

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

July 2, 2020

This meeting of the Santa Fe County/City Buckman Direct Diversion Board meeting was called to order by Councilor JoAnne Vigil Coppler, Chair, at 4:00 p.m.

In accordance with the Public Health Emergency Order issued by the State of New Mexico, and pursuant to the New Mexico Attorney General's Open Government Division Advisory during COVID-19, public entities are authorized to conduct virtual meetings.

[For clarity purposes, repetitive identification and confirmations of those on the phone have been eliminated and/or condensed in this transcript.]

Roll was called and the following members were present:

BDD Board Members Present:

Councilor JoAnne Vigil Coppler, Chair
Commissioner Anna Hansen, Vice Chair
Commissioner Anna Hamilton
J.C. Helms, Citizen Member
Councilor Carol Romero-Wirth
Tom Egelhoff, Las Campanas [non-voting]

Member(s) Excused:

None

BDD Board Alternate Members Present:

James Lightfoot [Las Campanas interim alternate]

Others Present:

Rick Carpenter, BDD Facilities Manager
Nancy Long, BDD Board Consulting Attorney
Mackie Romero, BDD Finance Manager
Bernardine Padilla, BDD Public Relations Coordinator
Randy Sugrue, BDD Operations Superintendent
Greg Shaffer, Santa Fe County Attorney
Jamie-Rae Diaz, City Administrative Assistant
Joe Abeyta, City IT
Jesse Roach, City Water Division Director
Marcos Martinez, City Assistant Attorney
Joni Arends, Concerned Citizens for Nuclear Safety (CCNS)

Chair Vigil Coppler announced that Ken Kirk, the Las Campanas Alternate resigned. Jim Lightfoot, secretary of Las Campanas Water Co-op Board of Directors, confirmed Mr. Kirk's resignation and said he was asked to sit in during the interim.

3. APPROVAL OF AGENDA [*Exhibit 1: Agenda*]

There were no changes proposed and Commissioner Hamilton moved to approve as published. Member Helms seconded and the motion passed by unanimous [5-0] roll call vote.

4. APPROVAL OF CONSENT AGENDA

There were neither questions nor items to remove from the consent agenda and Member Helms moved to approve as published. Commissioner Hamilton seconded.

Joni Arends, CCNS, advised the Board that her public comment pertains to one of the consent agenda items. Chair Vigil Coppler requested she hold her comments until public comments portion on the agenda.

The consent agenda was approved with four yes votes and Commissioner Hansen abstaining.

- 10. Request for approval to enter into a Joint Funding Agreement with the US Geological Survey in the amount of \$51,386 for operation and maintenance of the gaging station at the Rio Grande**
- 11. Request for approval of Amendment No. 5 to the BDD Raw Water Pump Project agreement in the amount of \$74,719.32 exclusive of NMGRT for a total contract amount of \$1,226,957.82 with Alpha Southwest, Inc.**
 - a) Request for approval to authorize funding of \$74,719.32 plus tax from the Major Repair and Replacement Fund.**
- 12. Request for approval of Amendment No. 1 to the Professional Service Agreement 19-0301 in the amount of \$30,000 exclusive of NMGRT for FY2021 on-call emergency repair services with Alpha Southwest, Inc.**
- 13. Request for approval to extend chemical contract bids for an additional year from various awarded vendors for a total amount of \$336,000 for FY2021.**

5. APPROVAL OF MINUTES: May 7, 2020 BDD Board Meeting

CHAIR VIGIL COPPLER: Before I ask for a motion, I'd like to read into the record and for the minutes that, the only matter discussed during executive session of our last Board meeting on June 4, 2020 was the matter as stated in the motion to go into executive session and no action was taken.

COMMISSIONER HANSEN: I move to approve the minutes with the addition of the statement you read about executive session from the last meeting.

COMMISSIONER HAMILTON: Second.

The motion passed by unanimous [5-0] roll call vote.

6. MATTERS FROM THE PUBLIC

CHAIR VIGIL COPPLER: I can see you're still on. Do you want to go ahead and read your statement?

JONI ARENDS: Yes, please, thank you, Madam Chair.

COUNCILOR ROMERO-WIRTH: I'm sorry. Madam Chair, are you setting a time limit of this public comment?

CHAIR VIGIL COPPLER: We usually give two minutes. Thank you, Councilor Romero-Wirth. There's two minute allotted for this. Thank you. Please proceed.

MS. ARENDS: Good afternoon. My name is Joni Arends. I am with Concerned Citizens for Nuclear Safety.

At the last meeting there were two issues that came up that I thought would be addressed by the Board at today's meeting and they are that Mr. Roach said that the city's Finance Department had asked for a 26 percent cut to the City's contribution to the BDD. What is the current status of the proposed cuts? And, secondly, there was a discussion about whether the City would receive the same amount of water if there was a reduction in their payment; what is the status of this discussion?

In my written comments that were submitted timely I asked that these matters be discussed before the consent agenda is considered. I was concerned about the fact that if the consent agenda is approved expenses could reach \$492,000.

So I appreciate this opportunity to speak to the Board and I hope that answers to my questions will be provided. Thank you.

CHAIR VIGIL COPPLER: Thank you for making that public comment. Mr. Carpenter, you'll take this under advisement and we'll discuss it at the next agenda planning session.

RICK CARPENTER (BDD Facilities Manager): Madam Chair, absolutely. We'll take this under advisement and have further discussions.

CHAIR VIGIL COPPLER: Thank you.

INFORMATIONAL ITEMS

7. Report on June 30, 2020 Fiscal Services Audit Committee (FSAC)

MACKIE ROMERO (Financial Manager): Madam Chair, members of the Board, a Fiscal Services and Audit Committee meeting was held on Monday, June 29th just due to scheduling conflicts. In attendance was myself, BDD Financial Manager, Rick Carpenter, BDD Facilities Manager, from the County, Commissioner Hamilton, Ira Roybal, County Administration Manager and from Las Campanas, Tom Egelhoff, James Lightfoot and Andrew Resnick who is the controller for LC Water Cooperative. During this meeting, I did provide an update on the fiscal year 18/19 audit and financial statement. That update is that our audit is complete. We had an exit conference on June 29th. Financial statements were printed today and should be delivered to the State

Auditor before 5 o'clock today. Once I get a final okay to print from the State Auditor I will present the final financial statement to the partners and the Board. Hopefully, I will get that done in the next couple of months as soon as we get that from the State Auditor.

We discussed consent agenda items 10 through 13 and no major issues or concerns came up as a majority of them were reoccurring. And we also discussed action item number 14 which I will present to the Board during this meeting. Unless there are any other questions, that is the end of my report.

CHAIR VIGIL COPPLER: Thank you, Mackie. Does the Board have any questions for Mackie? Okay, seeing none, we will move on.

8. Monthly Update on BDD Operations

CHAIR VIGIL COPPLER: Randy.

RANDY SUGRUE (Operations Superintendent): Thank you. Madam Chair, members of the Board. Diversions approximated for June 6.43 million gallons per day. Deliveries through Booster Stations 4A and 5A averaged 5.05 million gallons per day and that is increasing now. Raw water delivery directly to Las Campanas averaged 1.2 million gallons per day. Treated and non-treated water storage just a bit at .18 million gallons per day. Buckman is provided approximately 42 percent of the water supply to the City and County for the month.

I have a regional demand drought summary attached. [connectivity problems] Also, comparisons of our June average to our average over the past nine years. We had another pretty good month. The river is holding up for us and turbidity and water quality are good. I stand for questions.

CHAIR VIGIL COPPLER: Any questions; Commissioner Hamilton?

COMMISSIONER HAMILTON: Thanks, thanks for the report. I imagine most of you have seen the report that Albuquerque is planning to stop diversion of river water. I'm not sure if I should ask it now or after the Facilities Manager report so you guys can tell me when you want to address it, but I imagine that's going to have implications for BDD operations and I wondered if you might say a few words about that.

MR. SUGRUE: Madam Chair, Commissioner Hamilton, I do defer to Rick Carpenter.

MR. CARPENTER: I was planning on covering that in my report, Commissioner Hamilton. If that's okay with you, Madam Chair.

CHAIR VIGIL COPPLER: Okay, that's fine.

COMMISSIONER HAMILTON: Thank you.

CHAIR VIGIL COPPLER: Anyone else have any questions for Randy? Commissioner Hansen.

COMMISSIONER HANSEN: On this map, it's really hard to see because it comes in gray – maybe if it were on line it was in color – but I didn't go on line and I relied on my book. I can't tell if there's a place where there's Abiquiu water or if it's telling storage.

MR. SUGRUE: Madam Chair, members of the Board, Commissioner Hansen, I see what you mean and I apologize for that. In the future I will try and improve the legibility of our graph or possibly change it to a different type of graph that is a little more easily discerned. We do have water stored in Abiquiu and, again, I defer

to Rick Carpenter and his Facilities Manager report perhaps to touch on that subject. But I will make every attempt to upgrade the graph in the future so that it is more legible.

COMMISSIONER HANSEN: Thank you. I would appreciate it.

Otherwise, thank you very much for the report, Randy.

MR. SUGRUE: You are welcome.

CHAIR VIGIL COPPLER: Any more questions for Randy? If not, I'll move on. Thank you, Randy.

MR. SUGRUE: Thank you much.

9. Report from the Facilities Manager

MR. CARPENTER: Thank you, Madam Chair. I'll just build on that segue. We do have a lot of water stored in Abiquiu that we transferred up, I think it was three years now, from Elephant Butte and our whole allocation is still in Heron. So as far as BDD's San Juan-Chama water and the County's San Juan-Chama water, we are in good shape. I have no concerns about that whatsoever. We could go probably 2.5, 3 years just on that stored water alone, not counting native flows. We have been working with the County to coordinate how and when to exchange native flows versus San Juan-Chama water. We've done a good job of that. I don't have any concerns at this time that there wouldn't be enough water for the BDD to provide what's required of us for demand. My concern is, however, as was mentioned earlier that MRGCD is going to try and string out what they have left of their storage. Albuquerque usually follows their lead and they have indicated that they are going to do that. I am concerned about the amount of carriage water that is going to be in the river, probably mostly native water, in maybe August or September. We'll see how that goes. We do have a meeting planned and we have invited County staff to join us, Tuesday morning, to discuss this very topic of about how the BDD will deal with that and how we integrate in with the other sources of supply with the City of Santa Fe. This is the type of condition that we have planned for and we have invested in so that if one source or another source is off line for whatever reason that we have enough resiliency to still meet command. The question is how are we going to do that. Not whether if, I don't have any question that we won't be able to meet demand. It is just how do we want to go about that. How's the most efficient way to approach this issue. It is going to be a challenging hydrologic year in the Rio Grande: there is no doubt about that. It is evident now and it's something that we're paying attention to and we will report back to the Board as needed as this evolves.

So that's my report on that topic and I am happy to take questions on that before I move on.

CHAIR VIGIL COPPLER: Any questions. Mr. Egelhoff, yes, and then Commissioner Hamilton.

MR. EGELHOFF: Rick, what's the minimum cfs in the river; is it less than 300? Do you have any idea what the cutoff point will be?

MR. CARPENTER: Hi Tom, good to see you. We are assessing that because it's changed. It's always changing and that's part of the problem with the lawsuit that we have. The riverbed changes, we welded some plates on there a couple of years ago when the coffer dam was up. We're trying to put those calculations together as we speak.

What is the minimum; is it 300 cfs, is it 400 cfs, how does the channel behave? There are so many variables. I can tell you that we're doing that analysis and it's in the process.

MR. EGELHOFF: But there isn't anything that restricts us from diverting for like the minnow or anything like that? You can still divert some amount of water as long as there's enough water in the river?

MR. CARPENTER: There is a permit restriction. We need to differentiate between what's physically divertible and what the permit says. The permit says, I believe, and Randy you may remember this, I believe below 200 cfs because of Endangered Species Act restrictions we can't divert.

MR. SUGRUE: That's correct.

MR. CARPENTER: Right.

MR. EGELHOFF: Okay, thanks.

CHAIR VIGIL COPPLER: Commissioner Hamilton, you had some questions.

COMMISSIONER HAMILTON: Yes, thank you. It's a very small amount of questions about the meeting next week. I appreciate that you invited County staff. It's my understanding that John Dupuis is going to be out all next week, so I don't know if there's some other way to fill that in. Maybe if John has already gotten back with you, if he'll work that out with you, but if it's slipping through the cracks maybe you can contact him and see if there's someone else who can attend in his stead, if necessary.

COUNCILOR ROMERO-WIRTH: Can somebody talk about the meeting that you're describing?

MR. CARPENTER: It's a weekly meeting that we have Tuesday mornings to coordinate water resources management to discuss topics exactly like this. This is going to be a priority for that meeting. We'll probably discuss other things. We also do long-term planning as a function of that meeting. This will be front and center at that Tuesday meeting and we have the principals that organize the meeting have already agreed that this is something that we need to tackle.

With regard to John Dupuis, I didn't know that he was going to be out. I'm assuming that he will appoint someone who is capable of filling in for him. Depending on when this board meeting is, I will call him directly and ask him that very question.

Ch: Thanks. It was just a heads up, I appreciate it.

CHAIR VIGIL COPPLER: Commissioner Hansen.

COMMISSIONER HANSEN: I had similar concerns that Commissioner Hamilton had about the meeting; who was going to attend from the County and the concerns that I have about Albuquerque stopping diverting so I look forward to having a report on that because I think that that is really an important issue that needs further conversation so thank you.

CHAIR VIGIL COPPLER: Any other questions for Rick?

MR. CARPENTER: Madam Chair, just a couple of other things. Mackie and I and Jesse have been working through the budget items and that is still a work in progress. We are looking forward to participating in the City's budget hearing which I think are scheduled for mid-July. We're working on that and we wanted the Board, it's not an agenda item, but I wanted the Board to know that that's something that we are working on and putting a lot of thought and effort into.

Also, related to that, there is some discussions going on with regard to furloughs and how that relates to the BDD. That is also an ongoing discussion. I think that the good news on that is that the discussions are taking place as opposed to not taking place. So that will be going on and I will report out to the Board as needed on that. I won't necessarily wait until the next Board meeting if I can do it by email then I will.

Lastly, this came up in the FSAC meeting that the operations building at the BDD has had some issues through the years with the chillers and the HVAC in the summer months. They've gone out in the past. They have actually failed at this point so there's no air conditioning in that building. It's pretty uncomfortable by the time you get to one or two in the afternoon. But also the control room and telecommunications they have to maintain at a certain temperature or they will fail. And if they fail we're in big trouble. So the Facilities Manager has the authority, according to the documents, to expend those funds in order to get that problem fixed and then report that to the Board, which is what I am doing now. I have authorized funds to be expended to get that problem fixed as soon as we possibly can. It's going to be in the neighborhood of \$200,000. Mackie tells me the best place to take it out of is the Major Repair and Replace Fund and so that's what we're doing. But I am required to report that to the Board.

CHAIR VIGIL COPPLER: Okay. Any questions or comments for Rick? Commissioner Hamilton.

COMMISSIONER HAMILTON: First of all, thank you for maintaining this ongoing discussion about furloughs. And I do ultimately have a question for you. I want to say that I was kind of disappointed to hear that the City extended the furloughs including the furloughs on the BDD without talking to the Board. Really, the disappointment was that we had this discussion two months ago when the furloughs were first applied across the board at which point the City said, Listen, you're right, process is important and we'll always talk to you. It's a little disappointing to have to come back and say there's a reason process is there and it's because the BDD is responsible for appropriate – the Board, is responsible for appropriate operations at the BDD. And one thing we've been trying to get at is whether the furloughs is having appropriate information to judge what furloughs for essential personnel at BDD are even acceptable or whether they have potential to impact operations. I am all in favor of deferring expenses that are deferrable, that don't impact operations. We had that discussion with respect to the crane whether that would be acceptable or not and there are many other places where we can think about potentially deferring costs. But we've been trying to get at having enough information supplied to us to understand whether essential personnel, which in my mind at the very least would include operations people, facilities managers, finance and maintenance, that we have to have data to make a valid decision. I think we probably have or my understanding is that, Rick, you may be in a position to have been accumulating information on what it really takes for different essential staff. And I feel like we need a report out on that to assure that we can address the people that we need and whether they're – because we have the budget to operate fully staffed and not have essential people furloughed.

I had talked for the last couple of meetings that in the big picture – we budget a certain amount of personnel and you cannot on principle cut 10 percent of essential personnel and produce the same work unless we have consistently over budgeted or you're asking people to work without compensation to fill in the need. Sometimes people do that and it's fine but on a predictable basis, that is not acceptable. I think everybody gets my

drift. So I would really like to get a report back on what data we have that shows what personnel we need, whether people have had to – essential people – have had to fill in gaps so that we know how to address the issue of furloughs and whether we can – how to address the issue and to assure that we have people working sufficiently to actually do what we need and not threaten BDD operations.

CHAIR VIGIL COPPLER: Thank you, Commissioner Hamilton.
Commissioner Hansen.

COMMISSIONER HANSEN: This is on the same topic. So after reading the minutes, it says in the minutes that Commissioner Hamilton asks, So I'd like to see the layout of the assessment. So this is – there was nothing brought forward about that and there's a number of places where Commissioner Hamilton and myself have both asked for some kind of assessment. I am also incredibly disappointed on the fact that the furloughs have taken place at Buckman but I am also happy, I don't think happy is the right word, but I'm glad to hear that you're at least talking about it with the City. It's kind of like on page 10 of the minutes, page 17, where Commissioner Hamilton asks repeatedly for an analysis and maybe that just can't happen until August. I do see where Ms. Romero says that that might not happen until August. And I understand with the City just finally finishing the audit.

But once again I am going to say this and I said it before, water is essential. So with that you can answer Commissioner Hamilton and my questions because they are basically the same.

COMMISSIONER HAMILTON: Can I just make one clarification, Madam Chair? I believe that there is potentially a slight difference with what Mackie was referring to as not being available till August that was, I think, a complete financial analysis on the budget because of waiting for things from the City. And we do need a complete budget analysis.

COMMISSIONER HANSEN: You are correct.

COMMISSIONER HAMILTON: Great, thank you. But part of what I'm asking is if Rick might be able to do an analysis of the last few months of operations on personnel. Not just pulling timesheets because it's very possible that submitted timesheets reflect what's allowed from furloughs but actual hours worked and needs so that we can see if we have a discrepancy between allowed furlough hours and what we really need to do in operations. That's what I'm asking for, the personnel assessment.

MR. CARPENTER: Madam Chair, would you like me to respond?

CHAIR VIGIL COPPLER: Yes, go ahead.

MR. CARPENTER: When we talk about analysis I can certainly do a formal report and bring it back to the Board. I'm not sure what the methodology for that would be. We'd have to research it. But what I can assure the Board of is that I am in constant communication with maintenance and operation staff to make sure that we have the coverage that we need to have in order to perform our essential functions. And if I have to call somebody in and pay him overtime, I'm going to do it. And somebody can tell me I shouldn't have done it later but I'm still going to do it if we have to do that to have the coverage that we need. But so far we are managing. It's challenging. But we are managing. But if we want to put it in a written report and submit it to the Board, I can take that on. I'll do that if that's the Board's direction.

CHAIR VIGIL COPPLER: Yes, Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you. I don't want to put anybody in a bad position. It can sound very formal to ask for something in writing. On the other hand, I still believe that we have a very high chance that we're having people work what used to be full time and they're covering those uncovered hours. And there's a point at which that is unacceptable. I have no way, since I am not there managing it, I am not seeing the actual activities that go on, and without information I can argue until I am blue in the face that it is inappropriate to furlough operations, maintenance staff and the people because then we're asking them that in order to make sure the plant is operated smoothly we are indirectly, implicitly forcing them to work beyond those hours. I have no way to show that. I am asking for information that documents, even if it is presented verbally, that says – because you're the one observing all of these people – that shows what we need. If we really can work for another few months, we can consider continuing furloughs. That savings stays with BDD and certainly it gives, if we can really achieve those savings, it gives dollars to be spent next fiscal year or the next six months or whatever. But I as a responsible Board member, I am not comfortable just happily going along with furloughs that were imposed across the board without consideration of essential and non-essential expenditures that need more analysis than what they're being given. And so I'm asking – it's very hard to ask for information that's difficult to provide, but frankly, I'm trying to give the bounds of what I'm asking for and the rationale for it so that there's some understanding of what it is. I'm trying to get the Board enough information to make decisions about those furloughs.

CHAIR VIGIL COPPLER: Thank you, Commissioner Hamilton. Let me jump in here for a second. I mentioned a couple of meetings ago that I had spoken to our finance director about BDD's operations and our independence from the City and the County and Las Campanas and that we have a partnership. It was quite eye-opening for her to understand how this worked. Some time ago I also mentioned to the City manager how this worked but since the real decisions and the fine-tooth monies are analyzed by the finance director I thought it was important for her to know. So I did have a call in to her and she was going to call me back this afternoon but I don't think she got a chance. What I wanted to say to her and I'm glad to hear Rick say, I wanted to say to her that I believe BDD should have a seat and a time slot at the upcoming Finance Committee meetings whereby part of our time would not just be reporting on our numbers and our request but that we would also present a synopsis of how the BDD operates in the whole scheme of things with regard to the City and County and what statutory authority we have and that our hats are different when it comes to this Board. They are not City, they are not County yet the City holds the fiscal responsibility for us. So I see this as a civics lesson and a budget request meeting, because you might recall, some time ago I said we have to teach people how to treat us and that goes along with the same train of thought. I don't think that there's anybody that wants to be vindictive against BDD. It sure feels like it a bit. Not vindictive but it feels like we aren't consulted. But the more we educate the people. And certainly you're the County and you get it. But I'm not so sure the City gets it. And yet they're having to balance a budget and our problem is we're not consulted because I think since the staff really is under the City's purview it seems like it's a City program but it is not.

So we need to educate on who we are and why we're here and why we need to be in the ballgame when it comes to some of these decisions. So I appreciate your comments, Commissioner Hamilton, Commissioner Hansen, we've heard them. I think it's important

to tag along with what Rick's budget presentation is going to be. And, Rick, I'd like to work with you on that to have some opening comments about just what I've mentioned and then go along with whatever nooks and crannies they want to talk about with the budget. And we have a finance committee member here, Councilor Carol Romero-Wirth. So she'll be in a different role during that process but I think it is good to have this conversation because, again, we need to educate the City because as I mentioned before, finance director McCoy didn't really know this. She didn't know. She's new. We had a similar conversation about SWMA and it was a very good education for her. I think there are other powers that be that need to hear how this Board operates. Why it has come to be and remind people that water is essential.

So I hear you and we'll see what we can come up with for that particular budget hearing. Yes, Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you for that. I think that is a well conceived idea. I think that's a very good approach. I appreciate that you did that and everything you said about educating them. Just one minor exception and it's not really minor – the City is the fiscal manager for the project. They do not have to balance our budget. That is not their purview. I just want to make sure that differentiation – I don't think that's what you meant. But it is not their responsibility to balance our budget. It's their responsibility to balance their budget and our responsibility to do the BDD budget.

CHAIR VIGIL COPPLER: Right, right.

COMMISSIONER HAMILTON: Thank you. But thank you for doing that. And I think that's a very good initiative.

CHAIR VIGIL COPPLER: Mr. Egelhoff, you're next.

MR. EGELHOFF: Madam Chair, I would just – I think Rick has made it clear that Rick is going to do everything that he needs to do the job. I wouldn't recommend doing a report on every position of the BDD but I would think would be useful is if Rick reported any instances where the employees had to go above the furlough to get the job done. Because Rick is putting his neck out on the line with the City and it would be nice that the Board could back him up on his decisions to get the job done whether that means going past the furlough to pay the employees for the work that they're doing.

CHAIR VIGIL COPPLER: Okay, thank you. Commissioner Hansen, did I see your hand up?

COMMISSIONER HANSEN: I also want to express my appreciation, Madam Chair, for you bringing this to the City Council because I feel that this has been an ongoing issue and especially since we have new members on the City Council and we have a new mayor, and a new finance and new attorney. There are a lot of people who do not understand the relationship of the Board to the City so I think that is really important and I really appreciate that.

One thing I wanted to go back to, Rick, I am concerned about the air conditioning going out especially in these essential building and are you running swamp coolers? Are you doing anything at the moment to keep everything cool and what's the ETA to get things repaired and so on?

MR. CARPENTER: Madam Chair and Commissioner Hansen, we have temporary coolers set up in those critical areas. So far we are able to keep up. It's not what we would like but we're doing okay. Those are common areas especially in the control rooms so I want our employees to not be uncomfortable when they're in their work

environment or able to keep up. But it is certainly not a permanent solution and that's why we're moving forward as fast as we can to get the problem fixed. I'm not sure exactly what the timeline is on that. It's not going to be tomorrow but we're going as fast as we can. We have been negotiating with TLC to make us their top priority and they have agreed to do that. So that's the status.

COMMISSIONER HANSEN: Thank you, Mr. Carpenter. I appreciate that. I can understand how serious this may be and I'm grateful that we have the money in the major replacement fund but this means that this will probably need to be replenished or we'll need to figure out how we're going to put this money back into the major replacement fund and refund that fund. So I think that is also something that we need to think about with the budget and with everything that is happening.

CHAIR VIGIL COPPLER: Thank you. Councilor Romero-Wirth.

COUNCILOR ROMERO-WIRTH: At the risk of belaboring the previous conversation, I just want to ask Rick: Rick, to the point that water is essential, I think that we're all aware of that. The BDD has been running – it's been challenging but we have not compromised that facility because of the furloughs. We are running the way we should be running; correct?

MR. CARPENTER: Madam Chair, Councilor Romero-Wirth, that is correct. We have not compromised our essential functions. We are able to meet demand.

COUNCILOR ROMERO-WIRTH: Okay, thank you. And, also I have been told anecdotally that it's City staff that is staffing the BDD. Understanding the budget is BDD, we're a separate board, we are this collaboration. Sometimes shortages, like when you have staffing issues, you're able to lean on not just the BDD employees but other employees in the water division to help you out. Not just in this instance but in other times, you have more of a pool of folks who can step in when there are shortages. Maybe you've got too many people out sick or on vacation or that sort of thing to make sure that you're maintaining your level of service; is that true?

MR. CARPENTER: Madam Chair, Councilor Romero-Wirth, and members of the Board, that is true. We rely on other resources. That's one of the best things about the City's water division is that we're so diverse. It could be planning and water resources management, finance, HR, we tap into those resources when we need and they're generally available.

COUNCILOR ROMERO-WIRTH: Thank you. I just wanted to make those two points. I understand that we're a separate board. It's important that we get information in a timely matter and I think we've been over this now quite a bit over the course of three meetings so I also want you to know that I too have been in contact with City staff, the City manager talking about the sentiment of this Board around furloughs. The first furlough was certainly a crisis situation. The second round of furloughs, I don't know how those lined up with our meetings. And I understand what's being said here but I just want to make the point that service at the BDD has not been interrupted and sometimes more than just the BDD employees are called into service to help the BDD because as the Commissioners have said water is important. I just wanted to reassure, perhaps the public that what's going on here is not compromising the service that being provided at the BDD. Thank you, Madam Chair.

CHAIR VIGIL COPPLER: Thank you. Commissioner Hamilton and then Commissioner Hansen.

COMMISSIONER HAMILTON: I really appreciate that Councilor Romero-Wirth, but I think the point is whether the service of BDD is not being compromised within the furlough hours or outside of them and I think that that is part of the question about whether the furloughs are really appropriate.

CHAIR VIGIL COPPLER: Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Councilor Romero-Wirth for your comments and I'm glad that you're looking into this. But this is a historical problem: lack of information being given to the Buckman Direct Diversion Board even before Commissioner Hamilton and I served on here. So I agree with Councilor Vigil Coppler that educating, letting people know what is happening is really important but since this has happened we have both, Commissioner Hamilton and I, we just want to make sure that we're on record saying that, please notify us when you're going to do something and talk to us. I think that Mr. Roach and Mr. Carpenter have both recognized that that is important to happen.

I just wanted to say, thank you and I appreciate that. I'm glad that we're doing okay, Rick, in making sure that we have good quality water and enough of it to provide to our constituents.

CHAIR VIGIL COPPLER: Thank you. Anybody else have anything more before we close Rick's report? Thank you, Rick.

DISCUSSION AND ACTION

- 14. Request for approval to carry forward \$380,000 of unexpended funds from the FY2020 Operating Budget to be utilized as authorized by the BDD**
 - a. Budget Amendment Resolution for \$380,000**

MS. ROMERO: Thank you, Madam Chair. Madam Chair and members of the Board, during the fiscal year 2020 annual operating budget that was adopted by the Board it did include funding for two major projects. The first project was the BDD security system access control upgrade project which had budgeted an estimated \$250,000. The second project was the BDD database migration project. It was budgeted an estimated \$60,000. Just due to a lack of staffing resources and then the current pandemic we weren't able to issue a request for proposal within the budgeted fiscal year.

With the current economic situation, the BDD is requesting that we carry forward this funding into the fiscal year 2021 operating budget to be utilized for these exact same projects. This request will provide the funding needed to complete the projects without having to request additional funding from the partners. This request also includes authorization to carry forward the many thousand dollars of furlough savings and we are requesting that we would use that money to support the fiscal year 2021 budget when I do bring that back to the Board.

This request includes an amendment resolution and that's to budget the funds for the two projects and then the \$70,000 would be reflective on the budget that I bring back to the Board to adopt in either August or September. Are there any questions about the request?

CHAIR VIGIL COPPLER: Any questions for Mackie? Commissioner Hansen.

COMMISSIONER HANSEN: Mackie, I thought I saw that it was

\$390,000 in the minutes and now I can't find it. So I am just asking if that was a mistake in the minutes because I thought you did refer to that last time.

MS. ROMERO: I'll have to double-check the minutes but it was 310 for the two projects and then the furlough savings and, again, this was estimated that we were going to have about a \$70,000 saving on the furloughs. Maybe the estimate in the minutes was a little bit higher. I'll have to double-check that but we did get support from the partners to carryover the \$70,000.

COMMISSIONER HANSEN: With that, Madam Chair, I would make a motion to approve the carry forward \$380,000 of unexpended funds from the FY2020 Operating Budget to the FY 2021.

COUNCILOR ROMERO-WIRTH: Second.

NANCY LONG (BDD Board Counsel): Madam Chair, can we confirm that that motion includes the BAR.

COMMISSIONER HANSEN: Yes, and including 14.a. including the budget resolution amendment, the BAR to move this forward.

CHAIR VIGIL COPPLER: Okay, thank you. Does the second concur?

COUNCILOR ROMERO-WIRTH: Yes.

CHAIR VIGIL COPPLER: Thank you.

The motion passed by unanimous [5-0] roll call vote.

MATTERS FROM THE BOARD

CHAIR VIGIL COPPLER: Are there any matters from the Board? Yes, Commissioner Hansen.

COMMISSIONER HANSEN: I want to recognize Bernardine for sending all the great articles. You seem to not miss anything and I get a lot of good information from you and I just want to recognize you for that and tell you that I am grateful to you, Bern, for all the information that you share with us and thank you so much. I really am appreciative of it.

BERNARDINE PADILLA (BDD PR Coordinator): Thank you, Commissioner Hansen. I am glad that you find value in the emails. I sometimes wonder if I am sending too many.

COMMISSIONER HANSEN: Never. Okay, in my opinion, you do not send too many. I am grateful for all of them.

MS. PADILLA: Very well, I try and send some diverse information and I hope everybody finds it interesting. Let me know if there's anything that I miss.

COMMISSIONER HANSEN: I just wanted to thank you for that.

MS. PADILLA: You're welcome.

CHAIR VIGIL COPPLER: Thank you, Bernardine. Thank you from all of us, I am sure. We appreciate what you do there. Thank you so much.

MS. PADILLA: You're welcome.

CHAIR VIGIL COPPLER: Any other matters from the Board?

With regard to the budget hearings with the City, they begin July 14th that week, Tuesday, Wednesday and Thursday and then the following week they begin that week of July 20th and then the last budget hearing is on July 28th. Those are coming up. I don't

know, Rick, I don't know if you know yet when BDD's portion will be but they will be informing us what departments will be slotted in which time slots. They are from 1 to 5, half-days. Just so you all know that they're coming up. If there's anything that I would need, and I definitely will be talking to you, Rick, but if there's anything else that I would want from any of you all, I will be sure to call you.

Yes, Commissioner Hansen.

COMMISSIONER HANSEN: Thank you for giving us those dates. I just want to point out that we have our BCC [Board of County Commissioners] meetings on July 14th and I believe July 28th and they start on the 28th at 1 and on 14th they start at 2. So otherwise we would love to be there to support you in any way but we are both, Commissioner Hamilton and I, have previous commitments.

CHAIR VIGIL COPPLER: Anybody else?

NEXT REGULAR MEETING: Thursday, August 6, 2020 at 4:00 p.m.

CHAIR VIGIL COPPLER: Everybody needs to have a wonderful 4th of July in your backyards, your kitchens or wherever it is you want to be. Apparently we're all suppose to stay home. So have fun wherever you are.

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 Court Case No. D-101-CV-2018-01610

MS. LONG: Yes, Madam Chair, and members of the Board. Here's the motion for you to make and that is that you adjourn the meeting and go into executive session in accordance with the New Mexico Open Meetings Act Section 10-15-1(H)(7) for discussion regarding pending litigation in which the BDDDB is a participant, including without limitation Buckman Direct Diversion Board versus CDM Smith, et al, with the case caption as contained on the agenda.

COMMISSIONER HANSEN: So moved.

COUNCILOR ROMERO-WIRTH: Second.

The motion to adjourn and go into executive session passed by unanimous [5-0] roll call vote as follows:

| | |
|-------------------------|-----|
| Councilor Vigil Coppler | Aye |
| Commissioner Hamilton | Aye |
| Commissioner Hansen | Aye |
| Councilor Romero-Wirth | Aye |
| Mr. J.C. Helms | Aye |

[The Board adjourned and met in executive session at 5:02 p.m.]

ADJOURNMENT

Chair Vigil Coppler declared this meeting adjourned at approximately 5:02 p.m.

Approved by:

JoAnne Vigil Coppler, Board Chair

Respectfully submitted:

Karen Farrell, Wordswork

ATTEST TO

YOLANDA Y. VIGIL
SANTA FE CITY CLERK