

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

**August 2, 2018**

1. This meeting of the Santa Fe County/City Buckman Direct Diversion Board meeting was called to order by Councilor Peter Ives, Chair, at approximately 4:15 p.m. the City Council Chambers, 200 Lincoln, Santa Fe, New Mexico.

2. Roll was called and a quorum was present with the following members present:

**BDD Board Members Present:**

Councilor Peter Ives  
Ms. Denise Fort, Citizen Member  
Councilor Michael Harris  
Commissioner Henry Roybal  
Commissioner Anna Hansen [County alternate]  
Mr. Tom Egelhoff [non-voting]

**Member(s) Excused:**

Commissioner Anna Hamilton

**BDD Board Alternate Members Present:**

Mr. JC Helms [Citizen alternate]

**Others Present:**

Charles Vokes, BDD Facilities Manager  
Nancy Long, BDD Board Counsel  
Mackie Romero, BDD Financial Manager  
Bernardine Padilla, BDD Public Relations Coordinator  
Stephanie Lopez, City Utilities Division  
Michael Dozier, BDD Operations Superintendent  
Michael Kelley, County Public Works  
Alex Puglisi, City Water Division  
Rick Carpenter, City Water Division  
Danny Carter, BDD Laboratory Analyst  
Marcos Martinez, City Attorney  
Bruce Frederick, County Attorney  
Shannon Jones, City Public Utilities  
John Dupuis, County Utilities  
Kyle Harwood, BDD Counsel  
Kim Visser-Weinmann, Las Campanas Co-op  
David Trujillo, LANL  
Joni Arends, CCNS  
Bill Schneider, City Utilities  
Jay Lazarus, Glorieta Geoscience, Inc.

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**3. Approval of Agenda [Exhibit 1: Agenda]**

There were no changes offered and Commissioner Hansen moved to approve the agenda as published. Member Fort seconded and the motion passed by unanimous [4-0] voice vote. [Commissioner Roybal was not present for this action.]

**4. Approval of Consent Agenda**

CHAIR IVES: Any changes from staff?

CHARLES VOKES (Facilities Manager): Mr. Chair, no changes from staff.

CHAIR IVES: Very good. Any changes from the Board?

COMMISSIONER HANSEN: I would like to pull item number 10.

CHAIR IVES: Very good.

BOARD MEMBER FORT: Mr. Chair. My understanding of item 9 is that we were going to have a discussion on this item based on our previous Board meeting. Am I incorrect on that?

CHAIR IVES: I wish I could say my memory was perfect. The easy way to make sure we have a discussion is to pull it so perhaps we can agree that you have asked to have that pulled.

BOARD MEMBER FORT: Thank you.

CHAIR IVES: Very good. Those are the two items on our consent agenda. Councilor Harris, you want to pile on, on anything?

COUNCILOR HARRIS: No, those are the two I would be most interested in talking about.

CHAIR IVES: Very good. I think we are well situated. What is the pleasure of the Board?

COUNCILOR HARRIS: Move to approve the consent agenda as amended.

BOARD MEMBER FORT: Second.

CHAIR IVES: We have a motion and a second. Is there any further discussion?

COMMISSIONER HANSEN: We have pulled everything off of the consent agenda. Okay. All in favor signify by saying "aye." Any opposed? Any abstentions?

The motion to approve the amended consent agenda passed by unanimous [4-0] voice vote. [Commissioner Roybal was not present for this action.]

**5. Approval of Minutes: July 5, 2018**

There were no changes and Councilor Harris moved to approved. Ms. Fort seconded and the motion to approve the minutes as published passed by unanimous [4-0] voice vote. [Commissioner Roybal was not present for this action and arrived shortly thereafter.]

**6. Report on July 3, 2018 Fiscal Services Audit Committee (FSAC)**

MACKIE ROMERO (BDD Financial Manager): Mr. Chair, members of the Board, a Fiscal Services and Audit Committee meeting was held on Monday, July 30<sup>th</sup>. In attendance was myself, Charles Vokes, from the County we had Commissioner Roybal, Joe Gonzales, Stephanie Schardin Clarke, from the City we had Councilor Harris, Alan Hook and from Las Campanas we had Tom Egelhoff and Kim Visser.

I provided an update of the fiscal statements for BDD. Those were delivered on time to the State Auditor on July 16<sup>th</sup>. We have received a release notice from the State Auditor that was received yesterday, August 1<sup>st</sup>. We did not waive the five-day waiting period so we have to wait five days after that I will go ahead and provide copies to the partners and the Board. And then in September me and the auditors will bring the report back to you guys and present it to you and we can over the findings and the financial statements at that time.

The other items we discussed was consent agenda item number 9 and 10 which I will be presenting to you here. Unless there's any other questions, that is my report.

CHAIR IVES: Any questions on this item?

MS. ROMERO: Thank you.

CHAIR IVES: Very good, thank you for that report.

**INFORMATIONAL ITEMS**

**7. Monthly Update on BDD Operations**

MICHAEL DOZIER (BDD Operations Superintendent): Mr. Chair, members of the Board, at Buckman Direct Diversion this month, raw water diversions have been 7.72 on average; drinking water deliveries through 4A/5A have been 7.47 million gallons a day on average. The raw water deliveries to Las Campanas have been 1.04 million gallons a day average. And onsite treated and non-treated water storage has been .22 million gallons a day average. The BDD is providing approximately 65 percent to the City and County this month.

And I would like to draw your attention down to the year-to-date comparisons. Looking from May until July, we've been averaging about 70 million in May and around 60 million more in June and for July it was a little closer to 75 or 80 million. It's been raining and I'd like to attribute it mostly to the staff keeping really good control of keeping enough water in our pre-seeds so that the plant doesn't have to shut down whenever we have to shut down the raw water system because we have had events of higher turbidity. We haven't had any LANL events but higher turbidities have been happening in the river. So I really would like to give out some appreciation to the operations staffing in keeping a really close eye on it and running water that we can.

CHAIR IVES: Very good. Any questions, yes.

BOARD MEMBER FORT: One question about the water usage in June as it goes down in July. Would that be essentially outdoor irrigation as far as you know. That may be a question for Mr. Carpenter.

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MR. DOZIER: Is your question why we usually don't use or produce as much?

BOARD MEMBER FORT: Actually, I think my question because you said that most of the use from City and County is actually from Buckman at this point, I am wondering if usage, this great drop in usage from May and June to July is because of a reduction in outdoor irrigation. And maybe you don't know.

MR. DOZIER: That is actually a good question. Do you have an answer for that, Rick?

RICK CARPENTER (City Public Utilities Water): Could you repeat that question?

BOARD MEMBER FORT: From May and June looking at the year-to-date comparison on page 1 of the memo, and we have a dramatic drop in July and I was asking is that because we're not watering any longer as far as you know. City and County –

MR. CARPENTER: We did have some rains that part of that could be attributed to and also the humidity went up for a change. If you remember May and June was really dry and there was a lot of humidity in July. That's what I would attribute it to.

BOARD MEMBER FORT: And perhaps others on the City or County know the answer too.

COUNCILOR HARRIS: When I looked at the year-to-date chart, I assumed since the memo is dated July 19<sup>th</sup> that this doesn't reflect the full month.

BOARD MEMBER FORT: Oh, that might be.

MR. DOZIER: For the previous years, it actually does include the whole month and a lot of that is attributable to we would have storm events that we couldn't run in the past years. This year we have been pretty lucky in getting as much water as we can and also having the storm events being short spans of time, so we have been able to divert a lot more water.

COUNCILOR HARRIS: So you're saying the average monthly is based on five business years or –

MR. DOZIER: Well, the average monthly is actually pulled from every month since we began diverting.

COUNCILOR HARRIS: For the month of July?

MR. DOZIER: And for the month of July and any of the average months. So starting each month we'll plug in the new number for next year's at the end of the month.

COUNCILOR HARRIS: So your average monthly reflects the whole month but then your bar or your column for this month –

MR. DOZIER: Is the actual for the 19<sup>th</sup>.

BOARD MEMBER FORT: Mr. Chairman, thank you. I think I understand. So it'll be out when we look at it next month. I have one other question on item 5 and this again might be for Mr. Carpenter. It says that the City has received 89 percent delivery from the BOR of our full firm yield of San Juan-Chama project water for the year 2018. Is that delivery then, would that be to Abiquiu?

MR. CARPENTER: I'm sorry, would that be –

BOARD MEMBER FORT: The delivery to Abiquiu? It says we have used 90 percent of San Juan-Chama.

MR. CARPENTER: No delivered into Heron.

BOARD MEMBER FORT: Into Heron?

MR. CARPENTER: Yes, ma'am.

BOARD MEMBER FORT: Is it easy to say how much of our San Juan-Chama water for 2018 we've used, has been delivered to Buckman?

MR. DOZIER : The total I do not have on hand at the moment. But I could provide that if that's a request of the Board.

BOARD MEMBER FORT: Thank you. I think that would be a good thing to know so we know how much has been put into Heron but we don't know how much has been taken out and put in the river. I'm looking around to see if anyone else would know. Mr. Harwood would know?

KYLE HARWOOD (BDD Counsel): I'm sorry. Member Fort, your question is how much of the water that's been delivered to Heron has been taken out by the BDD this year?

BOARD MEMBER FORT: Well, really how much of our San Juan-Chama water for 2018 have we used this year? The 2018 BOR allocation; how much of that has been used?

MR. HARWOOD: I am afraid I shouldn't have come up.

BOARD MEMBER FORT: It might be interesting if we've already used 90 percent that might be a worthwhile number to think about.

MR. HARWOOD: I won't wade too far into this conversation but the allocations in Heron and Abiquiu are managed for the releases out of Heron and then the calls are made from Abiquiu. So there are buckets of water – but how much of the 2018 deliveries to Heron have actually been diverted this year – [speaking to BDD staff] I don't think you guys track it that way, do you?

MR. DOZIER: We do track how much we have diverted and that will compare to the amounts that were moved from Heron to Abiquiu and that number can be provided I just do not have it on hand right now.

BOARD MEMBER FORT: Thank you.

CHAIR IVES: On that point, Heron is where our San Juan-Chama comes into initially. And so because we have no, at least the City has no raw water rights in the Rio Grande or the Chama, presumably all of the City's water in Heron has to be San Juan-Chama water and of course the amount that is indicated as in storage exceeds our annual allotment at least for the City. And I don't know if County water is also figured in there in some way. But it suggests that we've had a significant carry-over of water by virtue of an agreement with Army Corps or BOR, I forget runs Heron. I think it is Army Corps.

COMMISSIONER HANSEN: It's BOR.

MR. HARWOOD: The County's SJCP water is certainly tracked separately. They have their own contract for San Juan-Chama water. The distinction perhaps that goes back to 2006 is that you're told how much of your annual allocation has been delivered to Heron but we don't actually take title to it unless and until it is released from Heron. So it sits in that pool as part of all the carry-over storage rules that Bureau uses to encourage people to get it out of Heron. And then it starts to experience conveyance losses and evaporative losses and then sits in Abiquiu at Mike's request in order then to divert and treat and deliver to customers.

CHAIR IVES: And I know down under the listing in Abiquiu it indicates that it is SHCP carry-over from previous years plus 2018 deliveries so at least some of our 2018 water has been moved down into Abiquiu.

MR. HARWOOD: Maybe part of the answer is that once it gets into Abiquiu it kind of mixes and so it loses its year designation in a way. It is like a checking account. The checking account doesn't care whether the dollar you took it off the bottom or the top from the chronological point of view; it just becomes a bucket of that water.

BOARD MEMBER FORT: Mr. Chair, I understand that but at some point one would want to know if we had a succession of dry year what our – at some point we'll be using up the carry-over water and will want to know what our allocation is and whether that allocation is adequate or not. So I would just like to compare in acre-feet what we actually use this year compared to our allocation.

CHAIR IVES: If we can put that together for the next meeting that would be great.

MR. DOZIER: Sounds good and I will work on that.

CHAIR IVES: Commissioner Hansen.

COMMISSIONER HANSEN: So how much water, you might not have the answer to this either but if you could bring it next month, how much water is in Heron?

MR. DOZIER: I do not have an answer to that exactly but I could bring that next meeting.

COMMISSIONER HANSEN: Okay. That would be great. Thank you.

CHAIR IVES: Councilor.

COUNCILOR HARRIS: Yes, thank you, Chair. So, Mr. Dozier I'm looking at the comment or the statement that says and this talks about upper Santa Fe River reservoir storage, it says, "these reservoirs are expected to be functionally empty early August..." And, I realize that this is a July 19<sup>th</sup> memo and at this point I just know what I read in the paper. I saw an article that said there was not certainly as much water – Mr. Carpenter – you want to point to somebody. I assume that's Mr. Carpenter, so let's get him up here.

MR. DOZIER: Yes, Mr. Carpenter would have that information.

COUNCILOR HARRIS: Okay, that would be good.

MR. CARPENTER: Okay, so could you clarify what question for me, please.

COUNCILOR HARRIS: Well, there was a projection made here saying "expecting to be functionally empty by August, however, demand can be met by using BDD project water as well as groundwater," so given the events of the last 10, 12 days, where do we stand on our reservoirs? We're not functionally empty I hope and I know we didn't get the charge that the rest of the town did.

MR. CARPENTER: Great question. Yes, exactly. That's a good question, Councilor. Unfortunately, that heavy torrential rain was not over our watershed. We didn't get very much rain in the watershed. We had a few days of a little more than 2 mgd flowing into the reservoir which brought it up a little bit, but not much. We're at about 27 percent right now. I think it'll last about another two weeks.

COUNCILOR HARRIS: Okay, so mid-August versus early August; something like that?

MR. CARPENTER: Yeah.

COUNCILOR HARRIS: Okay, that's all I need to know. Thank you.

BOARD MEMBER FORT: Sorry, Mr. Chairman, I ask this question every time of Mr. Carpenter. So there are no current plans to turn off the river from Albuquerque, the Conservancy District in Albuquerque?

MR. CARPENTER: When you say, "to turn off the river" what do you mean?

BOARD MEMBER FORT: To not call for any deliveries from Albuquerque.

MR. CARPENTER: No, we believe that we'll be able to – well, our goal is to be able to call for deliveries throughout the irrigation season. We are working with Albuquerque, MRGCD and the Bureau of Reclamation to make sure that the river stays wet through the irrigation season.

BOARD MEMBER FORT: So as far as we know, they intend to keep – as long as they can.

MR. CARPENTER: That's correct. That's correct.

BOARD MEMBER FORT: Okay, thank you.

CHAIR IVES: Very good. Any other questions? Thank you very much for the presentation.

## 8. Report from the Facilities Manager

MR. VOKES : Thank you, Mr. Chair, members of the Board. A brief report, I'm going to talk about our vacancies which is at the magic number 7 out of 35 positions. This includes the administrative assistant which is currently being filled by a temporary employee, two AWT, advance water operators, two BDD charge operators, our fiscal services administrator and our water resource coordinator and that position we're kind of on hold with. We're looking at that. All of these positions are in process either by the BDD staff creating paperwork, getting it processed or the City HR division processing the paperwork. I believe that within a couple of weeks we're going to have two of those positions in place but those are advancements from lower levels. So it's kind of a domino effect and we'll be going through that for probably the next month or two. And then we'll be filling those bottom positions either from within City staff or outside applicants. So that's the vacancies currently.

I did want to report that the PMFSA, the project support agreement, there was a meeting held on Thursday the 26<sup>th</sup> of July with the Chair and the Vice Chair participating and both City, BDD and County staff. Some progress was made in that meeting and we have scheduled the next meeting for Thursday the 16<sup>th</sup> of August to continue that process.

So from there, I'll answer any questions that the Board may have.

COUNCILOR HARRIS: I want to make sure I understand the acronym. So this discussion was regarding the fiscal agency.

MR. VOKES: Yes, it's the Project Manager Fiscal Support Agreement, is what the acronym is currently.

COUNCILOR HARRIS: All right. That's the acronym, I understand and the discussion was around what we talked about a month ago, just the whole fiscal agency.

MR. VOKES: Yes.

COUNCILOR HARRIS: All right, very good, thank you. And the next meeting is August 16<sup>th</sup>?

MR. VOKES: August 16<sup>th</sup>.

COUNCILOR HARRIS: Okay, thank you.

CHAIR IVES: Other questions?

BOARD MEMBER FORT: Mr. Chair, Mr. Vokes, I had come to the meeting prepared to be slightly concerned that we had yet to schedule the water quality session but I was happy to receive some emails that we are getting the session underway. But I just wanted to ask if you could say something more about how the plans for the – and I'm assuming that each Board member knows what I am referring to, our study session on water quality and that we are moving forward with that. And if you could perhaps comment to what we know about plans for that.

MR. VOKES: Yes, let me pass the baton to Mr. Harwood because he's the chief planner for that meeting, Kyle.

MR. HARWOOD: We've had great participation. I think it appears that the biggest subscription so far is for August 21<sup>st</sup> with you, Professor Fort as being attentive but many others -- so I don't know if the Board would like to select that day and move forward with planning. This had Board members and several staff. It didn't have the whole technical team. It was convened for the water quality issues we've been working through this summer and of course has not included outside the BDD, City, County family for the invitees to the study session as well. This was just to find a date that works best for the Board.

CHAIR IVES: What time on the 21<sup>st</sup> is being proposed?

MR. HARWOOD: The 1 to 3:30 slot has the greatest subscription.

CHAIR IVES: Sign me up.

MR. HARWOOD: Okay. Not everyone has participated yet I should note and there may be key staff there weren't included in the initial round. But I will move forward with planning around that date if that is the desire of the group.

COMMISSIONER HANSEN: Are you talking about Tuesday or Monday?

MR. HARWOOD: Tuesday the 21<sup>st</sup> from 1 to 3:30.

COMMISSIONER HANSEN: Okay, Tuesday.

BOARD MEMBER FORT: Mr. Chair, I don't want to take away if it is necessary to find a date that works for more people. I just want to ensure it because so many of our discussions in our Board meetings touch on water quality and we're kind of saying that we'll have a full discussion at the study session. So I just wanted to make sure it was moving forward but I wouldn't want to take away the flexibility.

I have a question about the content of it. Do you have a planning committee to have a planning committee or is there any other direction from the Board in terms of how this occurs and what we want to get out of it?

MR. HARWOOD: Sure, thank you. What I've suggested in the past and I think that this hasn't been a motion or anything but I've suggested the following in the past and I believe these are the marching order, there would be New Mexico Environment Department, Concerned Citizens for Nuclear Safety and Amigos Bravos would be invited. And then some cross-section of the project staff. So they would do

four 15 minute to 20 minute presentation and then the rest would be open conversations. And then in order to focus those invitees including the staff, I was going to prepare a series of questions so that everyone could at least speak to the same set of questions. And I have those drafted up from earlier in this process but I was going to propose to circulate those if you would like.

CHAIR IVES: On that point, I had hoped, with Commissioner Hamilton, to sit down with Kyle again to make sure that there was agreement on the agenda although incorporating the elements that Kyle has just described.

BOARD MEMBER FORT: Mr. Chairman, would be appropriate to add someone from the public health sector to talk about because we will have some of this discussion today about the TREAT study and the significance, the public health significance, of contaminants that have been found, the level to which they are being treated and so on. We've had a little talk about that and I might be able to find somebody who would be helpful in that discussion. A toxicologist would be a possible participant but others from public health might be useful because we're finally coming down to what matters of what we're finding.

CHAIR IVES: I'm certainly not opposed to that. I think if we're talking about water quality we should do it broadly although some of the discussion will obviously focus on what we are charged with monitoring and we can certainly talk about what is not monitored or assessed pursuant to the law. I see no reason for not including that as part of the discussion.

COMMISSIONER HANSEN: Kyle, how many people have responded for that date?

MR. HARWOOD: Eight, nine.

COMMISSIONER HANSEN: I responded and it is blank on my calendar but it is now filled in with that time slot. I think that's a good participation number to have eight with staff and Board members.

MR. HARWOOD: Perhaps I should be clearer. Professor Fort, you are a yellow check but I can make you green? Okay. Fort, Egelhoff, Selvin, Hamilton, Harris, Carpenter, Hansen, Coppler have all confirmed. Ives, I'll fill you in right now. So that's nine.

MR. HELMS: Do you want another? I confirm.

MR. HARWOOD: Yes, sir. Okay. So that's 10.

COMMISSIONER HANSEN: So you're confirming also for that date?

MR. HELMS: Yes.

COMMISSIONER HANSEN: Okay, great.

MR. HARWOOD: Getting back to your question. I don't know of a – and maybe I'm just thinking of them right now, what kind of person would be invited to speak to the public health. Ms. Kotchian is very familiar with that.

CHAIR IVES: Let me just interrupt here just because we're on the report from our director right at the moment, although I think the discussion is important. But in terms of trying to add specifics I think that that is probably something that we can do outside the meeting so we can stay a little bit more on task with the agenda at hand. Not meaning to cut you off but cutting you off anyway.

MR. HARWOOD: Okay, happy to be cut off.

CHAIR IVES: Very good. Chuck, anything further?

MR. VOKES: No, Mr. Chair, thank you.  
CHAIR IVES: Very good, thank you for that report.

**CONSENT AGENDA**

9. **Request for approval to reauthorize unexpended funds approved by the BDDDB from the BDD Capital Carve-out budget with update on status of project** [*Exhibit 2: Budget Carry Forward Schedule*]  
a. **Request for approval of Budget Amendment Resolution in the amount of \$344,811**

CHAIR IVES: The first item pulled was item number nine; Board Member Fort.

BOARD MEMBER FORT: Mr. Chairman, I would appreciate some more explanation. I think I do understand that it's in a special fund and understand that we're tracking the special fund separately. And I think my question about it and I apologize if I don't know what's happened before I was on the board, but my question is kind of substantively with the projected expenses I don't recognize the activities that are listed here. So are we approving these activities? Have they already been approved, the legal services habitat plan update, mitigations, restoration and contingency?

MS. ROMERO: Mr. Chair, Member Fort, so you're just approving the budget of this. The tasks have already been approved when the original carve-out budget was approved and there was a section of tasks that were approved as part of the carve-out budget and there were ongoing tasks and this is just part of that ongoing effort. When the money is all spent out of the carve-out budget and these tasks are still needed it would then become part of BDD's operating budget. I do have a handout where I show the expenses a little bit more detailed over the past six years and four months if you'd like to see that. It might give you a little bit more information about what's been occurring over the past couple of years.

BOARD MEMBER FORT: Mr. Chairman, thank you. Just to clarify, so these were approved six years ago these activities. Well, that's why I don't recognize them, thank you.

MS. ROMERO: That is correct.

COUNCILOR HARRIS: So while Ms. Romero is passing that out, you know, when this was first presented the questions I had was just really from project experience and I just commented about the imbalance between the fees for professional services both engineering as well as legal versus the amount of work that seem to be associated with those fees. And that was the comment I made without having any other information. I actually spoke to this again at the FSAC, and so thank you, Ms. Romero, for putting this together.

MS. ROMERO: I apologize. Was there a question? I was handing them out and wasn't listening.

COUNCILOR HARRIS: No, it was a statement. This was in response to – this was before my time as well but the NEPA Environmental Statement, Endangered Species Act compliance, permit compliance and habitat mitigation restoration. So I assume the first three categories the NEPA EIS, Endangered Species and permit compliance that amount of work, the requirements associated with that work drove the

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engineering and legal fees as opposed to the actual habitat mitigation restoration. Again, this was just handed to us and – but anyways, maybe Mr. Harwood wants to speak to it cause his name does show up.

MR. HARWOOD: As the legal contractor under that carve-out budget, a lot of the permitting work for the project had obviously been done before 2011, the base permitting. The scope of work that this carve-out money was dedicated to was largely Board directed at the time to participate in the Middle Rio Grande Endangered Species Act Collaborative Program which is where the river biological opinion was being debated heavily between federal, non-federal and pueblo partners. The risk that was identified at the time was whether the new biological opinion was going to present a challenge to the project permitting. And so there was a time leading up to 2016 where Rick and I would attend meetings largely in Albuquerque, sometimes one, sometimes two days a month, and then as the bi-op was approved in 2016 that work has tapered off very significantly. I know that the numbers look big but as a point of reference, if you take that sum over 77 months it's about \$2,000 a month. So back before 2016, it was a very intense work effort included monitoring many of the lawsuits that are going on with the minnow, the collaborative program, request from the Interstate Stream Commission about the status of the project permitting – and as we all know, the City and the County separately own their water rights but the project does own the Record of Decision for the final Environmental Impact Statement.

COUNCILOR HARRIS: Thanks for the explanation. Can you enlighten us a little bit about the scope of work CDM had to accomplish under this? Because quite frankly their number was – the engineering number was quite a bit higher than the legal services number.

MS. ROMERO: Mr. Chair, Councilor Harris, I had a list of the work for the construction and it looks like it was mainly due to warranty work so they helped staff with the warranty work. There was training of new materials, assistance with the Community College training program, so there was a list of things that they had to do that were a part of their contract so they were part of the original capital carve-out budget and these were things that they still needed to get done as part of their project. The document control database, they had expanded aquatic and geo surveys. That's all based off the information I had found unless Mr. Carpenter has more to add.

COUNCILOR HARRIS: So, again, I mean this is kind of old news if that's the right way to –

MS. ROMERO: And as you can see from the list I gave you, that work was basically done in about fiscal year 13 and then that's it as far as the contractor goes.

COUNCILOR HARRIS: So I don't really have any more questions. Like I say, when it first was presented a month ago, I looked at it and just from my experience it seemed out of balance. But, I mean the important action is what is in front of us now is the balance and to do the work you've got a projection here of \$344,811 including a pretty healthy contingency. Do we need action on this? I'll move to approve.

COMMISSIONER HANSEN: Second.

CHAIR IVES: Any other discussion. All those in favor signify by saying "aye." Any opposed, any abstentions?

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

10. **Request for approval to award RFP '18/46/P to ALS Global for laboratory testing services for the total amount of \$110,000 exclusive of NMGR**
  - a. **BDD Location Sampling Program \$83,000**
  - b. **BDD TREAT study \$27,000**

CHAIR IVES: This item was pulled by Commissioner Hansen.

COMMISSIONER HANSEN: So I'd like some just detailed information about this contract, like how we came to choose them? Is this covered by our MOU with LANL?

MS. ROMERO: Mr. Chair, Commissioner Hansen, we issued the RFP to get a laboratory on contract. Yes, this does have to do with the MOU with LANL. There will be two programs that this particular lab would do sampling for and that is the BDD location sampling program which is federally funded by the Department of Energy per the MOU with LANL and DOE. And then the second program would be the TREAT study which is the BDD's program and that would come out of our operating budget. So that's why there are two contracts with this award. One contract for the federal funds and then the second contract for the BDD TREAT study which is paid out of BDD's operating budget.

We issued the RFP and we only had one lab submit a proposal and that was ALS Global USA Corp and then we did have an evaluation committee go through their proposal and determine that they were sufficient with their proposal and that we could go ahead and award it.

COMMISSIONER HANSEN: So is there just no other labs that are interested in this?

MS. ROMERO: Unfortunately, that was the only proposal we received. We did have it out for 30 days.

MR. VOKES: Mr. Chair and Commissioner, I don't know how to respond to the fact that only one laboratory bid on it. It is complex work and so there are other laboratories that we have used but I guess they have too much to do or I can't speak to the fact that we only received the one bid. We did determine that they were qualified to do the work and therefore that's why we're bringing this forward so that when we do get samples we can go ahead and submit them to the lab and get them analyzed.

COMMISSIONER HANSEN: My other question is, in 2010, Mr. Makhijani and a number of people worked on water quality standards and so are you using those water quality standards on from New Mexico NMED of plutonium concentrated at 1.5 picocuries per liter and 4,000 picocuries for tritium.

MS. ROMERO: I don't know the details of the samples or the lab or the requirements. This is Mr. Carter, he is our lab analyst.

DANNY CARTER (BDD Laboratory Analyst): Mr. Chairman, Board Member Hansen, could you repeat those numbers just so I don't misspeak.

COMMISSIONER HANSEN: Okay, so the new criteria requires public notification if water samples taken from the Rio Grande near LANL have plutonium concentrations exceeding 1.5 picocuries per liter. Federal law requires corrective action at 15 picocuries per liter. The Commission's criteria for tritium is 4,000 picocuries per liter, five times stricter than the federal limit of 20,000 picocuries per liter.

MR. CARTER: The detection limits that we had in the RFP are much lower than any of those limits particularly for tritium.

COMMISSIONER HANSEN: Okay, that's fantastic. I am happy to hear that. The other thing I want to request through is I believe this contract is for \$110,000; is that correct?

MS. ROMERO: That is correct.

COMMISSIONER HANSEN: Okay, and so I would like us to keep track of how much money we're spending on federal and how much money were spending on like the TREAT to do sampling because we only have supposedly \$90,000 from DOE.

MS. ROMERO: Mr. Chair, Commissioner Hansen, you are correct. It's about \$96,000 which is why we split the contracts into two so we were not comingling the buckets of money or the source of revenue that we're supplying these contracts. So we will keep track.

COMMISSIONER HANSEN: Yes, so if we can just keep track of how much money we're spending on the federal side so that when we go to decide the next MOU, that we know how much money we have been spending. I know that I'm new to the Board but I am just trying to keep up with that information.

On some of the other issues, part of the reason that we're having to do the TREAT study is also because of the possibility of contaminants from LANL in our water. And so even though the TREAT study is not part of the DOE money, I have questions as to whether or not it should be. So I think that that is something that we need to think about as we go forward.

MS. ROMERO: Thank you, Commissioner. BDD keeps very detailed records. We are currently and we have been tracking that in the past and we will continue to track it separately.

COMMISSIONER HANSEN: I appreciate that and I was trusting that you were doing that.

MR. CARTER: Board Member Hansen, Chairman Ives, when in the past and I'm certain this is how it's going to be in the future, when we submit samples to the laboratory the TREAT study samples and the stormwater samples under the MOU are submitted as separate projects on separate paperwork. We have what we call a "chain of custody," and each has a different project names and those samples are not comingled. So it is very easy to keep tracks of which samples are TREAT study and which are stormwater under the MOU.

COMMISSIONER HANSEN: Thank you. I'll rest for the moment.

COUNCILOR HARRIS: Real quickly, a couple of things. At FSAC I asked a question, who prepared this professional services agreement and the answer was Ms. Long's office. This is a very good document. It addresses some of the issues that I had seen in the City's professional services agreements. So whether it is termination or some of the other areas, I thought it was a very good document, by the way. I just wanted you to hear that.

I also asked about the document controls, so on page 11, it says, "the contractor shall confirm and participate in the document control policies of the BDD or the City of Santa Fe," so I asked Mr. Vokes about that. Did you have anything to add to what we said on Monday, Mr. Vokes?

MR. VOKES: Mr. Chair and Councilor, I don't believe so. Again, the document control policies that we currently have in place to address making sure that the data is presented in a way that is accurate and it also allows us to then enter it, that information into the public database which is the Intelius' database and that's what I think this speaks to. The lab has to hand it to us in a format that then we can put in.

COUNCILOR HARRIS: Okay, all right. And then the last question I have and I do note that on Exhibit B that for tritium it is 400 picocuries per liter, so as you said, Mr. Carter, it is quite a bit more stringent than what Commissioner Hansen had cited in a previous report. But on the TREAT study side and Glorieta Geoscience reviewed the exhibit to look at the various standards that are being proposed and materials? Is that something, Mr. Lazarus, that you got involved in or is it just internal to BDD in developing this exhibit?

JAY LAZARUS (Glorieta Geoscience): Mr. Chairman, Councilor, it is internal to BDD. Part of what we were recommending in our power point and in our subsequent work was to establish – all these acronyms – but the data quality objectives. At this point in time, we haven't looked at it. We anticipate for TREAT 5 and 6 that they'll be established to the detection limits that are appropriate for what we're looking for. Does that answer your question?

COUNCILOR HARRIS: I guess. But this is a contract that is going to be dealing with TREAT 5 and 6 is my understanding.

MR. LAZARUS: We had nothing to do with this contract.

COUNCILOR HARRIS: Okay. But again, reviewing the exhibit which part of the exhibit is a fee schedule but it lists various analytes, it lists various proposed MDLs/RLs and things such as that. So those are the things that we are looking at at a certain level and it just seemed with your expanded role in this, I had thought that you had probably looked at this Exhibit B. The protocol which is basically the scope of services and I'm not saying that this is a huge issue. I just want to make sure that things are properly coordinated between BDD and your firm.

MR. LAZARUS: Mr. Chair, Councilor, I appreciate that and this was done 100 percent by BDD staff.

COUNCILOR HARRIS: Okay. All right, so, maybe Mr. Vokes, Mr. Carter, what will Glorieta Geoscience's role be in this?

MR. VOKES: Mr. Chair and Councilor, the funding that we had set aside for Glorieta has expired. There is currently an RFP out which I think closes around the 12<sup>th</sup> –

MR. LAZARUS: August 16<sup>th</sup>, I'm sorry, Mr. Vokes, it's August 16<sup>th</sup>.

MR. VOKES: -- 16<sup>th</sup> and so we will be looking at the respondents to that and then the coordination on detection limits, methodologies, all the things going forward will be included in the next contract.

COUNCILOR HARRIS: Okay, so clearly I didn't understand that you were no longer on the job, I guess, maybe that's kind of a rough way to say it but –

MR. LAZARUS: We're here pro bono today.

COUNCILOR HARRIS: Okay, well, it is good to see your smiling face.

MR. LAZARUS: Thank you.

COUNCILOR HARRIS: So, anyway, I guess we'll just wait to see the results of the RFP and talk with whomever is in front of us. Thank you, sir.

COMMISSIONER HANSEN: Chuck, is this contract listed on the BDD website or is it listed on the City of Santa Fe; where is it listed?

MS. ROMERO: The RFP was listed on both websites when it went out. We list it both on the City of Santa Fe and BDD's website.

COMMISSIONER HANSEN: Does it have a number?

MS. ROMERO: Yes, I believe the front of the memo should have the RFP number. That was 18-46P.

COMMISSIONER HANSEN: 18-46?

MS. ROMERO: P as in proposal.

COMMISSIONER HANSEN: Okay, thank you.

MS. ROMERO: Thank you.

CHAIR IVES: Further questions? What is the pleasure of the Board?

COUNCILOR HARRIS: Move to approve.

COMMISSIONER ROYBAL: Second.

CHAIR IVES: We have a motion and a second; any further discussion? All those in favor signify by saying "aye." Any opposed, any abstentions? Very good.

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

### **DISCUSSION AND ACTION**

11. **Request for direction on posting additional interpretive information related to the BDD TREAT study on the BDD Website**  
[Exhibit 3: Proposed language]

MR. HARWOOD: There has been some discussion and active participation around what should be posted to the website explaining where things stand after the last couple of months of activity around the plutonium and the GAC and so the current proposal by staff and consultant and counsel is to use this text on the water quality tab and then the monitoring sub-tab and then to have hyperlinks in the text to the various work product that came out of the technical team. It starts with a link to the MOU with LANL itself. It has the raw data, the corrected raw data link and then a data explanation that GGI prepared with lots of input from the technical team which involved City and County and BDD assigned staff. And then the language that is on the website now is a listing of the technical team members and I didn't repeat that but that would be at the bottom so that the public can see the breadth of the expertise that is on the technical team.

CHAIR IVES: So folks have expressed some concern about what is posted and how much interpretation of that data is appropriate or wise or called for. I suppose I would start by saying that I think the raw data itself is important to post because that is the data upon which anybody caring to actually look at the information what they would use appropriately to form any opinions they might for themselves desire to come to in connection with the TREAT study. Some of it likely is very technical and we certainly had some materials presented by Glorieta that offered some interpretation of those. So I think the real question is, are folks feeling more is needed and if so what the nature of that characterization should be. So I think that is part of the question before all

of us here today. Does anybody have thoughts, questions, comments? Shall we start on that end, Commissioner.

COMMISSIONER HANSEN: I'm glad that we've worked on this description for the public to be able to read something before they want to look at the raw data because just looking at the raw data is really overwhelming and difficult for people who don't know what they're looking at so I think that has grown quite a bit. It was quite a bit shorter and is now a little bit longer but I think that that's okay. I'm still concerned here and I know that this is – the TREAT study is not part of the MOU but here it says the TREAT study is part of the MOU and we're not being paid by DOE for the TREAT study so that's kind of where I'm going when before I mentioned this and I'm mentioning this again is that this should be part of the MOU and that LANL should be paying for this or DOE should be paying for this. At least contributing to this and we have not been able to get that in the last MOU. So this concerns me and I would just like LANL to know. I'll wait until later for another topic. So, I'm okay with this. I think it is better than what we had because we had nothing before.

CHAIR IVES: And I don't think we're here to answer questions about whether or not the next MOU will include the TREAT study. To some degree, as noted here, the TREAT study was conducted for compliance with Safe Drinking Water Act to evaluate – or was not for that purpose, but was conducted to evaluate efficiency of the treatment process itself which is thoroughly a Buckman item. Other questions?

BOARD MEMBER FORT: Sentence number 7, bullet number 7, it's kind of a teaser, "the technical team has identified numerous deficiencies in the TREAT sampling and analysis conducted so far." Is it possible to have hyperlink to anything there? I would think that everyone who gets down to reading number 7 is going to wonder why they've read all about the TREAT study if it has so many deficiencies.

MR. HARWOOD: I think that the plan going forward is to learn from TREATs 1 through 4 and make sure TREAT 5 is as robust as possible and I think as that sampling program is developed, there will naturally be a list of the things that we are correcting for and I think that that can be summarized. I think given the way that this scope of work has been handled the last couple of months, I think we are looking forward to the contractor selected at the next meeting with the currently out RFP. And that that contractor will bring a lot of horse power to the technical team to get TREAT 5 in focus, identify the things that needs to be done differently and that that will become the list of things that will inform what you see here as a tease or a pointer. So we'll be filling in what this will be pointing to.

BOARD MEMBER FORT: Mr. Chairman, is it possible to say – so there's no written statement, so far, to which that could be linked.

MR. HARWOOD: There's a lot of writing. The technical team has produced a lot of discussion and writing and there's been a lot of thinking put in to what should and shouldn't be put into TREAT 5. But I don't think we have something that is prepared today that's for public consumption that we could easily add a hyperlink in at this point. I think in our minds it is the consensus of the technical team around what TREAT 5 should be that in contrast to TREAT 4 this will become very clear. If that's helpful – or if it's not.

CHAIR IVES: On that point, I know we have a member of the technical team here.

MR. HARWOOD: We have several.

CHAIR IVES: Well, I don't know if Mr. Lazarus was presented before on these topics and has been involved and would care to comment on this particular point.

MR. LAZARUS: Member Fort, I think what you referred to as the teaser in number 7, I think the link is there in item number 4, "TREAT raw data explanation of limitations." So that's already there and available on the website.

BOARD MEMBER FORT: So, thank you, Mr. Chair, perhaps then this would be a matter of wordsmithing between number 4 and number 7 to make that clear that there is something the public can look at which would be that explanation of limitations. Perhaps you could have six items and move 7 up there with number 4.

MR. LAZARUS: Yes, whatever the Board wants posted up there –

BOARD MEMBER FORT: Right, I don't want to try and write it. What you've just explained is very helpful to say it is there in the limitations section so somehow moving that sentence, number 7, up there in some fashion. Mr. Harwood, the write of this –

CHAIR IVES: The one thing I would ask as part of that is one refers to limitations and one refers to deficiencies. It would be good to have some clarity on that language.

COMMISSIONER HANSEN: So originally number 7 was a guide to other posted documents available at this link. So that was originally number 7 so that kind of got dropped off but I think it probably got developed into number 4. I don't think that clarity is anything we should be short of and so if we say again in number 7 that here is a link, that's not – somebody might cruise this and read 1, 2, 3 and then skip to 7 and then they can go to the link and they might have missed 4. So that's another opportunity.

MR. HARWOOD: Just so I am clear in your direction. I think we'll bring up the text in 7 minus deficiencies, we'll rely on the word limitations, we'll include that text in 4 –

COMMISSIONER HANSEN: No, that's not what I'm saying.

MR. HARWOOD: I'm sorry.

COMMISSIONER HANSEN: I'm saying keep it in 7 and add, "a guide to other posted documents is available at this link," or what you had in the original one that I believe the one dated 07/20 that Commissioner Hamilton wrote in the beginning and then I think James Bearzi wrote the next version and I don't know who wrote this longer version but –

MR. HARWOOD: I apologize but the challenge I'm having right now is if we want to have a link at the end of 7, I'm not sure what documents we're going to point to that aren't already referenced.

COMMISSIONER HANSEN: We are going to reference them again.

MR. HARWOOD: I see. Okay, I see. I wasn't understanding that. I'm sorry.

COMMISSIONER HANSEN: It doesn't hurt to have the same link in two different numbers.

MR. HARWOOD: Great, and if I could just explain. Jay's answer was very short and concise about where the analysis of the TREAT 4 weaknesses live. I was answering the second sentence about the resampling and so I'm sorry if my answer – I was looking at the going forward part and of course your question was about the existing

identified deficiencies and Jay's references were more clear to that part of the question. So I hope that makes sense.

CHAIR IVES: Other questions from the Board? Are we good to move on?

COMMISSIONER HANSEN: I think Bern has a comment.

BERNARDINE PADILLA ( BDD Public Relations Coordinator): Yes, please. If the Board will allow me a few comments. I have been speaking with Dani and Mike and we can do many of these additions onto the website to make it clear and to direct the people to the documents. The documents are already there so having these links on these points is almost redundant because they're going to be set right below. They already are there. So all we really need in the beginning is a quick little summary and maybe explanation on each little point and I can probably separate these with the links that are there.

One of the things that I do have a problem with is some of the verbiage. It's very iffy to use the word deficiency. We like the word limitation that was brought up here today and we prefer to use those words because as it stands now all the sampling was done by experienced operators, and Dani who has been doing this for seven years, and they're quite experienced. We do have policies and procedures that we follow. We have SOPs that we follow and we have safety practices that we follow that are very stringent by our safety officer, Caesar Garcia. It's very specific on how they do things and the way that the data is collected and transferred into the reports that are written. So I think it is very iffy if we use the word deficiency. We are happy to use the limitation and we're happy to review this document that has been provided to us and make it concise and put it up on the website. And, like I said, put each point next to the actual document that is already listed there and the biggest thing for me with the website is make it user friendly, make it understandable, make it concise and, you know, easy for the user to use or the reader to use, read and understand. That's the biggest point. Getting the information to the consumer, to the public, is very important but we want to make it easy for them as well and not that they have to click on too many other items or it's redundant like Commissioner Hansen said. She's a marketing person and she totally understands how your target audience is going to be able to access information. So that's mostly one of the points that I have. We're happy to put the summary up there to make it easier for the consumer. I just think that we need to work together.

I do want to say that the power point was very difficult to place on the website. The file was way too big. I had to play with it. I think Mike spent about two hours of his own time trying to reduce the file. I spent several days trying to reduce the file. Finally, as of yesterday I was able to put the power point on because I had to take the picture off. It just was too big. So in order for me to work with these documents they have to be provided format ready and easy to be placed on the website because if not then I'm spending hours and Mike, my supervisor, has to also help me as well or my contractor. I have a contractor which has been very helpful as well. So we're more than happy to put whatever the Board wants.

CHAIR IVES: On that last point, if we have limitations within our system in terms of how we can accept information so that it can be posted, hopefully we can develop a protocol sheet on how it should be submitted so that it conforms and allows us to easily get it up. That's something that we should work on simply internally within

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BDD and when we're letting contracts where we think there are going to be deliverables just add a requirement to comply with protocol so that information can be posted within our system. That's a real easy one.

MS. PADILLA: It just depends on file size for the most part.

CHAIR IVES: Yes, understood. But if we tell people in advance then –

MS. PADILLA: Yes, which I had.

CHAIR IVES: -- it puts the burden on them. But let's include it in the contract so that way it is really clear.

MS. PADILLA: Yes, sir.

CHAIR IVES: Yes, Commissioner.

COMMISSIONER HANSEN: Is our next RFP that is out, is that included in it? Does it state that they will need to make the files ready to be put up or is that something that we're going to need to put in the contract with them when we're negotiating?

MR. HARWOOD: We're going to address it during negotiation.

COMMISSIONER HANSEN: Okay, so that's a note to put into the negotiations when we're moving forward.

MR. HARWOOD: Yes, ma'am, we will.

COMMISSIONER HANSEN: Okay. So do you need an approval? Do you need direction? What do you need from us?

CHAIR IVES: So we're proposing to put this up with the modifications; is that what is indicated?

MR. HARWOOD: I don't think we generally have votes so much as direction to staff to complete your direction. But if everyone is comfortable with what we've discussed today then we'll go ahead and implement this.

COMMISSIONER HANSEN: I think that working with Bern and getting that language so that she's comfortable with it, you're comfortable with it, and I mean I'm comfortable with what I see here including, you know, adding the link at the bottom with the number 7 and changing the language to limitations, that's fine with me. I don't think we need to call attention but what we do need to do is do the next TREAT study and find out where we are really at.

CHAIR IVES: Let me ask, do people have problems with this language given the corrections we've proposed to be made? Because what I don't want to create is strife within the organization where five people have five different senses where we're called upon to try and resolve those. I think this represents a good effort to try and resolve these issues, make it in pretty plain English, provide links to particular documents with short descriptions and it seems a good way to handle all of the data. You know, unfortunately people coming to the website interested in it, it is complex information and they've got to wade in and be ready to do that to get full value of it all.

COMMISSIONER HANSEN: Chair, I agree with you. This is not light reading and it takes concentration and time. So I think having an overview and summary is really an important part so that people who don't want to spend hours can still gain some information from this summary but at the same time it is also available for them to dig in.

CHAIR IVES: Yes, and this was identified in our agenda as a discussion and action item so it seems we have a document which we have proposed

recommendations or some modifications to that are really on the table for consideration for action. So I would ask, what is the pleasure of the Board with regards to this document with the amendments that have been proposed?

COMMISSIONER HANSEN: One more point. Is there anybody else who wants to make a comment?

MR. CARTER: Mr. Chairman, Board, I think it is important to point out that certainly by the end of the fourth TREAT study and along with the studies of the containment that's in the GAC, it became clear that perhaps we need a more strict protocol, data quality objectives and written procedures as we continue forward. But at least as far as the first TREAT study and maybe the second TREAT study, it was a preliminary analysis to see what we can find out. What parameters we can monitor and make improvements to our systems with but we didn't know exactly what we were going to find the first time or two and it's normal for a facility to do some kind of preliminary analysis to see where we're going to forward with this so it's perfectly normal for there to be limitation in the first one or two analyses. I don't think anything was flawed from the beginning. It's just as we developed this program and gathered more information, now we see the need to have more stricter protocols. But as we first started the project, I think the protocols we had in place were fine for preliminary analysis to see where we're going to go with this.

CHAIR IVES: Right, got you. Do you think 7 where we have suggested making modifications, if we change that to read, the technical team has identified numerous limitations with the link to number 4 above that we already spoke of in the TREAT sampling and analysis that we've conducted so far. It then goes on to state, that these will be amended by resampling with appropriate protocols in place. So that does seem to address the point that you're making which is, we're in the process of improving those protocols in presumably refining them so that the study has even greater impact and validity and presumably confidence; am I stating that correctly?

MR. CARTER: Right, yes.

CHAIR IVES: Okay. So maybe with that one change of word of deficiencies to limitations and the addition of the link but keeping the rest of that the same with the reference to the protocols and the fact that we're refining those –

MR. CARTER: The first one or two preliminary studies, of course there are limitations. That's normal. That's what I want to point out.

CHAIR IVES: Yes, I understand.

BOARD MEMBER FORT: I'd like to move approval.

COMMISSIONER ROYBAL: Second.

CHAIR IVES: We have a motion and we have a second. Any further discussion? All those in favor signify by saying "aye." Any opposed, any abstentions? Very good.

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

## **MATTERS FROM THE PUBLIC**

CHAIR IVES: Is there anyone from the public who would like to address the Board on any issue relevant to the Board if so please come on down?

[None were offered]

## **MATTERS FROM THE BOARD**

CHAIR IVES: Commissioner.

COMMISSIONER HANSEN: Quite some time ago, it seems like maybe the beginning of the year, we had LANL come and report on the chromium plume and I believe they said they were coming back in March. It's now August and so I'm wondering what is the schedule for them to come back and report?

CHAIR IVES: I must admit, I remember them coming back sometime between those two points but I could be wrong.

COMMISSIONER HANSEN: They didn't.

MR. HARWOOD: Their schedule was greatly delayed from early in the summer and I will check shortly and get an update to you because Mr. Hintze did indicate that he would provide an update when certain reports were filed with the state and I know those were fairly significantly delayed. So I'll get an update to you. His intention was to come back and address the Board when those reports had been submitted to the state and that's the part that has been delayed. So I will check on that.

COMMISSIONER HANSEN: Find out how long they've been delayed and when they can come back.

MR. HARWOOD: Yes, ma'am.

COMMISSIONER HANSEN: Okay, thank you. I think that's the only think I have at the moment.

CHAIR IVES: Okay, that concludes matters from the Board.

**NEXT REGULAR MEETING:** Thursday, September 5, 2018 at 4:15, City Council Chambers, 200 Lincoln.

## **EXECUTIVE SESSION**

**In accordance with the New Mexico Open Meetings Act NMSA 1978 Section 10-15-1(H)(7), discussion regarding pending litigation in which the BDDDB is a participant, including, without limitation, *Buckman Direct Diversion Board v. CDM Smith, et al.*, First Judicial District Court Case No. D-1-1-CV-2018-01610**

For the record, "The only matters discussed during the executive session of the July 5, 2018 meeting were those matters stated in the motion for closure and no action was taken."

CHAIR IVES: That moves us to adjournment and moving into executive session. I would note for purposes of the record, that the executive session is listed in accordance with the New Mexico Open Meetings Act, discussion regarding pending litigation in which the BDDDB is a participant, including, without limitation, in *Buckman Direct Diversion Board v. CDM Smith, et al.*, First Judicial District Court Case No. D-1-1-CV-2018-01610, is identified in our agenda.

Let me ask, perhaps I could ask our counsel to state the form of the motion that is needed at this point in time.

NANCY LONG (BDD Board Counsel): Mr. Chair and members of the Board, you did a very good job and that is a motion to adjourn and go into executive session for the purpose as stated on the agenda and as you read. And you'll need a roll call vote and we'll be in the land use conference room.

CHAIR IVES: What is the pleasure of the Board?

COMMISSIONER HANSEN: So moved.

COUNCILOR HARRIS: Second.

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

The motion to go into executive session passed by unanimous [5-0] voice vote with the following BDD Board members voting in the affirmative:

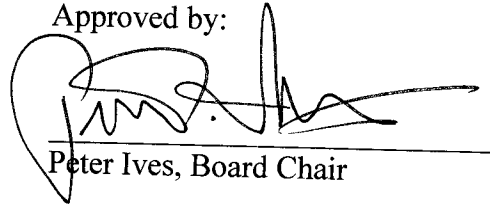
|                     |     |
|---------------------|-----|
| Councilor Ives      | Yes |
| Councilor Harris    | Yes |
| Commissioner Roybal | Yes |
| Commissioner Hansen | Yes |
| Member Fort         | Yes |

CHAIR IVES: Very good. We are adjourned and moving into executive session.

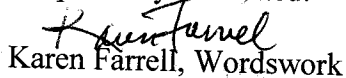
### ADJOURNMENT

Having completed the agenda, this meeting adjourned at approximately 5:40 p.m.

Approved by:

  
Peter Ives, Board Chair

Respectfully submitted:

  
Karen Farrell, Wordswork

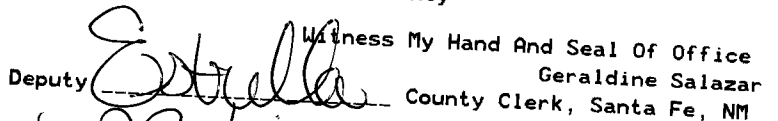
ATTEST TO:  
YOLANDA VIGOR  
SANTA FE COUNTY CLERK  
NEW MEXICO



COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

BUCKMAN DIRECT DIV MIN  
PAGES: 22

I Hereby Certify That This Instrument Was Filed for  
Record On The 18TH Day Of September, 2018 at 04:32:59 PM  
And Was Duly Recorded as Instrument # 1867814  
Of The Records Of Santa Fe County

Deputy  Witness My Hand And Seal Of Office  
Geraldine Salazar  
County Clerk, Santa Fe, NM