

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

March 4, 2010

This meeting of the Santa Fe County/City Buckman Direct Diversion Board meeting was called to order by Commissioner Vigil, Vice Chair, at approximately 4:13 p.m. in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

Roll was called and the following members were present:

BDD Board Members Present:

- Commissioner Virginia Vigil
- Ms. Consuelo Bokum
- Councilor Chris Calvert
- Commissioner Liz Stefanics [4:20 arrival]

Member(s) Excused:

- Councilor Rebecca Wurzbarger

Others Present:

- Rick Carpenter, BDD Project Manager
- Kyle Harwood, BDD Board Consulting Attorney
- Steve Ross, County Attorney
- Marcos Martinez, Assistant City Attorney
- Rachel Brown, Assistant County Attorney
- Mark Ryan, CDM, BDD Board Engineer
- Nancy Long, BDD Board Consulting Attorney
- Angela Anderson, Meyners & Co.
- Stephanie Lopez, City Staff
- Doug Sayre, County Utilities Director
- Mike Sanderson, Las Campanas
- Patti Watson, Cooney Watson
- Neva Van Peski, League of Women Voters
- Joni Arends, Concerned Citizens for Nuclear Safety
- George Rael, LANL Representative
- Paula Heffner, Citizen



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BUCKMAN DIRECT DIV MI
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I Hereby Certify That This Instrument Was Filed for
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Witness My Hand And Seal Of Office
Valerie Espinoza
County Clerk, Santa Fe, NM

M. Heffner
Deputy

3. APPROVAL OF AGENDA

[Exhibit 1: Agenda]

COMMISSIONER VIGIL: Staff, are there any changes?

RICK CARPENTER (Project Manager): Madam Chair, staff would like to request that item 13 be pulled from the agenda. We had hoped in a couple of weeks from now to have a series of professional agreements and an MOA with Community Colleges related to staffing and training. Those agreements will not be ready, so there would be no reason to meet.

COMMISSIONER VIGIL: So that would be a tabled item?

MR. CARPENTER: They'll come back as actual items I hope, in the April meeting.

COMMISSIONER VIGIL: Okay, this is item 13?

MR. CARPENTER: Yes.

COMMISSIONER VIGIL: Okay. Any other changes?

MR. CARPENTER: No, Madam Chair.

COUNCILOR CALVERT: Move for approval as amended.

BOARD MEMBER BOKUM: Second.

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

4. APPROVAL OF MINUTES: February 4, 2010

Councilor Calvert moved to approve the minutes as published. His motion was seconded by Board Member Bokum and passed by unanimous [3-0] voice vote. [Commissioner Stefanics was not present for this action.]

5. APPROVAL OF CONSENT AGENDA

- 7. **Project Manager's Monthly Project Exception Report (Rick Carpenter) *[Exhibit 2]***
- 8. **Update by Rick Carpenter on Financial Status of Contracts (Rick Carpenter) HANDOUT AT MEETING**
- 9. **BDD Public Relations for February 2010 (Patti Watson and Lynn Pitcher Komer)**

COMMISSIONER VIGIL: Are there any items to be pulled?

COUNCILOR CALVERT: Move for approval.

COMMISSIONER VIGIL: Move to approve. Is there a second?

BOARD MEMBER BOKUM: Second.

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

6. MATTERS FROM STAFF

MR. CARPENTER: Madam Chair, just a real quick update. This was on the PUC, Public Utility Committee agenda last night as a quick update from staff, so I'll bring it to the attention of this Board. I hope to bring an actual information item at the April meeting on this. We've been working with – this is on the rural water federal funding for this project in Washington DC lobbyist and we've had several meetings lately with the Bureau of Reclamation and our DC lobbyist and actually some members of Senator Bingaman's staff. Things seem to be looking pretty good and with your permission I'd like to bring a more developed and comprehensive agenda item as well as an accounting of the contract with the DC lobbyist to the next BDD Board meeting.

COMMISSIONER VIGIL: Very good. Thank you very much. We'll look forward to that information. Did you have something to add to that, Kyle?

KYLE HARWOOD (BDD Board Attorney): Yes, ma'am. I just wanted to give you two or three quick sentences on where we stand with procuring the solar PV facilities at the treatment plant. We have identified a path forward through all of the inner mixed PRC issues and we're working with PNM right now on what we call a lease, which is – I won't get into the details. I'll be prepared to give you a more complete summary at the April Board meeting, but just to let you know we are working double-time to get a full contract to you at the April Board meeting and it does contemplate construction of the solar facility, following your consideration and approval, if you did approve it, the draft contract contemplates an October 1st completion date for the solar facility. So we are on track for that plan unless we hear otherwise. But that's our goal right now, to try to bring that forward to you at the April meeting for your consideration. I think it's some of the better news that we've had on this topic in the last couple months.

COMMISSIONER VIGIL: Thank you for that update.

DISCUSSION AND ACTION ITEMS

- 10. Request for Final Approval of the FY 10/11 Operating Budget and Five-Year Operating Budget Projection. (Rick Carpenter and Angela Anderson)**

MR. CARPENTER: Thank you, Madam Chair. This item was actually conditionally approved at the last BDD Board meeting contingent upon this staff meeting with the County staff to go over the budget and you actually have an email in front of you that the County staff sent that indicates that they have in fact gone over the budget and they are supportive of it. [Exhibit 3] So staff is back requesting final approval, since we've been able to gain support from County staff.

COMMISSIONER VIGIL: Very good. Are there any questions?

COUNCILOR CALVERT: Move for approval.

BOARD MEMBER BOKUM: Second.

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

[Commissioner Stefanics joined the meeting.]

11. Request for Approval of Change Order # 13 for CH2MHill Design/Build Contract for Licensed Microwave Path Upgrade for the Amount of \$130,651.00 Exclusive of NMGRT (Rick Carpenter)

MR. CARPENTER: Thank you, Madam Chair. The Board members may recall this was an information item, I believe, at the previous Board meeting in February and so it's back now for action requested by staff. And just a real brief review. This is related to a licensed frequency for our microwave or telemetry system, as opposed to unlicensed. We had hoped for a while now that we wouldn't need to get a license for the telemetry system but it appears now upon the project evolving and the unprecedented amount of traffic on unlicensed frequencies that the project will require a licensed frequency. So that's what this change order is intended to fund.

COMMISSIONER VIGIL: Are there any questions? Councilor Calvert.

COUNCILOR CALVERT: Yes, Rick. So this has been the number two under previous issues that we've been carrying under project concerns, right? This is that same issue?

MR. CARPENTER: From the exceptions report?

COUNCILOR CALVERT: Yes.

MR. CARPENTER: Yes.

COUNCILOR CALVERT: So I guess my question has to do with the last paragraph or the last two paragraphs in the memo. We talk about the lowest cost alternative fitting our requirements and I assume that when you said the quotes range from \$87,000 to \$606,000 then this Ericsson was the \$87,000 one? And so I'm just wanting to know how we get from \$87,000 to \$130,000 in the amendment. I don't know if one was just the price of the system components and the others, the whole thing including installation. I just want to know what the difference between those figures is.

MR. CARPENTER: Madam Chair, Councilor Calvert, I think Mr. Ryan can explain this in some detail. I asked the same question when I saw this at first. The \$87,542 does not include ancillary expenses like the margin for the contractor to install it. It may not even include GRT. I'm not sure everything that did not include. We have an accounting of that that Mr. Ryan can go through for you. It's actually in your packet. It should be.

MARK RYAN (CDM Engineer): The last two pages of the change order provide the breakdown. The \$87,542, that's the equipment supplier's cost and they are two tiers below the DB contractor, so once you go to the supplier and then the electrical contractor and then to the design-build contractor you have all those people that have passed through. Each of them have time and margin and insurance and bonding that you go up to. So that's how you get to the \$99,523.

So we were actually a little bit surprised there. Their margin was not as high as

they could have marked up on those, so it's a good number. Then there's also some associated additional engineering that has to go with a licensed system and that's the \$11,859. Then you have the two percent bonds and insurance, and then you have the joint venture or the DB contractor's margin, 15 percent, and then all of a sudden you're all the way up to \$130,000.

COUNCILOR CALVERT: Okay. And the 15 percent joint venture margin, is that above what was calculated in the previous amount?

MR. RYAN: Right. That doesn't – there's already the 15 percent that was on the previous amount. That's set aside. This is just the additional 15 percent margin.

COUNCILOR CALVERT: Okay. So when you said we got a – what was it? \$126,000 credit –

MR. RYAN: Right. That is just on the equipment. That's just the difference in the equipment. So the \$126,000 was for the unlicensed –

COUNCILOR CALVERT: Right. So that's what we budgeted before.

MR. RYAN: Right.

COUNCILOR CALVERT: It included a 15 percent markup though? No.

MR. RYAN: It included a 15 percent markup but that's

COUNCILOR CALVERT: This is above and beyond that.

MR. RYAN: Right. Right.

COMMISSIONER VIGIL: Okay. Any other questions? I have a question, Mr. Carpenter. Exclusive of New Mexico GRT – is that because this project is exempted? Or just because it hasn't been calculated into this amount?

MR. CARPENTER: As far as I know it's not exempted. It just hasn't been calculated.

COMMISSIONER VIGIL: Okay. Do we have to come back and approve the additional GRT or can we approximate?

MR. CARPENTER: I don't think we normally do that, if it's exempt. We just know that it's going to be added on.

COMMISSIONER VIGIL: Is it exempt?

MR. CARPENTER: Exempted from the cost that's there. It's not an exempted project.

MR. RYAN: In the past we have not brought for New Mexico gross receipts tax with the change order.

COMMISSIONER VIGIL: Okay. I would just recommend that if it's possible to calculate that it would be good. It would be a more accurate figure. Having come from the New Mexico Legislature, knowing the GRTs are being considered to be increased, we probably would like to know that. If that's all right.

MR. RYAN: It will be on the order of eight percent.

COMMISSIONER VIGIL: Right.

COMMISSIONER STEFANICS: Madam Chair.

COMMISSIONER VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: I think that that's a good point because the project is so large in an of itself that even though the amounts might be small for the change orders that it adds up. So I think it's very important to look at this. It might be a major overage.

MR. CARPENTER: We'll bring from this point forward, change orders

that are inclusive of GRT so that that's shown.

COMMISSIONER VIGIL: Thank you very much. If there are no further questions on this item we're now on item 12.

COMMISSIONER STEFANICS: We need a motion.

COMMISSIONER VIGIL: Oh, I do need a motion on this. Thank you.

COUNCILOR CALVERT: Move for approval.

BOARD MEMBER BOKUM: Second.

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

12. Request for Approval of Producing the BDDDB Packets "Paperless" and Distributing by CD or E-Mail. (Rick Carpenter) VERBAL

MR. CARPENTER: Thank you, Madam Chair. Some people prefer paperless, others don't. We thought we would just bring this to the Board. We have the capability of providing you a paperless packet on a CD. We just thought we would bring it as an action item if you would like to give staff some direction on that. We can do it either way.

COUNCILOR CALVERT: That would be fine with me. What I don't want to see happen is that you end up providing both. In other words, if we're going to do paper, if some people want paper, people can pick one or the other, but let's not end up everybody getting both because that's not going to help us any, I don't think. I've seen that happen on other – for these types of proposals.

MR. CARPENTER: I don't think we were contemplating giving individual people both a paperless packet and a paper packet.

COUNCILOR CALVERT: I appreciate that. I'm just saying we've gone this route in some committees and some groups. I've seen it end up that we end up using both for everybody, and I know that isn't what your intent is, but I just don't want to end up like that.

MR. CARPENTER: I think one of the drivers in this is it appears it might save a little bit of money to do paperless. It would certainly save us some time, but it's up to you all.

COMMISSIONER VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, I'm a little confused. Even if you did it by email we still then would have to have an electronic apparatus sitting at our desk, looking at the data if we didn't have it by paper.

MR. CARPENTER: That's correct.

COMMISSIONER STEFANICS: So I just want to clarify that that would then require all of us to be coming in with our laptops and our net books, etc. to have the substance that we were discussing at our fingertips.

COMMISSIONER VIGIL: Exactly. Any other comments?

COUNCILOR CALVERT: That's why I caution, because what happens is everybody can read it at their leisure, paperless, but when you get down to discussion at the meeting, then somebody will say, well, okay, I need a packet to work from or that's why we end up doing both.

COMMISSIONER VIGIL: From my perspective, I would probably print out what you sent me, so I would be incurring the cost for any kind of printing. And the electronic is very helpful because you can look at it quicker, faster, and be prepared better, but when you're actually here, what Commissioner Stefanics is saying, I don't think we can rely on our electronic apparatuses. I know my laptop doesn't always connect. And sometimes we have meetings elsewhere where our laptops may not even have accessibility.

COUNCILOR CALVERT: It would at City Hall.

COMMISSIONER VIGIL: We do have accessibility here but it doesn't always work, the connectivity may not be there. This is modern technology. My sense, at least my direction is it's really not that difficult to send it electronically. This may be in somewhat disagreement with you. I don't mean you need to create a disc, but if you could send it electronically and then have packets for us, that works for me. I'm see nods. So the status quo remains?

STEPHANIE LOPEZ (Staff Liaison): Normally you would just get a packet or a CD. And I think I've only got two people now on the list that only get it by email, so again, if you just want it paper – if you want me to email the electronic to you also, I can do that, but now you either get paper or you get a CD.

COMMISSIONER VIGIL: Yes. And it's the Metropolitan Transportation Policy Board that does all the email, I think. I'm not sure.

COMMISSIONER STEFANICS: Well, we do receive the MPO by email, but we also have paper copies for those who don't bring their own paper copy with them. So that everybody ultimately at that board is looking at some paper. So I just want to caution that we're going to be printing it either way.

COMMISSIONER VIGIL: Stephanie, are you saying that you have members on this Board that prefer the disc?

MS. LOPEZ: Not on the Board but some of our staff. Kyle, for instance, uses a CD. I have a couple of people in my PUC committee that like the CDs. They have to have a laptop but when you go through it we use a lot of paper for these packets. A lot of lot of paper.

COMMISSIONER VIGIL: I'm a tree-hugger; I want to save paper, but I don't think we're saving paper if we transfer it to disc. Somebody is going to be utilizing paper.

COUNCILOR CALVERT: I don't have a laptop that I can bring, so that's – is it status quo?

COMMISSIONER VIGIL: Status quo.

MR. CARPENTER: Thanks a lot.

INFORMATION ITEMS

- 14. BDD LANL IPR Public Meeting Dates: August 12, 2010 and November 11, 2010. (Rick Carpenter) VERBAL**

MR. CARPENTER: Thank you Madam Chair. If you'll recall, the independent peer reviewer was scoped to conduct a total of three public meetings. The first was conducted several weeks ago and was pretty well attended. I just wanted to

inform this Board and the members of the public that the remaining two have been scheduled and they are August 12th and November 11th. The August 12th meeting will give the IPR an opportunity to present their draft findings and draft report, and to ask for public comment on that, so they can take that into account and fold that into their draft. And then to come back then on November 11th to present their findings as a final report.

COMMISSIONER VIGIL: Okay. That will be November 11th?

MR. CARPENTER: Yes, Madam Chair.

COMMISSIONER VIGIL: And there are no other meetings?

MR. CARPENTER: None scheduled. Their scope included three.

COMMISSIONER VIGIL: Okay. Any questions on this item?

15. Update on LANL Negotiations. (Kyle Harwood) VERBAL

COMMISSIONER VIGIL: Mr. Harwood, and I notice Mr. Rael, you're here, if you'd like to add to that. We'll start with staff and please feel free to follow up from your perspective.

MR. HARWOOD: We're actually planning on sharing the microphone, indicative of how well we're working together right now. We've been engaged in a relatively intensive process with a number of BDD projects and staff and technical folks as well as attorneys working on the memorandum of understanding with the Department of Energy on the issues that the Board identified in 2007 and which the Board has continued to emphasize since. As you know, we all spent quite a bit of energy in the fall and through the holidays trying to identify a process to work on a memorandum of understanding and Mr. Rael reported, I think at the last meeting, that he was able to begin that process. So we have spent time working through the terms for an MOU, which I'd like to just mention a couple of the things that are involved in a general level. We're still working out the details.

This project is also on track right now to bring you at your April meeting, what we hope will be a recommended consensus draft of this. So we are working towards that deadline.

Just to mention a couple of the overarching concepts for your information. I hope this is the direction you'd like us to be going in. It does first of all pick up the early notification system, which we've talked about. The streamflow triggered instrumentation at three locations in the LA Pueblo Canyon Watershed before the Rio Grande that would trigger the sampling efforts as well as a signal that would be received by the project operators so they could make decisions about whether to cease diversions for a period of time. That's a major concept in our [inaudible] that we've talked about before.

And so what we're doing around those gauges is we're actually taking the approach where we're discussing and agreeing, at least at the staff level, that we're identifying performance standards for those gauges. We're not getting into every detail about the size of each component or just – we're agreeing on the performance that the BDD project needs and the Lab will ensure. So that is one of the approaches, which we think that that's a real strength to this kind of agreement. I'll just continue unless you have questions.

We're talking about how – there's obviously a level of data that relates to the

telemetry and there's a separate technical group that works on some of those issues in detail, as well as the exact list of analytes that are going to be sampled for these various locations. We've also talked about sampling in the Rio Grande, both at the Otowi bridge and down at the Buckman site and we're working through that part of the program. We have built into this agreement an annual review process where we'll be coming together to review the data that's been collected and any changes that we think are necessary, and that is a process we've borrowed from another Lab MOU that deals with environmental monitoring. I think the staff all feel that's a very strong component.

This agreement is evolving as a five-year agreement which is consistent with many of the other agreements that the Lab has and is also consistent with many of the environmental permits that are related to this topic. So I just want to give you a sense we're heading in. We're hoping to make a serious effort over the next three weeks to be able to hopefully get you a draft of this agreement by the next Board meeting for your consideration.

I know George is working hard on his end to parallel that effort. That's our goal. We don't know today whether we'll meet it, but that's our goal. So I think I'll just stop there, if there are any other questions. I know George has – oh, you've got several things in front of you. Two of them are recent correspondence from the federal government on both sharing that data with the Board. That's a letter that parallels the letter that the Lab provides to the state. *[Exhibit 4]* It was something we identified back in the fall and we asked Mr. Rael whether such a letter directly to the Board was possible and he indicated he'd work on it and it's been provided now, so that's progress on that topic. It will somewhat be superceded by the MOU, I think, because it talks about coordination and of course the MOU is going to have a lot more detail about coordination.

The second item you have is the most recent letter from Dr. Triay who is the head of what they call the EM Group, the Environmental Management Group at the DOE. *[Exhibit 5]* She's the one that this Board sent several letters to over the preceding weeks and this is her most recent response and it does reflect the work effort that we're currently engaged in.

So that's kind of the limit of my comments. George is going to walk you through the pictures as well as any other things.

COMMISSIONER VIGIL: Welcome, Mr. Rael.

GEORGE RAEL: Madam Chair, members of the Board, the pictures I provided are Gauging Station E110. *[Exhibit 6]* and it basically is a summary of the forming that we've been doing to get ready to place concrete. We actually started the forming last week and a few warm days took the forms out. So we actually have set up an overnight tent there, folks are actually spending the night there, making sure the pumps are moving the water away from this area, which allows us to make the progress we've made. So the concrete should go into tomorrow, and really, that's the big part of it. So completing the gauging station is really near to the end, seeing what you have there in front of you.

Kyle already summarized where we've been. Like any negotiations there's agreements and disagreements, then we come together and we understand each other. I would echo what Kyle said. I think we are making progress. A little hurdle ahead of us but I think we can get there. As soon as I get done with the negotiations as I did here the other day I let the Washington folks know. I don't want us to be the bureaucracy that

holds this up, because we can be. Week after next I will be in DC briefing Dr. Triay on a number of things, this being one of them, and of course soliciting her help to get us to the end once this MOU is structured by us. So subject to any questions, that's my report.

COMMISSIONER VIGIL: Questions?

MR. HARWOOD: One other thing to mention that I should have mentioned early, the important work, the field work that I think it's fair to say very significant efforts are being made out there to get these gauges in now, which is not a great time of the year to be doing this work. So I think that that's a real compliment that that effort is being made.

Now the other thing I would mention is this work is going to be called for in the MOU but the Lab has agreed to essentially do this important field work in parallel with our MOU negotiations that will then essentially call for this work and also the long-term or the future operation and maintenance of the facility. So that is really as much as we could possibly ask for at this point going forward, is doing some of these things in parallel. And it's great that it doesn't have to be done in series, because of course then the field work wouldn't be done until after the MOU. So I think it is great progress that the Lab is able to do this work in parallel with our negotiations.

COMMISSIONER VIGIL: Any questions? Councilor Calvert.

COUNCILOR CALVERT: So, Mr. Rael, bottom line, is what needs to be done going to be done in time and not hold up the implementation of the project?

MR. HARWOOD: There's probably more than one answer to that. I'll take a swing at the part I see as being most important. Because the gauge work is being done in parallel and the telemetry has to be sorted out shortly thereafter, and there's a technical group meeting separately from the main negotiating group, I think we have every hope that those gauges are going to be up and running in the next months.

MR. RAEL: Councilor Calvert, I don't foresee a problem with the actual gauge station. With that confidence I think we can get that done physically. The telemetry is going to take some discussions and we're going to try to set up our first meeting. We actually have hired our contractor. They're on board. We're going to set up a meeting next week, probably a phone call just to get ourselves acquainted, and then set up some really aggressive schedules to ensure that communication comes in together. Again, I have high confidence on the actual station. The telemetry is going to be a little more challenging, but I know you have good folks on your end. This is my first time with our subcontractor, Sutron, although they've done a lot of work, a lot of this kind of work around the country so I think we can get there.

MR. HARWOOD: And there's also another sort of split level to that answer which is if the gauges are up and running they'll be implemented as soon as they're ready. The telemetry obviously has to be tested and shown to be functional and adhere to criteria. But obviously, there's no operator to tell to turn off the facility until next April. So all the bugs have to be worked out. So the new, improved gauges with the new low-flow sampling thresholds, which are very low – in other words, small flows in the arroyo will be detectable and samplable. That capability will be in place when the gauges are done; the future of the telemetry, as I said has to be tested but it needs to absolutely be operational and project-ready.

COUNCILOR CALVERT: I guess, put another way is has all that been factored into the work plan and schedule? In other words such that if you've at least got a

plan that shows it being done by the operational date, we've seen the change in the timeline and the critical path and those kinds of things, so has this effort been factored into that and at least a planning levels shows that it can be done in the time that we need it to be done?

MR. CARPENTER: Councilor Calvert, nothing that we're discussing now would jeopardize the on-line date of the project as long as we're successful and don't suffer any significant setbacks.

COUNCILOR CALVERT: Okay, but some of this stuff is still – I understand is still being worked out, but the type of activities that are required to get this stuff operational and integrated into the project are factored into the timeline and –

MR. CARPENTER: Absolutely. We have several line items in our schedule to set up the SCADA systems and telemetry systems, so that time exists in the schedule and we will simply fold this into that. It shouldn't, unless something goes wrong, as I said, it shouldn't present a problem with the actual on-line date.

COUNCILOR CALVERT: Okay. Thank you.

COMMISSIONER VIGIL: This is such a critical component of this entire project, I'm going to ask for staff to look at a particular date when a tour for the Buckman Direct Diversion would be available to see how it works and for staff, both from the City and the County, that will be integrally related to that. And as I say that, approximately, would you say, Rick, when that might be?

MR. CARPENTER: Madam Chair, I think that would be most beneficial to the Board if the gauging station is at least complete. I don't know where the telemetry system will fall in that. We should be able to look at the gauge in its complete form. Probably not until it gets warm. You might want to wait to May or June or something like that. Mr. Rael might have some thoughts on that.

MR. RAEL: I actually toured – you can actually see the E 110 gauging station from the road if you pull over. There's a lot of activity there so you've got to be careful, but you can actually see what's going on there. I actually toured all of the grade-control structures if you move yourselves up the canyon and for that you've got to get in the canyon to do. Right now there's 14, 15 inches of snow in some places and when it melts it gets a little icy. I'm going to recommend that certainly after tax day when it gets a little warmer. But there's a lot to see now and there is a lot of work we can show you.

COMMISSIONER VIGIL: Okay. I think if we just direct you to identify a particular date. Of course it will be coordinating schedules too, so that would be a really good next step for this Board to participate in.

MR. HARWOOD: Madam Chair, would you like for us to sort of schedule that tour as early as possible, or bring an early tour date at the April meeting?

COMMISSIONER VIGIL: I would prefer that once it's completed. The telemetry probably won't be there, but if we can see a product that could explain to us how that system will work I think we're at a good place with that. And perhaps later one, when you are doing some testing we can make another tour available.

MR. HARWOOD: I'll try to bring you some additional information at the April Board meeting about when that tour can be scheduled.

COMMISSIONER VIGIL: That would be good. Okay. Thank you very much.

MATTERS FROM THE PUBLIC

COMMISSIONER VIGIL: Can I look at the public and just ask, who is here on the substation issue for PNM? I see five people. I feel compelled to sort of lay this issue out and Rick, I'm going to turn it over to you with regard to the outstanding issues. There was notice that was given to the residents around Caja del Rio that the substation was going to be installed. The issue came up whether or not that notice is to be complied with, either by the City or the County, and I don't know if Steve Ross has any update on that, if he does – he's shaking his head no. I know staff has been meeting about that. So that's sort of a separate issue.

The overriding issue for this has been that residents have asked about the possibility of placing the substation in the Caja del Rio landfill. The argument for that has been that this is far more feasible for not only the future of SWMA but it's also desirable because of the location. The current location is really within view of traffic and neighbors, and if the substation, if it was placed in Caja del Rio would eliminate that to some extent. Another outstanding issue was whether or not the PNM lines would be able to service the substation in the prospective site, the recommended site, rather.

And there have been a lot of emails that have been exchanged. You all may have been a recipient of that, but at this point in time I think it's really good that we bring this issue to a public process because part of the emails that I've heard as the overriding issue that I'm going to reference is what this does to the project and what this does to the environmental impact statement as a whole.

So Rick, I know that you've been a part of some email exchanges. Can you make some statements from a staff perspective as to whether or not this Board should consider that, and if we did, what that would mean?

MR. CARPENTER: Madam Chair, we've not had very much time to look at this issue very closely. I think at this point we're able to identify potential issue areas. I'm not prepared to say today or quantify, for example, if there was a schedule delay what would that delay be, or if there was a cost implication, what that might be. We haven't gone that far in our analysis. But there are some potential issues associated with moving the substation. We don't know at this point but there could be potential technical issues that PNM might have with a substation at the landfill as opposed to where it's currently being planned in order to serve the customers that they intend to serve. There could be cost implications. I don't know what the delays might be. I can foresee that there could be potentially significant delays.

There are also some concerns we have that if the substation weren't built on schedule but the project moved on anyway, could power be supplied to the project from other sources? We have some concerns that the answer to that question might be qualified and not necessarily absolute in all situations. So I think that these are things that we could certainly look at but we haven't had enough time to really assess what it means, what it could mean to move the substation from its planned location to the landfill.

COMMISSIONER VIGIL: Okay. Is there anyone that would like to address the Board on this? Please come forward and state your name.

PAULA HEFFNER: My name is Paula Heffner and I'm a resident living in a development just off of Caja del Rio, very near where this station is proposed. I am

the vice president of the Rancho de los Niños Homeowners Association, and there are other homeowner associations in the area so I will be speaking for them.

I think that the question of the timing, there probably would have been more time for these considerations if the residents had been notified of this substation, in a timely fashion, which they were not. And I'm going to just read some parts from a letter which most of you received from Andrew Leyba, who moved to this area and had a lot to do with the development of it, beginning in the 90s.

Mr. Leyba says: I am ready to let you know I looked at the substation behind the outlet mall per Ms. Jeanette Yardman's suggestion. In my opinion, if the substation is to serve the water plant, if placed across the street from our homes on City-owned land it will have a negative impact on the value of our properties as soon as it is put into place. It is well known that power stations such as the one PNM would like to place has a history of negative impact on property value once these type of power stations are placed near residential property. We understand PNM is a public company and dedicated to public service of all.

Randall Kippenbrock from the SWMA landfill has been kind enough to offer the northeast corner of the landfill next to the archery range and right below the PNM power lines for an alternative site. It's my understanding that the current proposed site is bordering on the recreational property of the golf course, which I'm surprised there's not a golf course representative here, but that is definitely a negative impact for that recreational land.

We would appreciate your consideration in this matter as no public input on the substation or master plan changes to the water plant have been afforded to the area residents are required by the County and City Code. It is also my understanding that PNM was advised by the County that a public hearing on this issue may not be needed, as the power station will sit on City land.

And Mr. Leyba says, I spoke with Matt Orly from the City of Santa Fe Land Use Department who informed me the County Code would apply to the City property in the county. By moving the substation further west the City, County and SWMA are setting up not only the water plant with power but a future grid tie system for the landfill when it begins to sell back power to the grid in its future methane power plant. This is in the long run will save taxpayer dollars as well as help SWMA potentially become a profitable agency. Furthermore, this relieves liability from the City and PNM for installing the substation with no input from the neighboring community who it directly affects.

COMMISSIONER VIGIL: Thank you very much, Paula. Was there anyone else? Seeing none, it seems like we're at the beginning stages. There are some outstanding issues on this that probably need further information. I know Jeanette Yardman is here. I don't know if you have any more of an update than what was provided by me. I have been in communication with PNM and they are trying to get the information that we are trying to get. So it seems to me that there are several pieces of information that need to be nailed down. Number one, let's get all the information we can about notification. Let's find out, and I think City and County staff are already working on jurisdictional issues for going through a permitting process, and I think the EIS is a critical piece. What in fact does this mean to the EIS? There are opinions out there that it doesn't impact it, but we need to contact the appropriate staff to find out what this would mean. And Rick, I believe that's probably the direction you were sort of stating when you

stated you needed more time to gather more information.

MR. CARPENTER: Madam Chair, I'm getting the sense that this Board, certainly the members of the public in the audience have some specific questions and you've just pointed some out, to which you would like more detailed information from staff.

COMMISSIONER VIGIL: Most definitely.

MR. HARWOOD: Madam Chair, I just wanted to add one other piece of information. CDM, working with Watson Cooney did put the facility description up on the website last week. So we do on the website have just sort of the basic facts, which I think may have contributed to some confusion earlier in this process. So there's some maps and some graphical depictions on the website. So I just wanted you to be aware of that if that's helpful.

COMMISSIONER VIGIL: There's two agencies that are involved in this, the Buckman Direct Diversion and SWMA. Any decisions that are made have to go to these governing authorities. And I do believe that I can speak for everyone that we probably do need some more information on this. And I would say that SWMA does also. Okay? Are we good on that? Then we'll move onto the next item under Matters from the Public. Joni, is that you?

JONI ARENDS: Good afternoon, members of the Board. My name is Joni Arends. I'm with Concerned Citizens for Nuclear Safety and I have three items. The first one is about the House Memorial sponsored by Representative Egoff and Councilor Wurzbarger asked me to remind her that she wanted to send that to Secretary Chu at the Department of Energy. So if you could not that that would be great.

Then the second thing is the hazardous waste permit for Los Alamos National Laboratory is going to hearing and that begins April 5th through the 16th. It's the first time in over 20 years that the public has the opportunity to talk about hazardous waste operations at the laboratory. The hearing starts at 9:00 on Monday, April 5th at Santa Fe Community College in the Jemez Room. As we get more information I'll be sure to let Rick know when there will be public comment. It would be great if you all could come out when there is public comment or send staff to make some comments on hazardous wastes and the need to clean it up in some sense. Or I could talk to Kyle.

And the third thing is about the independent peer review and we're having trouble contacting Tom Widner in terms of setting up a meeting to do a briefing on groundwater. So I just wanted to let you know about that. Thank you.

COMMISSIONER VIGIL: Thank you, Joni. Is there anyone else in the public that would like to address this authority?

MATTERS FROM THE BOARD

COMMISSIONER VIGIL: Are there any Matters from the Board?
Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, I don't know if we've discussed this here and I don't think we have but you can remind me if we have. The City and the County might be in a position, with all of our budgets and our reviews and our restructuring of services to have some staff that might be feeling at risk. And I was

thinking that perhaps the City and the County staff might have a crack at applying for these training positions for the BDD. And I know – have we talked about this? I can't remember if we did.

COMMISSIONER VIGIL: To the open application process. It's open to both City and County staff, right?

MR. CARPENTER: If I can clarify. Generally that's come up and we've talked about staffing and the staffing plan and budgets. We've never had a specific discussion on that because we didn't really have an approved staffing plan or a budget. We have those things now. And so what's consumed most of my time this week is that I have been going around making presentations to various departments. I made two presentations to City employees at large about the staffing plan, about the budget, about the training and certification programs and the real, potential job opportunities associated with this project.

I'm doing another one tomorrow for the Wastewater Department. We've reached out to the County Water Utility. Mr. Sayre and the Utility Director, and I mentioned it through Lisa Roybal to Commissioner Montoya because I was on the phone with him for another issue, that we would like to come to the County and do the same thing for County employees, let them know what the job descriptions are, what the training certifications need to be so they can be thinking about whether or not they would like to avail themselves of these opportunities similar to City staff.

It's a different – as I understand – it's a different AFSCME contract so we're researching if there are any potential issues there but we want to be communicating as much information as we possibly can to County staff. We would hope to be able to pull from some of those qualified individuals into the Buckman Direct Diversion project, and also let people know that to the extent that we're able to borrow staff members from one department to the other that that will create another position that needs to be backfilled. And so there were a lot of different examples. There were some Level 1 operators at the Canyon Road that may not necessarily be interested in coming to work for the BDD but they're very interested in some of those Level 2 positions opening up at Canyon Road and backfilling behind them.

So people are just now starting to get to thinking in specific terms about this and we would love to come to the County. So I guess I'm waiting for Mr. Sayre and the Utilities Director or Lisa Roybal and maybe the County Manager or somebody to tell us when they'd like to come.

COMMISSIONER STEFANICS: Well, Madam Chair, I'd ask you to actually contact our HR Director and avail her of the information so that she could disseminate it. Doug, do you have anything else that you want to add to this?

DOUG SAYRE (County Utilities Director): Madam Chair, I just wanted to comment to you that the City did pass this on to us this week and that's exactly what I did is I forwarded it to Becky Montoya to say, look, this is coming about. Let's set up some kind of program to proceed on this. But I think it's in HR's hands right now to try to look at how we should do this. That was my idea too, that we should get HR involved and how we should look at this project and possible positions.

COMMISSIONER STEFANICS: Well, Madam Chair, I just believe that our staff – this is public information, and it might be that our staff are not looking at this or reading the minutes, so I just want to make sure they know that there are positions

available that they could investigate through HR or however.

MR. SAYRE: Agreed.

COMMISSIONER STEFANICS: Okay. Thank you, Madam Chair.

COMMISSIONER VIGIL: And I think, Commissioner Stefanics, maybe a piece that you might be alluding to is how do we let them know besides just exchanging information with HR, and maybe we can get a definitive answer through our HR and I'm sure the City will probably be doing this as well, whether or not these will be posted as available positions, and once they are, I think that's initiated, the process for interest parties, in addition to those ancillary agencies or divisions within the County and the City that have prospective technicians who might transfer.

MR. SAYRE: Madam Chair, I was hoping that probably the same thing that would take place is what the City's doing. Perhaps Rick and some others and myself could address it with different departments about what's going to be available. Set up meetings like this so we can get each possible department involved, so that they know about it individually, not that it's kind of put out, I guess, Countywide for something, but we try to address it with departments that these positions are available.

COMMISSIONER VIGIL: Okay, so there's a little marketing piece going on and maybe you can work together with Rick with regard to identifying prospective divisions that would be interested in learning about this.

MR. SAYRE: Great. Because Rick already approached me on that, so we knew about that. Thank you.

COMMISSIONER VIGIL: Good. Other Matter from the Board. Chris.

COUNCILOR CALVERT: Just briefly. Rick, could you follow up on Joni's third point about being able to get in touch with the independent peer review folks for whatever exchange of information is needed there. The whole point of this process is to provide information and get public feedback. So if there's an opportunity to further that purpose then I guess I would like to encourage that.

MR. CARPENTER: Madam Chair, Councilor Calvert, we have encouraged that. There's actually – if I could expand on your point. We definitely want public input. We want as much exchange of data and ideas as we can possibly have and for all that to be as transparent as it possibly can. The other side of that is one thing we've been lacking until the independent peer reviewer came on board we had lots of peer reviewers but we didn't have an independent peer reviewer. So one of our goals is to maintain the independence of the independent peer reviewer. And so for CCNS, for example, we have indicated to Joni and Mr. Gilkeson and others that they are encouraged to submit everything and anything that they would like the independent peer reviewer to consider in writing. We're a little reticent to have any interest group meet in person with the independent peer reviewer because there's the potential that the independence could be compromised. So that's where we're at on that.

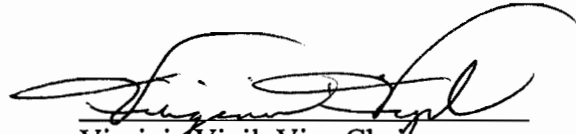
COMMISSIONER VIGIL: Any other matters?

NEXT MEETING: THURSDAY, APRIL 1, 2010 @ 4:00, City Council Chambers

ADJOURNMENT

Having completed the agenda, this meeting was declared adjourned at approximately 5:08 p.m.

Approved by:


Virginia Vigil, Vice Chair

Respectfully submitted:

Debbie Doyle, Wordswork

ATTEST TO:


VALERIE ESPINOZA
SANTA FE COUNTY CLERK

ATTEST TO:

YOLANDA VIGIL
SANTA FE CITY CLERK

