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Valerie Espinoza
County Clerk, Santa Fe, NM

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

July 7, 2011

This meeting of the Santa Fe County/City Buckman Direct Diversion Board meeting was called to order by Commissioner Virginia Vigil, Chair, at approximately 4:00 p.m. in the Santa Fe City Council Chambers, 200 Lincoln Avenue, Santa Fe, New Mexico.

Roll was called and the following members were present:

BDD Board Members Present:

Commissioner Virginia Vigil
Councilor Chris Calvert
Commissioner Danny Mayfield (alternate)
Ms. Consuelo Bokum

Member(s) Excused:

Councilor Rebecca Wurzburger
Commissioner Liz Stefanics



Others Present:

Rick Carpenter, BDD Project Manager
Robert Mulvey, Facility Manager
Nancy Long, BDDDB Consulting Attorney
Kyle Harwood, BDDDB Consulting Attorney
Steve Ross, County Attorney
Marcos Martinez, Assistant City Attorney
Gary Durrant, BDD
Teresita Garcia, City Finance
Craig O'Hare, County Utilities
Carole Jaramillo, County Finance
Mark Ryan, CDM
Neva Van Peski, League of Women Voters
Lynn Komer, Public Communications Contractor

3. APPROVAL OF AGENDA

[Exhibit 1: Agenda]

Upon motion by Councilor Calvert and second by Commissioner Mayfield, the agenda was unanimously [4-0] approved as presented.

REC CLERK RECORDED 08/12/2011

4. APPROVAL OF MINUTES: June 2, 2011

There were no changes and upon motion by Councilor Calvert and second by Commissioner Mayfield, the June 2, 2011 minutes were unanimously [4-0] approved as published.

5. CONSENT AGENDA

Upon motion by Councilor Calvert and second by Commissioner Mayfield, the consent agenda was unanimously [4-0] approved as presented.

- 8. Project Manager's Report on Staffing and Training Program Progress and Update on Staffing & Vacancies. (Bob Mulvey)**
- 9. BDD Project Manager's Monthly Project Exception Report. (Bob Mulvey)**

6. MATTERS FROM STAFF

CHAIR VIGIL: Any matters?

ROBERT MULVEY (Facility Manager): Madam Chair, there is a matter from staff. George Rael is here from LANL to give a brief update on the status of the fires surrounding the Lab.

GEORGE RAEL: Good evening, I think, right. Thank you for having me. Let me highlight a little about the fire and then let you know what we're doing now in our view it is post-fire, although the fire is still active.

The fire started on Sunday, a week ago Sunday, we activated our EOC the next day in Los Alamos. The fire today has burned about 140,000 acres. It is the largest fire in New Mexico. Again, it is approximately 40 percent contained. So it's a very widespread fire.

The fire did not get on LANL property in a concerned way although it did jump a line and got on the property and burned a little less than an acre. We put it out within an hour but otherwise it did not come close to the laboratory.

It did burn quite a bit to the west and to the north and again we were active with emergency operation center throughout the fire. And a few of us were actually satellite out of the State EOC here in Santa Fe. We have now transitioned our emergency operation center from a fire fighting concern to more of a recovery concern. And, of course, our major concern is floods. Usually the monsoons start in the first couple of weeks of July and we're right there with the timeframe. The Cerro Grande fire was a big lesson learned for us as we actually did a lot of mitigation construction because back then we were concerned with it. Those mitigations are still in place, still holding, and so I think we're – we did a lot of planning and a lot of interagency training.

Let me just highlight to you a particular canyon that we are concerned with. The Buckman on the Rio Grande there is only one major canyon system that discharges from the laboratory proper and that is what we call Los Alamos and Pueblo Canyons. The Pueblo Canyon didn't get affected per se by the fire but the Los Alamos Canyon did way

upstream. And so one of the concerns that we have is that whole watershed. We do have some retention basins in that watershed and we have other measures for mitigating any sediment transport. Right now we have a lot of crews looking at that and so that's our concern right now to make sure that we're protecting the watershed as it moves its way down to the Rio Grande.

So we are working as a partner to what is called the BAER Team which stands for Burn Area Emergency Response. That is a team that is run by the Forest and we are member of that team. That team is looking at mapping the whole burnt area followed with that with a hydrology modeling just to see what kind of rain event would create a potential flow for all the canyon systems. So based on that data will allow us to then to do any additional mitigation control in particular in Los Alamos Canyon.

So we will continue our dialogue with the Buckman Board, particularly with that canyon, but in general anything that we know for the whole Pajarito Plateau because of the concern with what is entering the Rio Grande, I will tell you today we don't see a concern because there was no burn at the laboratory. But we are again working as a partner to this BAER Team and we will continue to work with the Buckman folks to communicate with them on the activities.

CHAIR VIGIL: Questions? Councilor Calvert.

COUNCILOR CALVERT: Thank you, Mr. Rael. You talked about doing some mapping and stuff like that with this BAER Team. What's the timeframe for that because the monsoons don't recognize those timeframes and they'll be coming maybe as soon as this weekend hopefully? So what is the timeframe for that mapping activity? Is that going to hold any mitigation up?

MR. RAEL: So the mapping has already started. The way they do mapping is they actually have flyovers. Of course there is still a fire so they can't cover the whole landscape but they have already done some flyovers and some surveying, if you will. There is another crew going up tomorrow and on Saturday. We're expecting the mapping to be done as early as early next week. Following that will be sort of just hydrology modeling to tell us what the water will do. The Corps of Engineers that does that for a living, that's their expertise, are engaged with the BAER Team and so in concert they're going to be doing that.

I will get better information as timeframes come and I will communicate that to staff who can get that up to you. But it's within days not weeks.

COUNCILOR CALVERT: Okay, thank you.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Is there also coordination with Santa Clara Pueblo as knowing that there will be some significant runoff that will be moving into the Rio Grande?

MR. RAEL: Yes, Commissioner. We actually had a phone call with the White House, we were part of a phone call with the White House, because Governor Dasheno is very concerned with what is going on in Santa Clara. The communication with some very senior level federal officials was that the BAER Team will focus heavily on Santa Clara Pueblo and so Santa Clara Pueblo is engaged with the BAER Team, they are partners with the BAER Team because of their sacred grounds and what they're concerned with compared to what was burned and what we do to mitigate. So they are very intimately involved with the BAER Team, absolutely.

CHAIR VIGIL: Ms. Bokum.

BOARD MEMBER BOKUM: I just really want to thank you for coming and giving us a report. We're all concerned and it helps to have this information and I'm glad that you work with the staff. I have a question and a comment. On the Los Alamos Canyon, do you have a sense of how many miles of the upper part of that canyon was burned?

MR. RAEL: You know, I would be guessing. If I can take that as an action and bring it back to you. The burn area is pretty extensive, again, upstream of the Los Alamos Laboratory. I would be giving you a guess.

BOARD MEMBER BOKUM: And maybe also the acreage of the upper part of that watershed for the Los Alamos Canyon would be helpful.

And then are we doing anything with our website? It would be helpful if some of this information we were just given was on our website so that people knew and had some sense. I know – was the treatment plant was shut down for 12 hours because of ash or something? Did I hear that?

MR. MULVEY: Through the Chair, the treatment plant shut down for a few hours on Saturday night due to high turbidity levels in the river. We don't believe – we know that it wasn't due to ash or runoff from the fires. It was runoff from something else that caused high turbidity in the river. The system operated exactly as it should. The alarms went off. The plant shut down until we had time to assess the issue. We got the plant back up on line within a few hours.

BOARD MEMBER BOKUM: I think it would be really helpful if we put some of that reporting on the website so that people knew that the system was working and you had some sense of how it is being affected and that's great. That's good news.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR VIGIL: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: On that point, does the system shut itself down? Does it need a manual shutdown?

MR. MULVEY: If there is a turbidity level in the river that exceeds a certain threshold and I believe that's 1000 NTUs, the system will automatically notify the operators and then begin a shutdown.

COMMISSIONER MAYFIELD: Thank you and also, Madam Chair, also you all have a disaster recovery plan in case there is a lot of stuff going into the Rio Grande Shed and we will be using our wells to put on line to serve.

MR. MULVEY: That's correct.

COMMISSIONER MAYFIELD: Thank you.

CHAIR VIGIL: Okay, and a timely request because we just approved Lynn Komer's contract and I think a lot of that will improve web –

COUNCILOR CALVERT: We haven't done that yet.

CHAIR VIGIL: Oh, I've gotten behind myself. So then we can a request under that item. Are there any other questions of Mr. Rael? Thank you and I had told you earlier I really appreciate all the updates that you and Rick have provided, thank you Rick, and please continue to do that. I am able to disseminate that to my constituency who have concerns. And, I actually had to do a television show to give folks an update on the fire yesterday and it was really helpful to have the information that you gave me. Thank you so much.

7. **FISCAL SERVICES AND AUDIT COMMITTEE REPORT**

CHAIR VIGIL: Mr. Mulvey, we didn't have one.

MR. MULVEY: Madam Chair, that is correct. We didn't have a meeting this week. There are two pending items that need to be resolved at the committee. One is related to the release that everyone is familiar with and the other is the close out of the capital budget. With respect to the release it is my understanding that the attorneys have drafted the release and they are reviewing it right now. We spoke earlier on the phone this week and I committed to you that we would be bringing this issue to the Fiscal Services Committee next month. That's the August meeting and we'll be bringing that forward. We are optimistic that we'll have an agreed upon release at that time but we may not. Nonetheless we'll be bringing it forward for discussion.

CHAIR VIGIL: Okay, it is my hope that that release will be fully negotiated and we can take action on it except for any questions that these Board members here may have. So I think that's what is delaying it is further discussions between staff.

Okay, are there any questions on the Fiscal Audit Committee? We'll move on.

DISCUSSION AND ACTION ITEMS

10. Request for Approval of Amendment No. 4 to the Professional Services Agreement Between the Buckman Direct Diversion Board and Lynn Komer for the amount of \$23,000.00 plus NMGRT for a total amount of \$24,883.)

RICK CARPENTER (BDD Project Manager): Thank you, Madam Chair, and good evening members of the Board. There is a memo in your packet and a staff copy of the contract amendment. This is to amend Lynn Komer's contract for the coming year through June 2012. It's a fairly thin budget given what we'll be asking of her to do not the least of which is to sort of revamp the website, transition from the construction phase to the operational and to deal with unanticipated things like the fire that we've just discussed.

She'll also be helping us put together what we really need which is a protocol and a policy and an outreach program. There has been a lot of interest in making the project available from a public information perspective to various groups and agencies and especially some of the schools. So she'll be helping us to do that over the coming months as well. So with that I'll stand for questions.

CHAIR VIGIL: Questions? Councilor Calvert.

COUNCILOR CALVERT: Just to be clear. This is in now – whereas before it might have been in the construction contract budget, this is in the operating budget now.

MR. CARPENTER: To the extent that – there is some potentially some lingering issues that she would have to deal with that deal with construction dissemination of information on habitat restoration for example. We would pay for that out of the construction budget until it is closed out which would be August or September. Most of this is operational and so it would be taken from the operation budget.

COUNCILOR CALVERT: Okay. Move for approval.
BOARD MEMBER BOKUM: Second.

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

11. Request for Approval of a Design-Build Change Order No. 18 to the Professional Services Agreement between the Buckman direct Diversion Board and CH2MHill/Western Summit Constructors Joint Venture in the amount of -\$65,577.18 for the NMCID allowance credit

COUNCILOR CALVERT: Move for approval.

CHAIR VIGIL: Does anyone want a report? Are you okay with us moving forward with a motion?

COMMISSIONER MAYFIELD: Madam Chair, I'd like a general overview please.

CHAIR VIGIL: Okay, just a summary of it, Rick.

MR. CARPENTER: I'd be happy to, Commissioner Mayfield. What this is is that we have budgeted in the Design-Build contractor's contract \$125,000 to cover costs for New Mexico CID to do the inspections of the built facilities. We have received some billings from them but nowhere near the \$125,000 and that's not going to be forthcoming so we are receiving a credit back.

COMMISSIONER MAYFIELD: Credits are great. Second.

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

12. Request for Approval of a Professional Services Agreement between the City of Santa Fe and Atkinson & Co. Ltd. for auditing services for BDD Operating Budget (11/22/P) and BDD Construction Audit

CHAIR VIGIL: Welcome Teresita. Thank you for joining us this afternoon.

TERESITA GARCIA: I'm requesting, Madam Chair, I'm requesting approval of two audit contracts. One is for the construction of 2010, 2011 and a final report for 2012. And, a second contract for the operating which is for 2010/11.

CHAIR VIGIL: Okay.

COUNCILOR CALVERT: Could you give us the amounts of those contracts?

MS. GARCIA: The amounts of the contracts are for the Buckman Construction it's \$6,000 for 2010, \$6,000 for 2012 and a final for 2012 is \$6,000. For the operating audit it's for \$9,000.

CHAIR VIGIL: Okay. Teresita, I have a question. This is the first year that we're going to be doing the operating audit?

MS. GARCIA: Yes, ma'am.

CHAIR VIGIL: Okay. Is \$9,000 a standard.

COUNCILOR CALVERT: It's a partial year, isn't it?

MS. GARCIA: It's a complete year and 9,000 is relatively average for the same amount. It's the same as SWMA. In fact, it was one of the lower bids and since they're auditing both the City and they are already familiar with our systems.

COUNCILOR CALVERT: You said it's a full year but the – you're talking about the operating budget for 2010/2011, right?

MS. GARCIA: Yes, sir.

COUNCILOR CALVERT: But that's only a partial year of operating.

MS. GARCIA: Operating is for a full year from July 1, 2010 to June 30, 2011.

COUNCILOR CALVERT: But we weren't in operational mode then. So I guess I'm getting confused on the terminology –

CHAIR VIGIL: Despite the fact that the project did not begin operating at the date that the fiscal year actually begins, the fiscal year audit is for that entire year; right?

MS. GARCIA: Yes.

CHAIR VIGIL: So like you surmised it's probably just a half-year audit but as it's presented it has to be done from fiscal year to fiscal year.

And will this for the construction audit, will this close the books on that?

MS. GARCIA: Yes, it will be.

CHAIR VIGIL: Any other questions.

COMMISSIONER MAYFIELD: Madam Chair, this is an approved auditor from the State's Auditor?

MS. GARCIA: Madam Chairman, Councilor Mayfield, yes, they are on the list.

COMMISSIONER MAYFIELD: Move for approval, Madam Chair.

COUNCILOR CALVERT: Second.

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

INFORMATIONAL ITEMS

13. Update on Status of BDD Insurance Coverage

MR. MULVEY: Madam Chair, members of the Board, we reported to two meetings ago about the status of the insurance coverage for the BDD and I'd just like to give you a brief update on where we are. As I indicated at the last meeting the insurance has been placed with the City's carrier, Traveler's Insurance, so there was no interruption in insurance coverage for the BDD.

We are finalizing an RFP for insurance broker's services. The contract has been approved as to form and forwarded to the purchasing department. We're going to procure a broker who will then obtain ongoing insurance for the Board. What they will do is they will solicit proposals from various insurers, they will compare those prices with the prices that are currently received by the City and they will make a recommendation on how to handle ongoing insurance coverage. So that process is in place and I would be happy to answer any questions with concern to that.

COMMISSIONER MAYFIELD: Madam Chair, does this include workers' comp insurance coverage?

MR. MULVEY: Madam Chair, I believe that will be carried through the City. There are several different types of insurances that are going to be procured through this process and I have them in here somewhere. But I believe that the workers' comp will be part of the City's coverage as the fiscal agent. But I can verify that for you.

COMMISSIONER MAYFIELD: So, Madam Chair, this insurance is just for capital –

MR. MULVEY: If you can bear with me for a minute I'll pull up the information. It's commercial general liability, directors and officers' liability, auto liability coverage and some contents of equipment. That covers most of it. There will be property also included in there.

CHAIR VIGIL: Any other questions? Pleasure of the Board.

COUNCILOR CALVERT: This is informational.

CHAIR VIGIL: Thank you.

14. Update on Comprehensive Security Plan

MR. MULVEY: At the May 10th meeting we brought forward a purchasing item for security services to patrol the Old Buckman Road corridor. At that time the Board requested that we look at a comprehensive security plan. We've put that together. I was reluctant, and we've had some discussions about this, to bring that forward primarily because I didn't want to necessarily divulge everything in a public forum of what we were doing and maybe highlight some of our vulnerabilities or highlight our strengths or weaknesses. I've had some discussions and I think we've had some good clarification and direction on how to handle that so we will be bringing forward the plan within I would say the next two months.

CHAIR VIGIL: Okay. Councilor Calvert.

COUNCILOR CALVERT: Okay, since it is somewhat timely does that security plan include fire?

MR. MULVEY: You know it wasn't specifically aimed at that. We have vulnerability assessments that were done sort of as a part of this and they cover terrorist activities and they cover any type of event that could cause us to shut down or interrupt our service. Fire would be part of that. I would really need to get with our security officer and see how she has incorporated that within the plan.

COUNCILOR CALVERT: Right, because I was inquiring because there was a small fire in that vicinity. It probably wasn't threatening but you never know with winds and conditions and so I think it would be quite – I think it would be timely to get that squared away now.

CHAIR VIGIL: Okay.

COMMISSIONER MAYFIELD: Madam Chair, on that point. Have you all and you may have done it at the facility, but have you cleaned out area around the facility for fire preparedness? Is there that buffer zone out there?

MR. MULVEY: Through the Chair, within the fence line the entire facility is landscaped. There are no weeds. There is no overgrowth. We have installed landscaping vegetation, trees and things. I would ascertain that the site itself has been

protected to the extent that the fire department would recommend. Outside the fence line we haven't done anything. That would be Forest Service land or BLM land and we don't necessarily go outside the fence line and do any work. But you raise a good point and maybe we can look into and see what type of working with other agencies what we could do to sort of expand our buffer zone.

COMMISSIONER MAYFIELD: That would be great and also around the solar panels that you all put up.

MR. MULVEY: Yes.

COMMISSIONER MAYFIELD: Thank you.

CHAIR VIGIL: Any other questions?

MATTERS FROM THE PUBLIC

None were presented.

MATTERS FROM THE BOARD

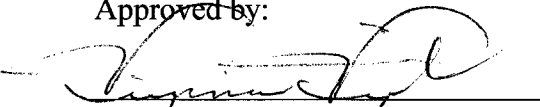
None were presented.

NEXT MEETING: THURSDAY, AUGUST 4, 2011 @4:00 P.M.

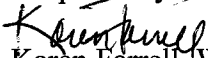
ADJOURN

Having completed the agenda, this meeting was declared adjourned at approximately 4:35 p.m.

Approved by:


Virginia Vigil, Chair

Respectfully submitted:


Karen Farrell, Wordswork

ATTEST TO:


VALERIE ESPINOZA
SANTA FE COUNTY CLERK



ATTEST TO:

YOLANDA VIGIL
SANTA FE CITY CLERK



CITY CLERK'S OFFICE

DATE 6-29-11 TIME 11:30 am

SERVED BY [Signature]

RECEIVED BY [Signature]

AGENDA

EXHIBIT
1

THE CITY OF SANTA FE
And
SANTA FE COUNTY

BUCKMAN DIRECT DIVERSION BOARD MEETING

THURSDAY, JULY 7, 2011
4:00 PM
CITY HALL
CITY COUNCIL CHAMBERS
200 Lincoln Avenue

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF MINUTES FOR THE JUNE 2, 2011 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 Report on Staffing and Training Program Progress and Update on Staffing & Vacancies. (Bob Mulvey)
9. BDD Project Manager's Monthly Project Exception Report. (Bob Mulvey)

SEC CLERK RECORDED 08/12/2011

DISCUSSION AND ACTION ITEMS

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INFORMATIONAL ITEMS

13. Update on Status of BDD Insurance Coverage. (Bob Mulvey) **VERBAL**
14. Update on Comprehensive Security Plan. (Bob Mulvey) **VERBAL**

MATTERS FROM THE PUBLIC

MATTERS FROM THE BOARD

NEXT MEETING: THURSDAY, AUGUST 4, 2011 @ 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.