

MINUTES OF THE
SANTA FE COUNTY
WATER POLICY ADVISORY COMMITTEE

December 13, 2018

Santa Fe, New Mexico

I. This Santa Fe County Water Policy Advisory Committee (WPAC) meeting was called to order at approximately 5:00 p.m. on the above-cited date at the Santa Fe County Projects Complex, 901 W. Alameda, Santa Fe, New Mexico.

II. A quorum was established with the following members present:

Members Present:

Mary Helen Follingstad
Steve Rudnick, District 5
Ken Kirk, District 2
Bryan Romero, District 1
Shann Stringer, Soil & Water Conservation

Member(s) Absent:

Denise Fort, BDD Board

Staff:

Jerry Schoeppner, Utilities Department
John Dupuis, Utilities Department
Anjali Bean, Utilities Department
Rita Bates, Utilities Department

X. C. Status of Member Vacancies

Mr. Schoeppner noted that Ms. Follingstad's term expired and the BDD representative and Mr. Romero's terms will be expiring early 2019. He understood that Mr. Helms would be replacing Ms. Fort as the BDD representative. The County will advertise for committee members; however, for continuity Ms. Follingstad will be reappointed. Vice Chair Rudnick chaired the meeting.

III. Approval of Agenda

Mr. Rudnick recommended discussing the southern portion of the county under Matters from the Committee.

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Mr. Kirk moved to approve as modified and Mr. Romero seconded. The motion passed without opposition.

IV. Approval of Minutes: November 8, 2018

Mr. Kirk moved to approve as submitted. Mr. Romero seconded and the motion passed without opposition.

V. Introduction of WPAC members, staff and guests - Deemed unnecessary

VI. Matters from the Public - None were offered

VII. Action Items

A. Election of Chair and Vice Chair

A motion to table this item until the January meeting passed by unanimous voice vote.

VIII. Discussion Items

A. Discussion of 2019 work plan and meeting calendar

Ms. Follingstad recommended tabling the item because the committee requires additional time to review the material. Mr. Schoepner said the practice since WPAC's inception has been to present the work plan and calendar to the BCC in January or February.

Ms. Follingstad said the work plan requires discussion and revision. She recommended that she work with Mr. Rudnick in developing a list for the committee's review.

Mr. Kirk recommended presenting the BCC with the WPAC's meeting calendar at the January meeting.

The second Thursday of each month, except January which was the third Thursday/January 17th, was accepted as the meeting schedule for 2019.

Ms. Follingstad introduced a motion that staff prepare a memo for the BCC delineating the meeting dates and advise them that the work plan will be presented in February. Mr. Kirk seconded and the motion passed without opposition.

B. Discussion of Drought Management Plan Draft Ordinance

Mr. Rudnick said the penalties appeared draconian especially for the first violation. He noted that residents may not have a clue that an emergency has been issued. Eldorado's drought management policy's penalties are more malleable and include warnings for the first two offences rather than a fine.

Mr. Romero said the proposal marked "draft" was a first run. The County adopted most of the City's drought management plan but was less clear regarding the areas outside of the service

area. The resource agreement identifies an allowable number of acre-feet associated with water supplies but not all supplies. The draft permits the County Manager to impose restrictions outside the identified areas. Triggers are defined within the City's plan and have been adopted by the County through agreement. The penalties can be refined; however, a drought is an emergency and the fine should send a clear message. The penalties need to be within the customer service policies for water to ensure enforcement and collection. The substance of the drought management plan is contained in the City's Chapter 24.

Ms. Follingstad recommended the BCC be thoroughly educated on the drought management agreement with the City as a preface to presenting any recommendations. Mr. Schoeppner said County Ordinance 2000-09 addresses County-served customers not residents on wells or on other water systems.

Mr. Rudnick said if Eldorado entered into an agreement with the County to service Cañoncito that may impact Eldorado's tanks and there will need to be consideration regarding the applicability of the County/City's drought rules. Mr. Dupuis said Eldorado would be a wholesale customer of the County. The City required the County as a customer to agree to their terms of conservation, and the County may consider doing the same with Eldorado.

Mr. Romero said the definition of customer should be clarified.

Mr. Dupuis said he supported the notion that the County Manager can take the same actions the City Manager takes regarding drought. He recommended fleshing out the concepts for the declaration of a Santa Fe County water emergency, forwarding it to the County Legal Department to wordsmith and format; and return it to WPAC for a final review before presentation to the BCC.

The City wants to revise Chapter 25 in total, not subsections, and the County should be a participant in that review.

Regarding the draft, Mr. Dupuis said it appears to capture the salient points: that the County can declare an emergency independent of the City, regarding, for example: water rights, supply line failures and the penalty structure.

Ms. Follingstad recommended adding a bullet point to the findings to declare the County's independence in its relationships to other water utilities. County Legal staff can incorporate that within the preamble.

Adopting Chapter 25 by reference allows any updates the City makes to be automatic to the County.

Concern was raised that the proposed penalties are problematic because the consumer may not be aware of the emergency or fines. Santa Fe County utility customers would be made aware of the emergency status by mail. Mr. Stringer mentioned that robo-calls would be an effective method to inform the customers.

It was repeated that Eldorado's policy has two warnings and then the service is disconnected.

Mr. Dupuis said with excessive use of water (10+ gpm/broken line) the service can be disconnected and less than that a notice will be placed on the door advising that the service will be shut off in 24 hours.

Following feedback from the Legal Department, Mr. Romero said the drought subcommittee can re-review the document and present it to WPAC.

C. Discussion of Revisions to the WPAC Resolution

Ms. Follingstad said a few questions came up, i.e., does the BDD representative have to be the citizen member or could it be a County Commissioner? Mr. Dupuis said Commissioner Hamilton has discussed following the City's Water Conservation Committee policy and having an elected official serve on WPAC. Mr. Kirk said the Councilor is not a member of the committee but rather a liaison.

The subcommittee's proposed changes and comments were to be forwarded to staff and the committee members.

D. Discussion of Draft Water Utility Master Plan

Mr. Dupuis said the final draft was incomplete and rejected by staff. The consultant is finishing it at this point.

E. Joint City-County meeting on future cooperation and coordination

1. Next steps – outline of topics; schedule of meetings

[Exhibit 1: Staff memo - Regionalization Short(er) Term Goals]

Mr. Kirk said at the November Water Conservation Committee it was mentioned that the County's presentation was well received and the issues raised by the County should be used as topics for the next joint meeting.

Ms. Bean outlined short-term goals or low-hanging fruit that the City and County could work on together to benefit the region.

- The County's native rights, which are difficult to store, could be used to supplement whatever the City is doing to offset San Juan Chama rights which can be stored. The concept could be used to address offsets above Otowi Gauge, Las Campanas Co-op offsets, and Las Campanas Club San Juan-Chama rights. There would be benefit to all parties involved.
- Joint administration could be identified, i.e., Agua Fria Historic Community. Develop a GIS tool to ID service, the service provided, and use a shared Santa Fe Hydraulic model.
- Regarding acequia rights, Santa Fe County has rights on the La Cienega and the Cuyamungue acequias which cannot be used. The City has offset requirements on those acequias which could potentially be swapped.

Mr. Dupuis said it would be beneficial for WPAC to discuss and determine whether it is beneficial for the County to pursue and perhaps develop a joint recommendation with the City for presentation to the governing bodies. Regarding a cost analysis, he said one of the parties has a resource that is unused that the other(s) could benefit from: the loss is essentially zero with a positive gain.

The County's Top of the World water rights have been permitted. Originally there were 1,800 acre-feet, 1,200 acre-feet were sold to BOR and the County has 600+ acre-feet.

Referring to City reuse (#2), Ms. Follingstad said it required additional fleshing out, identifying La Cieneguilla, and the hydraulic modeling.

The Cuyamungue Acequia notion needs further fleshing out and requires additional details.

Mr. Dupuis said merging the hydraulic models is within a County consultant's scope and at this point, the City has not shared its model. The modeling is a very important tool and with the two committees' support on joint modeling, the governing bodies may support it.

February was mentioned as a good time to hold a joint meeting with the City's Water Conservation Committee and this item should be placed on that agenda with the concepts developed further.

IX. Matters from the Committee: Staff Liaison to the Committee

It was noted that the previous chair wrote white papers, directed the committee in completion of the work plan as well as having a relationship with staff. At this point, WPAC seems to lack the accessibility to staff and hence information.

Ms. Follingstad said revisiting the enabling resolution to redefine the scope of work and staff assistance would be useful.

Mr. Schoeppner said that this advisory committee can review and develop recommendations on issues brought forward by the department. He advised WPAC to be specific in regards to needed information.

The following items were noted:

- Process and content need to be identified
- Reduce and prioritize the work plan
- The quorum issue has been solved
- The work plan needs to be developed as a road map

X. Matters from County Staff

A. Update on Aamodt Regional Water System

Ms. Bean said there is cautious optimism that construction may start late spring/early summer pending the new cost agreement and how the cost overruns will be addressed. There may be a

new funding request presented to the state during the session which the pueblos are taking the lead on. The request will be for \$30 million with Senator Cisneros as the sponsor.

B. Update on Community Systems

The Hyde Park Estate contract has been finalized and Mr. Dupuis expected the BCC to act on it in January.

IX. Matters from the Committee (cont.)

Mr. Springer recommended modifying the agenda to hear Matters from Staff before any action items.

Mr. Rudnick suggested WPAC hold a meeting with the stakeholders of the southern part (Estancia Basin) of the County and learn about their problems in a listening session. There was consensus to move forward.

XI. Adjournment

Having completed the agenda, the meeting adjourned at approximately 7:15 p.m.

Approved by:

 11/17/2019
Steve Rudnick, Vice Chair

Respectfully submitted by:

Karen Farrell, Wordswork

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

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I Hereby Certify That This Instrument Was Filed for
Record On The 11TH Day Of July, 2019 at 09:30:35 AM
And Was Duly Recorded as Instrument # 1890908
Of The Records Of Santa Fe County

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



