intended to fund. However, if the understanding behind the Fiscal Agent Fee is that it is a County-City arrangement (i.e., non-BDD), there will be no affect on the contingency allowance.

Pending the outcome of the meeting between the City and County on October 8, 2010, the BDD Management Team will consider solutions for any budget issues that need to be addressed. We will provide an update to the Board at the next Board meeting.

DRAFT 10/7/2010

**Buckman Direct Diversion
Capital Budget & Contingency Update
Summary Presentation
As of June 30, 2010**

	Contracts	Contingency	Discretionary Change Orders	Non-Discretionary Change Orders	TOTAL
Total Project Budget 1/1/2008	\$ 208,479,694	\$ 7,846,950	\$ 17,493	\$ -	\$ 216,344,137
Approved Change Order Affect	359,322	(5,149,029)	1,122,120	3,667,587	-
Realization of Budget Variances	(3,041,217)	3,041,217	-	-	-
Total Project Budget 6/30/2010	\$ 205,797,799	\$ 5,739,138	\$ 1,139,613	\$ 3,667,587	\$ 216,344,137
Total Authorized Major Expenditures Recorded Subsequent to 6/30/2010	\$ -	\$ (2,797,028)	\$ -	\$ 2,210,210	\$ (586,818)
Updated Budget & Contingency Post-Major Expenditures	\$ 205,797,799	\$ 2,942,110	\$ 1,726,431	\$ 5,877,797	\$ 216,344,137
Project Manager's Recommended Reservation of Contingency Funds for Specific Foreseen Purposes				Anticipated Costs	
Wildlife Habitat Mitigation and Replacement Compliance		(1,060,000)		1,060,000	
Anticipated DB Contractor Change Orders		(166,000)		166,000	
Anticipated Board Engineer Change Orders		(43,860)		43,860	
Additional Capital Expenditures	-	(228,137)	-	228,137	-
Legal & Professional Services authorized after 3/31/2010	-	(467,645)	-	467,645	-
Reimbursement of Project Management & Fiscal Agent for Services	-	-	-	-	-
Total Unallocated Remaining Contingency	\$ 205,797,799	\$ 976,468	\$ 1,726,431	\$ 7,843,439	\$ 216,344,137
Anticipated PNM Energy Efficiency Rebate		100,000		(100,000)	
Potential Contingency Funds Remaining with PNM Rebate		\$ 1,076,468		\$ 7,743,439	
Separately Funded Projects					
Parallel Pipeline BS 3/4 Construction	\$ 5,189,151	\$ -	\$ -	\$ -	\$ 5,189,151.00
Total Capital Budget Including Separately Funded Projects	\$ 210,986,950	\$ 1,076,468	\$ 1,726,431	\$ 7,743,439	\$ 221,533,288
Parallel Pipeline FS 3/4 Construction - Funding from Partners:					
City of Santa Fe (30%)	\$ (1,556,745)				\$ (1,556,745)
Santa Fe County (30%)	(1,556,745)				(1,556,745)
Las Campanas (40%)	(2,075,660)				(2,075,660)
Total Funding from Partners	\$ (5,189,151)				\$ (5,189,151)
Total Capital Budget Without Separately Funded Projects	\$ 205,797,799	\$ 1,076,468	\$ 1,726,431	\$ 7,743,439	\$ 216,344,137

**Buckman Direct Diversion
Capital Budget & Contingency Update
Detail Presentation
As of June 30, 2010**

	<u>Contracts</u>	<u>Allowances and Contingencies</u>	<u>Discretionary Change Orders</u>	<u>Non-Discretionary Change Orders</u>	<u>TOTAL</u>
DB Contractor	\$ 195,677,567	\$ 3,591,617			\$ 199,269,184
Procurement Stipend	250,000				250,000
Board Engineer	4,209,680				4,209,680
Professional & Legal Services	980,675				980,675
Project Rights of Way, Easements, Etc.	2,445,422		11,843		2,457,265
Project Utilities	4,370,350		5,650		4,376,000
BDD Insurance, Transportation And Additional Costs	546,000				546,000
Allowance For Legal, Professional Services and Administration		4,255,333			4,255,333
Total Project Budget 1/1/2008	\$ 208,479,694	\$ 7,846,950	\$ 17,493	\$ -	\$ 216,344,137
Design Builder Contract Change Orders					
Change Order 1 - Equipment Changes		\$ 101,228		\$ (101,228)	\$ -
Change Order 2 - Pipeline Adjustments		(465,513)		465,513	-
Change Order 3 - County Complex Utility / Driveway Crossing		(28,395)		28,395	-
Change Order 4 - Solar Power Supply Interconnection Addition		(199,354)	199,354		-
Change Order 5 - Relocation of Las Campanas Effluent Pipe		(32,706)		32,706	-
Change Order 6 - NM599 Pipeline at I-25		(4,997)		4,997	-
Change Order 7 - Changes to CO4 from PNM Review		(4,475)	4,475		-
Change Order 8 - Materials Cost Fluctuation		(1,028,595)		1,028,595	-
Change Order 9 - Sediment Return Line Allowance Credit		139,661		(139,661)	-
Change Order 10 - Partial Credit for Unused NMCID Allowance		28,434		(28,434)	-
Change Order 11 - Interior Liner Panels on Metal Buildings		(142,161)	142,161		-
Change Order 12 - Additional Interior Liner Panels on Metal Buildings		(70,300)	70,300		-
Change Order 13 - Licensed Microwave Path Upgrade		(139,143)	139,143		-
Change Order 14 - Parallel Pipeline Preliminary Design		(569,428)	569,428		-
Change Order 14 - Las Campanas reimbursement		227,771	(227,771)		-
Minor Future Lumped Change Orders		20,000		(20,000)	-
DB Contractor Electrical Costs in Excess of \$.07/kwh		(50,000)		50,000	-
Budget Adjustment	359,322	(359,322)			-
Board Engineer (Owner's Consultant) (5)		(820,254)		820,254	-
Approved Professional & Legal Services		(1,724,930)	225,030	1,499,900	-
Project Rights of Way, Easements, Etc.		(26,550)		26,550	-
Total Project Budget 6/30/2010	\$ 208,839,016	\$ 2,697,921	\$ 1,139,613	\$ 3,667,587	\$ 216,344,137
Budget Variances on Completed Items					
BLM City/County Facilities	\$ (1,818,964)	\$ 1,818,964	\$ -	\$ -	\$ -
PNM Line Extension	(1,222,253)	1,222,253			-
Updated Budget & Contingency 6/30/2010	\$ 205,797,799	\$ 5,739,138	\$ 1,139,613	\$ 3,667,587	\$ 216,344,137
Major Expenditures Recorded Subsequent to 6/30/2010					
DB Contractor PATWU Amendment		\$ (1,262,132)		\$ 1,262,132	\$ -
PATWU Allowance for Chemicals, Lubricants & Solids Disposal		(240,750)		240,750	-
Direct Payment of Electricity During PATWU		(300,000)		300,000	-
Board Engineer's Participation During PATWU Amendment #15		(73,601)		73,601	-
Board Engineer's Additional Training Services Amendment #14		(382,460)	382,460		-
Santa Fe Community College Operator's Training Certificate Program (7)		(175,000)	175,000		-
Parametrix Amendment To Produce Conceptual Mitigation Plan		(110,604)		110,604	-
Lynn Pitchner Komer		(62,860)		62,860	-
Board Engineer Amendment #17 NPDS Permit Monitoring		(52,200)		52,200	-
Board Engineer Preparation of PNM Rebate Application Ammdement 12		(27,016)		27,016	-
Board Engineer Amendment #13 Parallel Pipeline Design Phase		(29,358)	29,358		-
Mark Rook Contract for Implementation of Cost Accounting		(81,047)		81,047	-
Total Authorized Major Expenditures Recorded Subsequent to 6/30/2010	\$ -	\$ (2,797,028)	\$ 586,818	\$ 2,210,210	\$ -
Updated Budget & Contingency Post Major Expenditures	\$ 205,797,799	\$ 2,942,110	\$ 1,726,431	\$ 5,877,797	\$ 216,344,137

SFC CLERK RECORDED 03/16/2011

DRAFT 10/7/2010

	<u>Contracts</u>	<u>Allowances and Contingencies</u>	<u>Discretionary Change Orders</u>	<u>Non-Discretionary Change Orders</u>	<u>TOTAL</u>
ANTICIPATED FUTURE COSTS:					
	<u>Contracts</u>	<u>Contingency</u>		<u>Projected New Expenditures</u>	<u>TOTAL</u>
<u>Compliance with ROD Wildlife Habitat Mitigation Requirements (1)</u>					
Implementation of Approved Habitat Mitigation Plan		(1,000,000)		1,000,000	
Parametrx, Inc -Development of bid packages and construction oversight		(60,000)		60,000	
Total Compliance with ROD Wildlife Habitat Mitigation	\$ -	\$ (1,060,000)	\$ -	\$ 1,060,000	\$ -
<u>Anticipated DB Contractor Change Orders</u>					
CO 16 - Hardware/Software Modifications for BDD File Storage (3)		\$ -		\$ -	
CO 17 - MOU Related Samples and ENS Related Programming		(100,000)		100,000	
Proposed CO - Entrance Road Concrete Shoulder (6)		\$ (16,000)		\$ 16,000	
Prospective CO for Startup, Commissioning & Testing (4)		(50,000)		50,000	
Total Anticipated DB Contractor Change Orders	\$ -	\$ (166,000)	\$ -	\$ 166,000	\$ -
<u>Anticipated Board Engineer Change Orders</u>					
Proposed Amendment 18 - End River Monitoring (2)		\$ (43,860)		\$ 43,860	\$ -
Total Anticipated Board Engineer Change Orders	\$ -	\$ (43,860)	\$ -	\$ 43,860	\$ -
<u>Anticipated Additional Capital Expenses</u>					
CO For Qwest Fiberoptic Line Extension		\$ (18,755)		\$ 18,755	
Handheld Radios / ITT Costs		(209,382)		209,382	
Total Capital Expenditures	\$ -	\$ (228,137)	\$ -	\$ 228,137	\$ -
<u>Reserve for Anticipated Services</u>					
BDD Independent Counsel		\$ (160,500)		\$ 160,500	
Norm Gaume, P.E.		(130,005)		130,005	
Meyners - Accounting Consultant		(100,000)		100,000	
SFCC Training Videotaping Services (7)		(40,000)		40,000	
Public Communications		(37,140)		37,140	
Total Anticipated Legal & Professional Services	\$ -	\$ (467,645)	\$ -	\$ 467,645	\$ -
<u>Project Management & Admin Cost Reimbursement PMFSA</u>					
Settlement of Project Management Direct Labor and Fiscal Agent Fee		\$ -			
Total Other Anticipated Costs	\$ -	\$ -	\$ -	\$ -	\$ -
Total Unallocated Remaining Contingency	\$ 205,797,799	\$ 976,468	\$ 1,726,431	\$ 7,843,439	\$ 216,344,137
Anticipated PNM Energy Efficiency Rebate		\$ 100,000		\$ (100,000)	
Potential Contingency Funds Remaining with PNM Rebate		\$ 1,076,468		\$ 7,743,439	
<u>Separately Funded Projects</u>					
Parallel Pipeline BS 3/4 Construction	\$ 5,189,151	\$ -	\$ -	\$ -	\$ 5,189,151.00
Total Capital Budget Including Separately Funded Projects	\$ 210,986,950	\$ 1,076,468	\$ 1,726,431	\$ 7,743,439	\$ 221,533,288
Parallel Pipeline FS 3/4 Construction - Funding from Partners:					
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Total Capital Budget Without Separately Funded Projects	\$ 205,797,799	\$ 1,076,468	\$ 1,726,431	\$ 7,743,439	\$ 216,344,137

- (1) ROD Wildlife Habitat Mitigation prospective expenditures shall be funded after funding is obtained for out of scope projects.
- (2) CDM has identified approximately \$175,440 in additional end river monitoring costs through April 2011 of which \$43,860 is recognized in the capital budget and \$131,580 shall be recognized in the open account.
- (3) Additional hardware and software costs have been identified in order to facilitate backups at the BDD Facility and Canyon Road Water Treatment Facility of approximately \$55,000 plus GRT. Since the preliminary estimate agreed upon by Norm Gaume and Mark Ryan.
- (4) Preliminary estimate agreed upon by Norm Gaume and Mark Ryan.
- (5) CDM Budgeted Costs are Based Upon amendment schedule from CDM with imputed GRT @ 7%, less costs paid in the Pre-January 2008 timeframe and less amendments recorded after June 30, 2010.
- (6) CDM has identified a need to augment the site entrance road shoulder to 18" for a total cost of \$16,000, the approval of which is requested by the BDD Board.
- (7) SFCC Training Certification program includes \$40,000 for videotaping services.

SFC CLERK RECORDED 03/16/2011

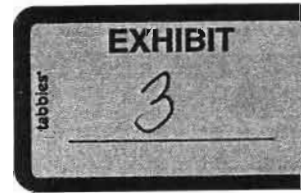
Fiscal Services and Audit Committee
Buckman Direct Diversion (BDD) Board
Discussion Items
From Meeting on Tuesday, October 5, 2010, 4:30pm

1. Update on Audit (Morgan Browning / Independent Auditor for City of Santa Fe Finance)

2. Update Status of Capital Budget as of June 30, 2010 (Norm Gaume / Meyners)
(Updated Handouts attached)

3. Information Item(s)
 - a. Update Regarding Partners Billing and Working Capital Management Policy. The policy has been drafted but given the magnitude of the other items on the agenda and our limited time we have elected to defer it to next month's meeting.

4. Open Discussion and Questions from FSAC Members



Healthy Water NOW ASAP

October 7, 2010

Respectfully to the Buckman Direct Diversion Board, Staff and Consultants:

We would like to begin by thanking you all for your continued community service and the attention that continues to be given to each challenge that arises creating this massive water system. Congratulations on the first diversion of water up its 11 mile trip from the river to the treatment facility.

We, the people of Healthy Water Now ASAP, would like to express our continued concern about issues which were again questioned at the peer review meeting on September 30, 2010.

1. Although the first meeting in January 2010 was well attended, well advertised and well organized, the second meeting fell short in many ways. Although BDD staff reported several sources for advertisement, these sources were not readily heard or seen around town. We were looking and listening for advertisements yet - the usual sources, such as KSFR, were somehow missed. Email was received weeks in advance (Thank you) but notifications on the day of the meeting were not sufficient. Please review what happened and please consider other options before the next meeting. These matters of public concern are too important to have such a poor turn out.
2. Public access to information was very strained due to poor sound and strange echoes. There was a slide presentation that went so fast it was difficult to see or take notes about the information and there were no handouts of the presentation provided. There were no structured opportunities for people to ask specific questions and hear answers when all present could hear. Abbreviated generalizations were complied by ChemRisk, yet it was disorganized. Some attendees did not understand when or who to talk to about their questions and as a result their concerns did not even get on to the generalized flip chart. This felt like a lost opportunity for people truly wanting to work together - to share resources with the BDD Board, staff and consultants in order to help assure water quality - due to lack of professional organization. Please consider changing the format of future public meetings to assure an open exchange of information. A forum where educated exchanges are facilitated openly creates opportunities for greater quality assurance.
3. It was unclear if 287 chemical /77 radionuclide were included in the risk analysis or only the 35 chemical/15 radionuclide were included - it all flashed too quickly before our eyes and there was no opportunity to clarify which was actually reviewed for risk analysis. It was quickly stated that research for synergistic effects (one of the primary questions which helped initiate the peer review process) was not reviewed because that only happens when there is a "large quantity" of toxins. That quick response does not adequately address our questions and request to have the most current medical research reviewed as part of the process. Where is the documentation that at the nano particle level the synergistic affect of possibly 35-287 chemical/15-77 radionuclide combinations will not cross placental membranes, enter breast milk, mutate sperm DNA, or affect fetal,

SFC CLERK RECORDED 03/16/2011

infant or childhood development. This presentation raised more questions and concerns than were answered. Where is the risk analysis that includes current epigenetic research that shows nano particles behave differently than mirco particles within the human genome? If it is not included now, when will it be?

4. Specific risk analysis for premature birth, low birth weight, genetic defects, sperm mutation, infertility, were not addressed individually; rather they were lumped together under general guidelines for susceptible populations in a 2005 report. Only one out of four reports cited were as current as 2009. Risk analysis for newborns was lumped in with four years olds, which does not recognize the true vulnerability of a newborn. We are asking the BDD Board show it's true integrity - by reviewing the information presented and acknowledge that a more specialized risk assessment had been requested and is needed before water begins flowing in our faucets.
5. The Rio Grande has the power of erosion great enough to create the Rio Grande Gorge. In August boulders filled the early warning concrete channels during the 100 year flood and the 200+ year flood which occurred within less than 10 days of each other at a location close to the Rio Grande. Are we having unpredictable climate change that will impact water flow patterns and water quality? The "Interim Measure Work Plans of Los Alamos Canyon to Mitigate Contaminated Sediment Transport," started in 2004, reviewed in 2008, are still far from complete. EPA has identified about 40 high priority toxic sites in the Los Alamos and Pueblo Canyon System that won't have to be "clean up" until 2013, after the Buckman Project begins diverting water into our faucets. What on-going funding and public review processes are being allocated and planned for after this initial peer review concludes? What long term assurance plans for potentially rising contamination levels and changing weather patterns are being set in place now in order to continue a peer review monitoring process?
6. When will there be a full public explanation of the early warning system? A rumor was over heard that the early warning system was actually someone calling from up on the Pajarito Plateau saying, "Hey, it's raining up here. Do you think the intake should be shut down?" What are the real safeguards? How are flash floods away from sample collection sites accounted for in the early warning system? What are the check and balances to prevent a sudden miss direction of untreated water from an unplanned technical blowout? There have been many recent blowouts all over the planet. For example, the Deep Horizon Oil explosions; San Bruno, California gas explosion; Tuesday night in Hungary, toxic sludge explosion threatening the country's water supply; last week water lines bust in Santa Fe - all from pressure gauge failure. How will the public be informed of if there is a blowout and raw water end up being drunk? How often is the water tested and how often will the public be informed of testing? We are looking at a river whose water quality can fluctuate within a 24-hour period. Currently we are informed of water quality one time per year in a report that is only delivered to property owners almost 12 month after the testing occurs. The margin for error so great and time for notifications so small. We need more clear explanations of the early warning system, problems with the system, and real time reporting so strange rumors end.

7. The New Mexico Water Quality Control Commission will rule on proposed changes to the surface water quality standards for the White Rock Canyon Reach of the Rio Grande in less than two weeks - a process which we thank the BDD Board for having supported. Yet the peer reviewers did not know or provide for these possible changes to the water quality standards for radionuclides for the Rio Grande below Los Alamos. The standards may be lower than the data they used for all their calculations. How will this oversight deter from the overall credibility of the independent review if the peer reviewers do not have all the information? What other oversights have been made that put this community at risk?

Thank you all for your time and attention to these continued areas of concern which the Peer Review Process has yet to address. We look forward to a more through review in this phase two process before the final public meeting. We, the petition signers of Healthy Water Now ASAP, are here not to be adversarial; rather we wish to be advisory and to keep the BDD Board, staff and consultants focused on our communities most vulnerable and valuable individuals... pregnant women, infants and children.....our future generations yet to come.

With Respect and Hope,

Spokesperson Elana Sue St. Pierre OTR/L
Healthy Water NOW ASAP



CITY CLERK'S OFFICE

DATE 10-7-10 TIME 11:00
SERVED BY Stephanie Lopez
RECEIVED BY [Signature]



CHANGE OF LOCATION
City Council Chambers
City Hall, 200 Lincoln Avenue

AGENDA

THE CITY OF SANTA FE
And
SANTA FE COUNTY

BUCKMAN DIRECT DIVERSION BOARD MEETING

THURSDAY, OCTOBER 7, 2010
4:00 PM
COUNTY COMMISSION CHAMBERS
102 Grant Avenue

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF MINUTES FOR THE SEPTEMBER 2, 2010 BUCKMAN DIRECT DIVERSION BOARD MEETING
5. APPROVAL OF CONSENT AGENDA
6. MATTERS FROM STAFF
7. FISCAL SERVICES AND AUDIT COMMITTEE REPORT

CONSENT AGENDA

8. Project Manager's Monthly Project Exception Report. (Rick Carpenter)
9. Project Manager's Report on Staffing and Training Program Progress. (Rick Carpenter)
10. BDD Public Relations Report for September 2010. (Lynn Komer)

SFC CLERK RECORDED 03/15/2011

11. Request for Approval of the 2011 Buckman Direct Diversion Board Meetings Schedule. (Stephanie Lopez)

DISCUSSION AND ACTION ITEMS

12. Capital Budget Update and Staff's Line Item Fund Re-Programming Strategy and Request for Approval of Related Budget Adjustment Request (BAR). (Rick Carpenter and Norm Gaume)
13. Request for Approval of Amendment No. 2 to the Professional Services Agreement Between the Buckman Direct Diversion Board and Norman Gaume, P.E. for the Amount of \$121,500.00 Plus \$9,947.81 (NMGRT @ 8.1875%) for the Total Amount of \$131,447.81. (Rick Carpenter)

INFORMATION ITEMS

14. Update on Public Draft Independent Peer Review (IPR) Report and the Related Public Meeting Held on September 30, 2010. (Rick Carpenter) **VERBAL**
15. Introduction of Newly Hired Project Staff. (Rick Carpenter) **VERBAL**
16. Update on Presentation to the Interim Water and Natural Resources Committee Regarding the LANL MOU. (Rick Carpenter) **VERBAL**

EXECUTIVE SESSION:

Review and Consideration of Issues in PRC Proceedings (BDD Legal Counsel):

- *In the Matter of the Renewables Stipulation and Public Service Company of New Mexico's Revised 2010 Renewable Energy Portfolio Procurement Plan*, Case No. 10-00037-UT;
- *In the Matter of the Application of Public Service Company of New Mexico for Revision of Its Retail Electric Rates Pursuant to Advice Notice Nos. 397 and 32 (Former TNMP Services)*, Case No. 10-00086-UT; and
- *In the Matter of Public Service Company of New Mexico's Notice of Filing of Renewable Energy Portfolio Procurement Plan for 2011*, Case No. 10-00199-UT).

Pursuant to NMSA 1978, § 10-15-1(H)(7).

END OF EXECUTIVE SESSION

MATTERS FROM THE PUBLIC

MATTERS FROM THE BOARD

NEXT MEETING: THURSDAY, NOVEMBER 4, 2010 @ 4:00 P.M.

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.

City of Santa Fe



CITY CLERK'S OFFICE

DATE 9-29-10 TIME 10:45

SERVED BY [Signature]

RECEIVED BY [Signature]



AGENDA

THE CITY OF SANTA FE
And
SANTA FE COUNTY

BUCKMAN DIRECT DIVERSION BOARD MEETING

THURSDAY, OCTOBER 7, 2010
4:00 PM
COUNTY COMMISSION CHAMBERS
102 Grant Avenue

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF MINUTES FOR THE SEPTEMBER 2, 2010 BUCKMAN DIRECT DIVERSION BOARD MEETING
5. APPROVAL OF CONSENT AGENDA
6. MATTERS FROM STAFF
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SFC CLERK RECORDED 03/16/2011

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END OF EXECUTIVE SESSION

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