



AGENDA

BUCKMAN DIRECT DIVERSION BOARD
JANUARY 07, 2021 AT 4:00 PM
ATTEND VIRTUALLY



SPECIAL PROCEDURES FOR BUCKMAN DIRECT DIVERSION BOARD MEETING

Attendance: In response to the State’s declaration of a Public Health Emergency, the Mayor’s Proclamation of Emergency, and the ban on public gatherings of more than five (5) people, the Buckman Direct Diversion Board Committee meeting will be conducted virtually.

Viewing: Members of the public may stream the meeting live on the City of Santa Fe’s YouTube channel at <https://www.youtube.com/user/cityofsantafe>. The YouTube live stream can be accessed at this address from most smartphones, tablets, or computers.

The video recording of this meeting will also remain available for viewing at any time on the City’s YouTube channel at <https://www.youtube.com/user/cityofsantafe>. Staff is available to help members of the public access pre-recorded meetings on-line at any time during normal business hours. Please call 955-6521 for assistance.

Agenda: The agenda for the meeting will be posted at <https://santafe.primegov.com/public/portal>.

Written Comments: The public may submit written comments on any of the consent items to be considered on the Consent Agenda, through 1:00 p.m. the day of the meeting, via the virtual comment “button” at santafe.primegov.com/portal/search.

Public Comment: To provide live public comment during the *Public Comment* section, you must join the Zoom meeting by internet or phone, as follows:

Internet: To join the Zoom meeting on the internet using a computer, laptop, smartphone, or tablet, use the following link: <https://santafenm-gov.zoom.us/j/91073652466?pwd=eEFwTFN3WWJLeFM2a1NwL2tSUG9uQT09> Passcode: 764286

Attendees should use the “Raise Hand” function to be recognized by the Chair to speak at the appropriate time.

Phone: To join the Zoom meeting using a phone, use the following phone numbers and Webinar ID: US: +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799, Webinar ID: 910 7365 2466 Passcode: 764286

Phone attendees should press *9 to use the “Raise Hand” function to be recognized by the Chair to speak at the appropriate time.



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1. **CALL TO ORDER**

2. **ROLL CALL**

3. **APPROVAL OF AGENDA**

4. **APPROVAL OF CONSENT AGENDA**

5. **APPROVAL OF MINUTES**

- a. Approval of Minutes from the December 3, 2020 Buckman Direct Diversion Board Meeting

6. **MATTERS FROM THE PUBLIC:**

Buckman Direct Diversion Board will take matters from the public in written form via email through 1:00pm on Thursday December 3, 2020. Emails must identify the submitting party's name and should be sent to Jamie-Rae Diaz, City of Santa Fe, Public Utilities, Administrative Manager, at jldiaz@santafenm.gov. These comments will be distributed to the Board for review prior to the meeting and placed in the minutes of the meeting.

7. **PRESENTATION/INFORMATIONAL ITEMS**

- a. Monthly Update on the BDD Operations. (Randy Sugrue, BDD Operations Superintendent, rccsugrue@santafenm.gov, 955-4501)
- b. Report from the Facilities Manager. VERBAL. (Rick Carpenter, BDD Facilities Manager, rrcarpenter@santafenm.gov, 955-4206)

8. **ACTION ITEMS: CONSENT**

- a. Request for Approval to prepare and file amicus brief in State of California et al., v. Wheeler et al., Case No. 3:20-cv-03005 (N.D. Cal.) challenging the Navigable Waters Protection Rule which redefines Waters of the United States for purposes of Clean Water Act jurisdiction. (Kyle Harwood, BDD Legal Counsel, kyle@egolflaw.com, 986-9641)
- b. Request for Approval of Amendment to the Legal Services Agreement with Long, Komer & Associates for additional legal services associated with



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preparing and filing an amicus brief in State of California et al., v. Wheeler et al., Case No. 3:20-cv-03005 (N.D. Cal.), in the amount of \$30,000 plus New Mexico gross receipts tax. (Nancy Long, BDD Legal Counsel, nancy@longkomer.com, 982-8405)

9. **ACTION ITEMS: DISCUSSION AND ACTION**

- a. Consideration and Possible Action on Resolution 2021-1, Determining Reasonable Notice for Public Meetings of the Buckman Direct Diversion Board and allowing the Board to continue to Limit Public Attendance at Meetings Provided there is Sufficient Means to Allow Remote Participation and Allowing the Board to Cancel any Meeting to Preserve the Public Health, Safety, and Welfare and Allowing for Alternate Forms of Attendance by its Public Members.(Nancy R. Long, BDD Legal Counsel, nancy@longkomer.com 982-8405)

10. **MATTERS FROM THE BOARD**

11. **NEXT MEETING: Thursday, February 4, 2021 at 4:00 PM**

12. **ADJOURN**

13. **EXECUTIVE SESSION**

In accordance with the New Mexico Open Meetings Act NMSA 1978, §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-101-CV-2018-01610.(Nancy R. Long, BDD Legal Counsel, nancy@longkomer.com, 982-8405)

Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6521, five (5) working days prior to meeting date.