



AGENDA

BUCKMAN DIRECT DIVERSION BOARD
JUNE 03, 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, the ban on public gatherings in excess of those permitted in the current Public Health Order, and the need to incorporate technology and practices to re-institute in-person meetings consistent with the limitations established by the Order, the Buckman Direct Diversion Board meeting will be conducted virtually.

Viewing: Members of the public may 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/93845457868?pwd=TGNmcm5PMIF2WW5GYUJBbWczQ25xdz09>

Passcode: 027844

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 - Webinar ID: 938 4545 7868 - Passcode: 027844**

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

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

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/93845457868?pwd=TGNmcm5PMIF2WW5GYUJBbWczQ25xdz09>

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1. **CALL TO ORDER**
2. **ROLL CALL**
3. **APPROVAL OF AGENDA**
4. **APPROVAL OF MINUTES**
 - a. Approval of Minutes from May 6, 2021 Buckman Direct Diversion Board Meeting
5. **MATTERS FROM THE PUBLIC:**

Buckman Direct Diversion Board will take matters from the public in written form via email through 1:00pm on the day of meeting. Emails must identify the submitting party's name and should be sent to Jamie-Rae Diaz, City of Santa Fe, Public Utilities, Administrative Manager, 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

6. **APPROVAL OF CONSENT AGENDA**
7. **PRESENTATION/INFORMATIONAL ITEMS**
 - a. Monthly Update on the BDD Operations. (Randy Sugrue, BDD Operations Superintendent, rcsugrue@santafenm.gov, 955-4507)
 - b. Report from the Facilities Manager (VERBAL) (Rick Carpenter, BDD Facilities Manager, rrcarpenter@santafenm.gov, 955-4507)
 - c. Report on returning to in-person public meetings of the Buckman Direct Diversion Board Meetings. (VERBAL)(Rick Carpenter, BDD Facilities Manager, rrcarpenter@santafenm.gov, 955-4507)
8. **ACTION ITEMS: CONSENT**
 - a. Request for approval of Amendment No. 3 to the Legal Services Agreement 19-0246 in the amount of \$15,000.00 exclusive of NMGRT for FY2021 for



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legal services with Long, Komer & Associates, P.A.(Rick Carpenter, BDD Facilities Manager, rrcarpenter@santafenm.gov, 955-4507 and Kyle Harwood, BDD Legal Counsel, kyle@egolflaw.com)

- b. Request for approval of Amendment No.3 to the Professional Services Agreement 18-1048 for additional laboratory analysis service with ALS Group USA, Corp. in the amount of \$90,000 plus applicable tax for FY2022. (Rick Carpenter, BDD Facilities Manager, rrcarpenter@santafenm.gov, 955-4507; Monique Maes, Contracts Administrator [mmaes@santafenm.gov](mailto:mmmaes@santafenm.gov) 955-4508)
- c. Request for approval of Amendment No. 3 to the Service Agreement 18-0633 for security services to the contract with Chavez Security, INC. in the Amount of \$179,000 plus applicable tax for FY2022 (Rick Carpenter, BDD Facilities Manager, rrcarpenter@santafenm.gov, 955-4507; Monique Maes, Contracts Administrator, [mmaes@santafenm.gov](mailto:mmmaes@santafenm.gov), 955-4508)
- d. Request for approval of Amendment No. 3 to Service Agreement 19-0056 Inc. for on-call HVAC repair services with B&D Industries, in the amount of \$55,000 plus applicable tax for FY2022. (Rick Carpenter, BDD Facilities Manager, rrcarpenter@santafenm.gov, 955-4507; Monique Maes, Contracts Administrator, [mmaes@santafenm.gov](mailto:mmmaes@santafenm.gov), 955-4508)
- e. Request for approval of Amendment No. 3 to Professional Services Agreement 19-0302 with Glorieta Geoscience, Inc. for technical support to increase compensation by \$55,000 plus applicable tax for FY2022. (Rick Carpenter, BDD Facilities Manager, rrcarpenter@santafenm.gov, 955-4507; Monique Maes, Contracts Administrator, [mmaes@santafenm.gov](mailto:mmmaes@santafenm.gov), 955-4508)
- f. Request for approval of Amendment No. 4 to the Legal Service Agreement 19-0246 for board counsel and legal service with long Komer & Associates, P.A Long, Komer, in the amount of \$249,000. Plus applicable tax. (Rick Carpenter, BDD Facilities Manager, rrcarpenter@santafenm.gov, 955-4507; Monique Maes, Contracts Administrator [mmaes@santafenm.gov](mailto:mmmaes@santafenm.gov), 955-4508)



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- g. Request for approval of Amendment No. 4 to the Legal Services Agreement 18-0424 for legal service with Snell & Wilmer, LLP. In the amount of \$1,820,000 plus applicable tax for FY2022.(Rick Carpenter, BDD Facilities Manager, rrcarpenter@santafenm.gov, 955-4507; Monique Maes, Contracts Administrator, [mmaes@santafenm.gov](mailto:mmmaes@santafenm.gov), 955-4508)

9. **MATTERS FROM THE BOARD**

10. **NEXT MEETING: Thursday, July 1, 2021 at 4:00 PM**

11. **ADJOURN**

12. **EXECUTIVE SESSION**

- a. In accordance with the New Mexico Open Meetings Act NMSA 1978, §10-15-1(H)(7), discussion regarding pending litigation in which the BDDB is a participant, specifically: 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.

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

May 6, 2021

1. This meeting of the Santa Fe County & City Buckman Direct Diversion Board meeting was called to order by Commissioner Anna Hansen, Chair, at approximately 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. All votes were conducted by roll call.

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

2. Roll was called and the following members were present:

BDD Board Members Present:

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

Member(s) Excused:

None

BDD Board Alternate Members Present:

Peter Ives, Community Alternate – Former City Councilor
James Lightfoot, Las Campanas Alternate

Others Present:

Rick Carpenter, BDD Facilities Manager
Nancy Long, BDD Legal Counsel
Kyle Harwood, BDD Legal Counsel
Bernardine Padilla, BDD Public Relations Coordinator
Randy Sugrue, BDD Operations Superintendent
Jamie-Rae Diaz, City Administrative Assistant
Greg Shaffer, County Attorney
Monique Maes, BDD Contract Administrator
Jesse Roach, City Water Division Director

Jay Lazarus, Glorieta Geoscience
James Bearzi, Glorieta Geoscience
Steve Shultz, Hazen and Sawyer
Luke Pierpont, Egolf + Ferlic + Martinez + Harwood.
J.F. Valencia

3. APPROVAL OF AGENDA

There were no changes from staff or the Board.

Commissioner Hamilton moved to approve the agenda as published and Councilor Vigil Coppler seconded. The motion passed by unanimous [5-0] roll call vote.

4. APPROVAL OF MINUTES:

- **March 23, 2021 - Special Meeting**

There were no changes and Councilor Vigil Coppler moved to approve. Mr. Helms seconded and the motion passed by unanimous [5-0] roll call vote.

- **April 1, 2021 – Regular Meeting**

There were no changes and Mr. Helms moved to approve. Councilor Vigil Coppler seconded and the motion passed by unanimous [5-0] voice vote.

5. MATTERS FROM THE PUBLIC

CHAIR HANSEN: Jamie-Rae, do we have anybody who wanted to speak to the Board?

JAMIE-RAE DIAZ: Madam Chair, I did not receive anything for matter from the public.

CHAIR HANSEN: Okay, and I don't see anyone – it appears most of the people here are our usual suspects so I will close matters from the public.

6. APPROVAL OF CONSENT AGENDA

CHAIR HANSEN: Yes, Commissioner Hamilton.

COMMISSIONER HAMILTON: Items c, the 3rd Quarter Financial Position, was that what Mackie reported on last time or is this, I'm trying to think, don't we normally get a report on that; we don't just approve it on Consent?

CHAIR HANSEN: Mr. Carpenter, would you like to address that?

RICK CARPENTER (Facilities Manager): Madam Chair and Commissioner, I think we've done it both ways. This is a pretty straight forward 3rd quarter financial. I've gone over it with Mackie. She felt it was appropriate for consent. But we're happy to stand for questions.

COMMISSIONER HAMILTON: It would be my preference to get that as a verbal report out before we approve the quarter every time. Granted, it is never controversial but I honestly think that's the appropriate way.

MR. CARPENTER: Madam Chair, if you'd like – Mackie could not join us today. But there's no real deadline for this. We could certainly bring it back as a presentation at the next Board meeting if that's the pleasure of the Board.

COMMISSIONER HAMILTON: And I'll be happy to let this one go through and have it as a regular presentation based on the input or desires of the other Board members. I just think that it's appropriate to do it –

CHAIR HANSEN: It seems to be a relatively straight forward report.

COMMISSIONER HAMILTON: Absolutely.

CHAIR HANSEN: If we could do that on a regular basis and have that as a quarterly report under action items that would be good. Anything else on consent that anyone has any concerns about? If not, what's the pleasure of the Board?

COUNCILOR VIGIL COPPLER: Move to approve.

COUNCILOR ROMERO-WIRTH: Second.

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

CONSENT ITEMS

- a. **Request for Approval for an Amendment (one-year term extension only) to the Middle Rio Grande Endangered Species Collaborative Program (MRGESCP) 2008 Memorandum of Agreement**
- b. **Request for Approval of a Budget Amendment Resolution to move salary savings of \$180,000 to the electrical category to cover projected shortfall**
- c. **Report on 3rd Quarter Financial Position for Fiscal Year 2021**

7. PRESENTATION/INFORMATIONAL ITEMS

- a. **Monthly Update on BDD Operations**

CHAIR HANSEN: Randy Sugrue. Welcome and I like the picture.
[Referring to the virtual background.]

RANDY SUGRUE (Operations Superintendent): Thank you very much, I appreciate that. That's my filtration system. We all depend on it and it's a hard worker.

For the month of April, BDD operations averaged in raw water diversions approximately 8.51 million gallons per day. Our deliveries through Booster Stations 4A/5A averaged 4.75 million gallons per day. Las Campanas diverted about .42 million gallons a day from Booster Station 2A. Our onsite treated and non-treated water storage was about .34 million gallons per day. BDD provided approximately 59 percent of the water supply to the City and County for the month of April. It is increasing somewhat. We do have a regional demand drought summary in storage on page 2.

Our year to date diversions through April are in the graph. February, March and April have been above average. Our regional water overview for April City-County demand is approximately 8.2 million gallons per day and that is increasing closer to 9 at

this time. Rio Grande flows for April are over 1,000 cubic feet per second. So the river is flowing briskly. Turbidity, however, is still low and the water is quite treatable, not as much as a challenge as it can be later in the summer and early fall. Our storage is depicted in the graph. And our ENSO summary for late April is listed and La Niña conditions still exist.

That's the extent of my report and I stand for questions.

CHAIR HANSEN: The written report it's a little different. I have zero for Las Campanas and you said 042 million gallons per day.

MR. SUGRUE: I didn't review the packet report but there may be a typo. It should be 0.42 or about 420,000 gallons per day going to Las Campanas.

CHAIR HANSEN: Okay. It says zero and then it also says under number 2, it says 71 percent of water supply and you said 59 percent.

MR. SUGRUE: It doesn't sound like the correct report.

MR. HELMS: You're looking at the earlier report. Our packet came in with April 1st report and we're now in May.

MR. SUGRUE: You are correct and that is not the correct report.

MR. HELMS: But what you're talking about is on the screen is in our electronic package but not in paper form.

CHAIR HANSEN: Oh, okay. I was looking at my paper copy. I will pull up my electronic copy.

MR. SUGRUE: Thank you for that. Are there any questions?

CHAIR HANSEN: Commissioner Hamilton.

COMMISSIONER HAMILTON: So what have you guys been chatting about in terms of future prospects because there are certainly places around my district where some of the shallower, you know, private wells are starting to go dry presumably from the drought. So I know the river is still flowing but what are you guys talking about?

MR. SUGRUE: We have an upcoming presentation shortly that discusses the predictions for river flow. I don't have any information on groundwater conditions but I know of course that it is dry. But our presentation coming up shortly may answer your questions or bring up some more questions.

COMMISSIONER HAMILTON: Thank you.

CHAIR HANSEN: Any other questions? Okay, hearing none we'll move on.

7. b. Report from the Facilities Manager

MR. CARPENTER: Yes, thank you, Madam Chair and members of the Board. I don't have a whole lot to update the Board on at this particular meeting. We do have a firm date, a start date set for our accounting supervisor later this month. So that's really good news that that's a box that we can check. And I am really looking forward to on-boarding that individual and getting her trained and filling that void. So that's good news. With that I have every intention to emphasize filling the security position. That too, is mission critical to the BDD. So I will be turning my full attention in terms of vacancies towards that and I will update the Board as things progress.

Other than that, we are poised for entering into the high demand season. We're expecting to be called upon for a fair amount of water in terms of MGD, 9, 10, 11 perhaps MGD and so we have an aggressive schedule to get all the pumps updated as best we can. We're getting parts in, we're rehabbing and we're in the process of doing that right now and we have every expectation that we'll be able to meet the calls that may come in as we progress through the high demand season and the potential low flows in the river. And, as Randy said, we do have a couple of presentations coming up that I think will speak to that and hopefully answer any questions you have there. With that, Madam Chair, I don't have anything else to add.

CHAIR HANSEN: Are there any question for Rick the facilities manager from the Board? Okay, seeing none we'll move on.

c. Update on the Rio Grande low flow projections

MR. CARPENTER: Thank you, Madam Chair. I'll hand it over to Steve. He's done a really good job of addressing the major conditions that we will likely see and the various scenarios and how that will affect the Rio Grande. And then following that, Randy has a presentation that will explain how those conditions might affect the BDD and how the BDD operations will respond. Steve, if you want to take it away.

STEVE SHULTZ: Thank you, Madam Chair and members of the Board, I appreciate the opportunity to speak to you today. My name is Steve Shultz. I'm here in Santa Fe and I work for Hazen and Sawyer, a water engineering company. We work with Albuquerque, we work with the City of Santa Fe amongst other agencies. And this came out, Rick asked me to give this presentation. I gave a slightly longer version of it to the City about a month ago and it came out originally from work we doing for Albuquerque starting last fall looking at potential flows on the Rio Grande. Can everyone see the screen and hear me okay? Great.

As noted, I am going to present the projections for 2021 Rio Grande flows. That's really just a slide, I will provide some historical context for the projections and then provide a little bit deeper explanation around the projected flows. I apologize, but are we all seeing the screen that has a couple of graphs on it right now? I'm afraid I might be sharing the wrong piece.

So this is a little bit of a complicated slide so let me walk you through it a little bit here first. So what we have here is two different graphs of historical and projected flows. On the left is a log scale, they're showing the same thing. What a log scale is, is that the Y-axis here is in multiples of 10. That helps you see the range of the historical flows. On the right-hand side is a linear scale where it shows from zero to 1,000 cfs and that makes it easier to see where the low flows are. Let me talk about what all of these colors are on here. All of the blues and the black line are the range of historical flows since 1971. The reason we're looking just since 1971 is that's when the San Juan-Chama project came on line and we had the additional water in the river. And I should mention that these are projected flows at Otowi Gauge, just upstream from the BDD. The different colors represent the frequencies of historical flows. The black line is the median, so half of the flows were greater than the black line and half were lower on a particular date. Moving out from there, the darker blue is half of all of the historical flows fell within the darker blue range and then about 90 percent of the flows fell within the next color blue range. And then the light blue is

all of the historical range of flows. So on this side, the bottom here are the lowest flows that we've seen since 1971 on the river. The orange line is what we're talking about here and that's the projected flows. This is a projection made in conjunction with the Bureau of Reclamation, the Corps of Engineers and the Interstate Stream Commission. So what we're really focused on is this area between August – a three-month period basically – between August and October where the projected flows are down consistently in the 300 cfs range dropping down to as low as 250 cfs. And to put that in context, as Rick noted Randy and Rick will be discussing what that means to the BDD diversions, I'm only talking about what the flows are but just for context they're going to be using a number of 200 cfs as sort of a low-flow limit for BDD diversions.

Jumping straight to the conclusions, these are pretty low-flows forecasted. They are border line historical lows. Drought certainly plays a role in terms of this single-year drought but that's not the only reason for these low flows and that's really what I'm going to be talking about through this slide show is that we really have a very limited ability to use stored water this year. In the past, in the last summer/early fall, a lot of the water in the river has come from water that has been in storage. And we, for a variety of reasons, simply don't have that this year. And I'll go through each one of these individually. What that means is that ultimately we're largely going to be dependent on sort of base flows and potential monsoon flows this summer.

I'll walk through this and before I go through the detailed types of storage and what I'm talking about, about storage augmenting the flows, I wanted to show this map here. We're down here in Santa Fe. This is the Rio Grande feeding off into white space and this is the Chama up here originating up close to Colorado and then this dashed line is the tunnels that brings the San Juan-Chama water into the Chama Basin. I have three orange circles on here and these are three different river gauges that I'm using and will use throughout this presentation to show what the flows are like. One the Rio Grande we have the Embudo Gauging Station, the Chamita gauging on the Chama and then, of course, the Otowi right by the bridge going to Los Alamos. So of the flows at Otowi, what I'm showing over here in this pie chart is generally how much water is coming from each place. So roughly 60 percent of the flows at Otowi are coming from the Rio Grande side and about 40 percent are coming from the Chama side. That's the blue is the Rio Grande and then the Chama I further subdivided into two types of water; native water and San Juan-Chama water. So San Juan-Chama water we all know is the water that is imported from Colorado and then native water is what we call the water that originated within the Chama basin. So of the Chama flows about a quarter of it is historically been San Juan-Chama water and about three-quarters of it has been native water.

Moving on, I'm going to break this out here – that was the long-term outreach. Of course, we all know this fluctuates fairly substantially year to year. This is the same information from 2001 to 2020 and I've also added on here what the black line of Otowi flows. So you can see that, yes, the sum of these Embudo Gauge and the Chamita Gauge are about equal to what we see at Otowi. It's not exactly the same. There is an agriculture in Velarde and other diversions along the river and in between. But it's a pretty good approximation in terms of those gauges.

So I mentioned storage. On the Rio Grande side there's no storage at least that's useable for New Mexico. There are some storage reservoirs up there but they're all used for agriculture in the San Luis Valley and New Mexico kind of gets what we get at the state

line. What I'm really going to be talking about is the storage along the Chama system so that's moving upstream and that's Abiquiu, El Vado and Heron reservoirs. And that's of course both native water and San Juan-Chama water.

The first type of storage here and I kind of glossed over that summary here. There's three different types of storage that I'm going to be talking about. Two types of native storage and then San Juan-Chama storage. So this is the first type of native storage that I'm going to talk about. So we have this plot that we're looking at with the green – I pulled that green out and presented here. These are the same numbers as here. These are native flows on the Chama. And then I've superimposed on here this red line. The red line is what the flows would have looked like if there was no storage on the system. For example, in 2005 we would have seen close to 100,000 acre-feet more flow in the river than we actually saw because that water is added to storage and then it was used in the subsequent years primarily in the following year. So that's the difference here where there is more water than there would have otherwise been. These blue bars, I'll show another slide later that adds the other type of storage on here, but you can see there may be 60,000 acre-feet but this carryover storage is not really relied upon too significantly. Most years we're not really relying on much of it at all. This year, there is not carryover storage water available. We ended 2020 with 3,500 acre-feet of native water in storage and that has all subsequently been released in I believe it was March for compact debit purposes.

The second type of storage I want to talk about is what I'm calling in the year native storage. That's water from the spring runoff that is stored and then it's released later in the year. So this is the same kind of plot that we were looking at previously where the green is the actual native flows and the red is what they would have been if there were no storage. The only difference here is now we're looking at within one year. This happens to be year 2010 just as an example so we're going out across the months here. So in this case, in May there was about 90,000 acre-feet of water that was stored in El Vado and then it was subsequently released. And what did that do? It allowed for about 500 cfs of water in July through September here that would not have otherwise been there under natural conditions. So historically this has been used fairly a lot and I'll show that on the next slide. But this year, we really don't have the ability to do this. We're in Article 7 under the Rio Grande Compact and that prohibits adding any water to storage this year. So that tool is effectively not available to us.

Summarizing those two types of native storage, previously I showed the same plot with the blue bars and we saw that there was occasionally some carryover storage. The in-year storage is used a lot more frequently. 2010 is only circled here because that was the prior slide where 90,000 acre-feet was stored but you can see it's not really that uncommon – in fact, it's fairly common to be using up to about 100,000 acre-feet of water of native water from storage. And as I sort of alluded to in the prior slide, that's a significant amount of water. That's equivalent to about four months of flow at 400 cfs. And if you'll remember these forecast flows we're talking about are down in the 300 cfs range for later in the summer.

The third type of storage is San Juan-Chama water and this one is not quite as clean of a graph but I've done the same thing. I've just kind of pulled out how much water has been at Otowi coming from San Juan-Chama water here and this one is a little bit different because the water authority in Albuquerque started using their San Juan-Chama water in 2008 here so if you look from then on, normal flows could be considered 60,000 acre-feet a

year or something like that of San Juan-Chama water in the river and then you see in some of these dry years like 2012 and 2013 where we had low flows, quite a bit more was used and that quantity is really up to about 100,000 acre-feet of San Juan-Chama water has been used to augment flows in the river as well.

Just like the other two, the question is, are we able to do that this year? And the answer is effectively no. We have about 140,000 acre-feet of San Juan-Chama water in storage at the beginning of this year but that may sound like a decent amount of water but this year that's largely owned by the Water Authority in Albuquerque. City of Santa Fe has the second most. But in those historical years, those numbers, that 100,000 acre-feet year in 2012, a lot of that water was coming from MRGCD and they don't have – they have effectively, no San Juan-Chama water in storage right now. Reclamation has historically but some San Juan-Chama water in the river, they also don't have any water available now. This federal San Juan pool that's in Heron, that's San Juan-Chama water that is held onto by the federal government and allocated to the San Juan-Chama contractors each year and that's really a story of long-term drought here.

Historically, I think as everyone knows, up until – now I forget the year – but until the late – around 2010 I think, everyone all the contractors always got their full allocation of water and that to a large extent was because this federal San Juan pool was really big and they had enough to even out these year to year fluctuations. But after 20 years of drought, there simply isn't any water there either and to date, the contractors have only received about 10 percent of their full allocation so far this year. There's still a lot of snow up there this year that still should melt. There still should be some water coming but the point here is really the only folks that might be able to help augment flows this summer are really the Water Authority and Santa Fe. Those numbers aren't going to look like what they had in the past with this 100,000 acre-feet of water just to keep the river flowing.

This is a plot that shows a couple of our recent dry years. So we have the same color scheme with the native Rio Grande flows in blue and then the two types of Chama flows. The top graph is from 2020 and the bottom one is from 2018. I think this really drives home the story that a lot of water here in July, August, September is coming from the Chama system and that water in turn was either stored Rio Grande water, stored native water or San Juan-Chama water. Basically, this year, this green and yellow is not going to be available. There's going to be a little bit of it but we're really looking at more what the Rio Grande flow is coming down through Embudo which last year was on the order of 200 cfs through this time period and we get a little bit more through the Chama but not the amount that we've gotten in the past dry years.

So that's really the explanation of why these flows are so low. It's really that we just don't have these water management tools that we've relied on in the past and that's in a large part driven by 20 years of drought and Rio Grande Compact issues.

So ultimately, low flow projections for the summer, down in the 250 to 300 cfs range for a three-month period maybe more if we get a good monsoon. I appreciate the opportunity to present here and I'd be happy to answer any questions either now or anybody is welcomed to contact me at any time at either by email or phone here.

CHAIR HANSEN: Are there any questions from the Board? Tom.

MR. EGELHOFF: Yes, I was wondering, those flow numbers do not take into account monsoon flows or they do?

MR. SHULTZ: They do take into account monsoon flows. And I'll go to this slide again and I think that's what some of these spikes are, are monsoon flows. Yes, they do account for those.

KYLE HARWOOD (BDD Counsel): Madam Chair, I was just going to provide one context that might be useful to the Board., just briefly, if that would be helpful.

CHAIR HANSEN: Yes, please go ahead, Mr. Harwood.

MR. HARWOOD: I think one of the reasons why this is such a valuable presentation that Jesse and Rick and Steve have worked on is because we do advise you on – and on the consent agenda was an amendment to the Middle Rio Grande Endangered Species Act Memorandum of Agreement and just to remind the Board that when the flows get down to this 200 cfs range, which you can see very clearly on this particular graph that Steve put together, is when we start to run the flag up the pole sorta-speak on reaching our low-flow constraints. So I just want to commend Jesse and Rick and Steve for pulling together a presentation – and I think as Steve said at the beginning, these are all projections, right, Steve?

MR. SHULTZ: Right.

MR. HARWOOD: So we're looking at guesses into the future which always are a little tenuous. But the project was designed, a credit to Rick, to the water down to this very low range and we see the historic data and the projected data staying above those low-flow constraints. This is not a presentation about our NEPA rules which we've given you in the past but I thought I would just give that context for the Board so that this data has a sense of context for the current operations. Thank you, Madam Chair.

CHAIR HANSEN: Thank you, Kyle. Are there any other questions or comments at this time? It's definitely a sobering report and something I'm grateful to have the knowledge about these projections. So thank you Steve and Rick and Jesse for providing this.

d. Update on the Rio Grande low flow scenarios relative to BDD Operations

MR. SUGRUE: Thank you, I'm going to attempt to share my screen. I have a brief presentation on the low flow scenarios from the BDD perspective. In our experience in 2020 BDD experienced reduced Rio Grande river flow rates as low as 250 cfs or cubic feet per second. And BDD's original permits do require total curtailment of native river water diversions if native water flow falls to 200 cfs or below. However, San Juan-Chama water may be diverted. The BDD intake structure, of course, is a vital component of this. It has demonstrated the ability to divert water from the Rio Grande at levels of below 300 cubic feet per second in the past and as flow decreases by 50 cubic feet per second the level of the river surface at the diversion structure falls about 2 inches. So the Rio Grande River depth at the diversion is measured from the floor of one of our diversion cells, Cell #5, and turned into a number. So the river depth calculated at the diversion at 1,000 cfs, which is an average flow in the summer months, is reported as approximately 79 inches and I have a photo that illustrates that. Measurement from the top of the screen from essentially the river bottom is 57.3 inches so anything above that measurement of 57.3 is covering the diversion screens which is the normal case when we are diverting.

Here is a diagram of the diversion structure and the river would be out here to the left of the screen. The top of the structure, that's the ground, the river level at a 1,000 cubic feet per second is 79 inches of river level is here at the top of the structure. This is actually the screen, this angled section here, and so at 250 cfs or about 60 inches the screen is still well covered by the river level. At 200 cfs we calculate about 58 inches the screen is still covered by a few inches of water and this represents the bottom of the river. The cell where the pump pulls in water is actually below river level a few feet and there's a pipe that is the intake to the raw water pumps.

COUNCILOR ROMERO-WIRTH: Madam Chair.

CHAIR HANSEN: Yes, Councilor.

COUNCILOR ROMERO-WIRTH: Can we go back to that graph. So the 79 inches is from where to where? It's the top to what?

MR. SUGRUE: It's the top – and I'm sorry my pointer is a little shaky here – but from the top down to the bottom of this cell.

COUNCILOR ROMERO-WIRTH: Okay. And then the 60 inches is the same thing?

MR. SUGRUE: Yes, from this level which is actually below river level. So the inches is kind of an arbitrary number just representing from the bottom of the cell to the water level.

COUNCILOR ROMERO-WIRTH: And then the 58 inches is where to where?

MR. SUGRUE: That's also – this angled area here is about three feet. That is, the actual screen rests at an angle from about the bottom of the river, the river bed, up about three feet. And so the 58 inches is somewhat actually the arrow is not perfectly correct but a few inches above the top of the screen to the bottom of the intake cell. So it represents in the cell more than 6 feet of water.

COUNCILOR ROMERO-WIRTH: Thank you.

CHAIR HANSEN: Tom.

MR. EGELHOFF: Randy, do you guys on an operational basis, do you have a level instrument in there? Do you deal with inches or are you always looking at cfs?

MR. SUGRUE: No, we do, Tom, we have a transducer in the cell that reports up at the treatment plant continuously what the river level is.

MR. EGELHOFF: Is that on the daily report or am I missing that or is that not on the daily report?

MR. SUGRUE: The river level is not currently on the daily report in inches.

MR. EGELHOFF: Not that – I'd be like watching the inches go down and that would be very depressing.

MR. SUGRUE: If you keep this 58 inches in mind, I think there's a historical note and I don't have it in this report, the lowest level reported at Otowi in the last 40 years I think was 195 cfs. Close to this – and I think that was part of the design of the structure itself, perhaps, and why it was set, in set, where it is was calculating that sort of historical river low.

MR. EGELHOFF: Thanks.

CHAIR HANSEN: Any other questions? Okay, go ahead, Randy.

MR. SUGRUE: Thank you, Madam Chair. This is a photo of the river at about 250 cubic feet per second. I think you can see the intake structure down at the lower

left and this is the surface. So at the top of this concrete would represent 1,000 cfs so this is at a lower flow point, I think it was last October. You can see this exposed area as kind of a close up as 3 feet of concrete down to the water. And the screens at this point, I believe, we're still 6, possibly 8 inches below water level. Here's another and you can vaguely make out the screen underwater at that time but still well covered and there are no issues with diversion when the screens are covered. So I have a graph in a moment that plots the river level in October and November of last year when the flow dropped somewhat below 250 cfs, the screen remain covered. Data indicates the screens will remain covered at 200 cfs and possibly somewhat below. This graph shows the river flow, and this is in inches, the river level based on our numerical system and so here at – here's 250 cfs would be approximately between the two p's of approximate – below 250 we were still above 58 inches. This I think represents the top of the screen. So all through that fall of last year with significantly low flows the screens were still sufficiently covered to divert. After the water is in the cell when the pump is turned on does get drawn down. The suction of the pump pulls the water level down slightly because it pulls – as the water is being pulled out of the cell it's being refilled through the screen from the river. The graph below shows that this drawdown affect is consist with the river level at low pumping rates, say at 5 million gallons per day pumping rate and at high pumping rates, say at 10 million gallons per day, there's a more significant drawdown at a high pumping rate so it does not impact our ability to divert water even running the pumps at a high rate. This shows the river level in inches here at the bottom and this shows the cell level in Pump 5. So when the pumps are running at less than 6 million gallons per day, the orange boxes, it is pretty consistent that if the river level is 62 inches, the level in the cell is also 62 inches. So we're not drawing down the water more quickly in the cell and the river can refill which would result in the pumps sucking air essentially, we certainly want to avoid. But this shows that that does not occur whether at low-flow pumping rates or at high-flow pumping rates.

So the current river flow predictions as Steve mentioned from the U.S. Bureau of Reclamation for 2021 in the graph that I have indicates that the river flow, for the most part, will be well above 200 cfs. That's the prediction and here is shows, similar to Steve's graphs, May through June significantly higher river flows and then through the lower flow months of summer and fall, still well above 200 cfs. Their prediction at that time was in the vicinity of perhaps 500 cfs – so of course, we're hoping for the best.

Should the Rio Grande river flow fall below these levels we still have a high level of confidence that BDD can and will be able to divert down to 200 cfs potentially below but we have a high level of confidence that at 200 cfs we can absolutely convert. That's based on water that is not heightened to stormwater flows, that's always a factor but that's just in a storm event.

That's the end of my presentation. I certainly am open to questions.

[Chair Hansen temporarily lost her connection and rejoined the meeting shortly.]

COUNCILOR ROMERO-WIRTH: Tom, you have a question.

MR. EGELHOFF: Randy, I was wondering, once the screens are exposed at the top do you perceive something there then?

MR. SUGRUE: Not necessarily, Tom, that's a question we've given a lot of consideration and I feel that we could expose the screen to a reasonable extent. Now what that means, I don't have a specific answer. But river flow into the cell is almost instantaneous. Let me hazard and speculate – say 30 percent of the screen was exposed we

would still have a high flow into the cell. We may not be able to pump at our maximum flows or even a high flow but we may well be able to pump at lower flows. That will sort of be, that test if it occurs, you know we can't level the river level to test it but we think that it will pump even with somewhat of a screen exposure.

COUNCILOR ROMERO-WIRTH: Commissioner Hamilton, you had your hand up.

COMMISSIONER HAMILTON: Thank you, Madam Chair. What are the chances that when we get to these 200 to 250 cfs flows this summer that most of that will be native water that we're not allowed to pump?

MR. SUGRUE: That depends on the Grande. Most of the native water is coming down the Rio Grande. It is influenced by rainfall in northern New Mexico, southern Colorado, you know, honestly we just don't know. We hope for monsoon rains but in the past, like last fall I believe the majority was coming down the Chama. Rio Grande flow was say 150 cfs and the other 100 to 200 was coming from Abiquiu from one sort of water or another. So I don't have those many specifics.

COMMISSIONER HAMILTON: And I know that Steve in part of his presentation had information we could use to help answer the question from last year and a couple of years ago but I don't remember it well enough – but there would be the possibility that we would still have to crank down how much we divert.

MR. SUGRUE: That is – if the native water flow does fall to 200 cfs or below we cannot divert native water by our permits. We can divert SJC water as long as there's enough water in the combined Rio Grande, Chama River to carry our SJC release from Abiquiu to our diversion structure. So there's not a restriction on that SJC diversion. It's more a matter of will the water make it to the BDD inlet and we feel that it will.

COUNCILOR ROMERO-WIRTH: Okay, it sounds like that's the end of that line of questioning. Any other questions from the Board? Here is our Chair back.

CHAIR HANSEN: Sorry, I don't know what happened.

COUNCILOR ROMERO-WIRTH: We were just taking questions on this presentation and I don't think there are any more questions. I think we can move on to the next item.

8. CONSENT ITEMS [See Page 3]

9. ACTION ITEMS: Discussion and Action

a. Discussion and Possible Action for addition of a dedicated Admin Assistant for the Buckman Direct Diversion

MR. CARPENTER: Thank you, Madam Chair and members of the Board. There have been some discussions over the last several weeks on the necessity for a dedicated administrative assistant at the BDD. We have a very broad and diverse mission and to accomplish those administrative tasks we either try to do them ourselves in our spare time or we rely heavily on Jamie-Rae who does a good job for us but she actually works for the Public Utilities Department. And what that means is she covers solid waste, wastewater, water and utility billing so she is spread very thin. So we have a demonstrated need for the position. There was an administrative assistant in the past but for whatever reason that went away. I would like to bring it back. I think that Madam

Chair has some strong thoughts on it as well. I wouldn't have to create a new position. I have a vacancy that I could reclassify easily in order to do that. I would stand for questions and I would like input from the Board on who they would like us to move forward on this.

CHAIR HANSEN: As you know, Board members, I have brought this up and I believe in the past Councilor Vigil Coppler who was the previous chair, also supported this initiative to have an administrative assistant for Rick. Is there questions or comments from the Board?

COUNCILOR ROMERO-WIRTH: Madam Chair.

CHAIR HANSEN: Councilor Romero-Wirth and Councilor Vigil Coppler.

COUNCILOR ROMERO-WIRTH: Thank you, Madam Chair. Just a quick question; so this person would be a City employee but their job title or job description would be that they worked 100 percent as your administrator on BDD and it wouldn't be shared anywhere else. Is that correct, am I understanding that?

CHAIR HANSEN: I was hoping that they would be a BDD employee but since all BDD employees are actually City employees I will let Rick go ahead and answer that.

MR. CARPENTER: That was going to be my answer. The intention would be a dedicated FTE to the BDD but like all other BDD employees that person would be a City employee.

COUNCILOR ROMERO-WIRTH: So I support that as long as that person is a City employee. I don't think, and I would defer to our lawyers about whether you could have a BDD direct employee because I think there are a variety of things would make that less than ideal. For instance, we do have benefits that go with those positions and a whole bunch of HR stuff that we don't have as BDD specific. So as long as that employee is a City employee whose job it is to 100 percent support Rick and BDD, I think that's fine.

CHAIR HANSEN: Okay, I'm going to go to Councilor Vigil Coppler and I also see Commissioner Hamilton.

COUNCILOR VIGIL COPPLER: Thank you, Madam Chair. I was just going to express support for this position. As I experienced with Mr. Carpenter when I was chair, we were splitting much too much of Ms. Diaz's time between her function and reporting requirements to the City Water Division versus BDD and she did a fantastic job but I know that she was not necessarily and is not a BDD employee. She's directly reporting to City staff and I think she did a stellar job with what Rick Carpenter asked her to do. I think it would be much more efficient, it would be a great deal of support to Mr. Carpenter to have an administrative assistant that can carry out the responsibilities that he's doing because he sometimes acts as administrative assistant which I don't think is a good use of his time either. So with regard to any BDD employees, they are BDD organizational employees but still the City is our fiscal agent so they do fall under the City's personnel rules and such. But BDD is an organizationally-attached entity to the City of Santa Fe and I think we need to keep our organizational chart with its solid integrity so that employees aren't running in all directions. But that's a very good question Councilor Romero-Wirth brought up. I think that certainly many employees in the City are still trying to understand how we're organized. So to keep the integrity of

our organizational chart, it's good that we don't have so much cross-sharing as Ms. Diaz was doing because then end up pulling employees in opposite directions. I think this would be very good for BDD. I think it would be good for Mr. Carpenter and anybody else in BDD who he relies on to help him with these kinds of duties that fall in an administrative assistant capacity but still have to be undertaken by everyone. So this would, I think, streamline things a lot better and I think we could probably be more efficient and more productive.

Thank you, Madam Chair.

CHAIR HANSEN: Thank you. Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you, Madam Chair. I agree. I think it's a very good idea. Did we have the foresight to put this in the budget? I think I caught Rick saying something about reclassifying a position; is that going to strap us someplace else? Frankly, I think we have kept the budget very lean but I think every evidence is that BDD could afford this so is it in the budget?

MR. CARPENTER: Madam Chair, Commissioner, it is not currently in the budget. It would have to come out of salary savings elsewhere of which there is enough to cover this.

COMMISSIONER HAMILTON: Would it be advisable to revise the budget? It's only the beginning of May.

MR. CARPENTER: If that was the pleasure of the Board, I would be happy to bring that back.

COMMISSIONER HAMILTON: I don't know if I'm recommending it or not. I really don't. I would like to hear from you and Mackie, I suppose.

MR. CARPENTER: Madam Chair and Commissioner, like I said, it is not currently a funded position. I would have to reclassify another position that is also not currently funded. So in order to fund it going forward we would either have to realize the funding from salary elsewhere, which is doable, or come back with some sort of an amendment to the budget that would allow for this.

COMMISSIONER HAMILTON: I think, although we clearly need some discussion, I would put forward the suggestion that we consider amending the budget.

CHAIR HANSEN: Mr. Ives.

MR. IVES: Madam Chair, I was just going to say that given the complexities that the BDD will be tackling in the coming months in connection with litigation and everything else as well as potentially historically dry summers, I think having the additional staffing capacity at the BDD to facilitate Rick accomplishing all that he needs to out there makes great sense. Yes, I think that this is something that is timely, prudent and makes sense and personally I'm highly in favor of it. Thank you.

CHAIR HANSEN: Thank you, Mr. Ives. I appreciate that. I just noted that once I became chair that I realized that Rick did not have an administrative assistant and since we have already had approval from the City Council would we have to go back and have our budget reapproved by the City Council is my question. Or would it be simpler to use the salary savings that we have at the moment and then in our budget next year or when we need to do another BAR, that we would do that all at the same time?

MR. CARPENTER: Madam Chair, using current salary savings would be the path of least resistance.

CHAIR HANSEN: Okay. Yes, Councilor Vigil Coppler.

COUNCILOR VIGIL COPPLER: I would suggest that since we have salary savings which is appropriately spent on positions that we begin the process of reclassifying the position, using the salary line item that we have now and in the event that as July 1st approaches, if we just get an update on how that's working and then if we need to do a budget adjustment that we do it at that time. And just take it as it comes. There is a process to review our budget from time to time, in fact, we had a report tonight, so I think that we have a system in place where we can keep an eye on this and then adjust as we find that it is necessary.

CHAIR HANSEN: Commissioner Hamilton.

COMMISSIONER HAMILTON: That certainly makes sense. I don't have any kind of objection to using salary savings but we're in a point where we approved the BDD budget and that meant that both the City Council and the County Commission also approved their portions of the budget and it is included in our respective budgets, right, the City portion and the County portion. And so if we do a BAR in July, I mean the final budgets have to be in to the State Auditor at the end of June so we can wait and do a budget correction anytime but then it affects both entities. So I'm not sure – I'm just confused enough to not be sure whether to recommend we do – if we do it now then there's the time before each entity has to submit their budgets and the BDD has to submit their budget formally and have it approved by the auditor and sadly we don't have Mackie here to give us the details of the process.

CHAIR HANSEN: Thank you, Commissioner Hamilton. I would like possibly to hear from Rick but I do think that since we do have salary savings it would be the most, as he said, the path of least resistance and before I go any further I'll go to Councilor Romero-Wirth. I didn't see your hand being raised, so go ahead.

COUNCILOR ROMERO-WIRTH: Thank you, Madam Chair. So this would be a reoccurring expense. Salary savings, Rick, would only get us to this upcoming fiscal year or how does that work?

MR. CARPENTER: It would be this upcoming fiscal year and then going forward we would either continue to realize those salary savings. If it looked like that wasn't going to be the best option then as I said, we would have to come back and do some sort of a budget amendment or correction. Because if it's an ongoing expense, in future budgets we would build it in. In this upcoming year we would just have to fund it through salary savings.

COUNCILOR ROMERO-WIRTH: So we know that we can afford it in this upcoming fiscal year through salary savings and then to carry it forward we would put it through our budgeting process to fund it in the outer years.

MR. CARPENTER: Madam Chair, Councilor, that is correct.

COUNCILOR ROMERO-WIRTH: Okay. I guess the only other thing is, the BDD budget, correct me if I'm wrong, we don't just get to tack on whatever we want – we just expense it to both the City and the County? I think we have legal agreements don't we that say what makes up the pie and then within that pie we figure out as BDD how we expend those funds; correct?

MR. CARPENTER: That's correct.

COUNCILOR ROMERO-WIRTH: Okay. Thank you, Madam Chair.

CHAIR HANSEN: Ms. Long, do you have anything?

NANCY LONG (BDD Board Counsel): No, Madam Chair, I didn't have anything else to add. I think Mr. Carpenter answered that question for Councilor Romero-Wirth.

CHAIR HANSEN: Is there anymore discussion on this item or could I have a motion?

COUNCILOR VIGIL COPPLER: Madam Chair.

CHAIR HANSEN: Yes.

COUNCILOR VIGIL COPPLER: I move to add a dedicated administrative assistant for the Buckman Direct Diversion Board to the organization and direct Mr. Carpenter to identify funds to fund it.

MR. HELMS: Second.

COUNCILOR ROMERO-WIRTH: Madam Chair, just one more question.

CHAIR HANSEN: Yes, Councilor.

COUNCILOR ROMERO-WIRTH: Madam Chair and Rick, you think long-term within the BDD's budget there is the ability to fund this beyond the next fiscal year?

MR. CARPENTER: Yes, I believe that to be the case, yes.

CHAIR HANSEN: Any other questions from the Board?

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

CHAIR HANSEN: Thank you very much. I think this is a good addition to our staff.

10. MATTERS FROM THE BOARD

An error was noted on the next meeting date which is corrected below.

11. NEXT MEETING: Thursday, June 3, 2021 at 4:00 p.m.

12. ADJOURN

13. EXECUTIVE SESSION

In accordance with the New Mexico Open Meetings Act NMSA 1978, §10-15-1(H)(7), discussion regarding pertaining to threatened or pending litigation in which the BDD Board is or may become a participant with respect to Rio Grande water quality issues

CHAIR HANSEN: We do have executive session so I would like to go to Nancy Long before we adjourn and go into executive session and have her give us the motion.

MS. LONG: Yes, Madam Chair. You would ask for a motion to adjourn and go into executive session for the purpose as stated on the agenda for discussion pertaining to threatened or pending litigation in which the BDD Board is or may become a participant regarding Rio Grande water quality issues.

CHAIR HANSEN: Thank you. Do I have a motion?

COUNCILOR VIGIL COPPLER: Yes.

CHAIR HANSEN: Okay, Councilor Vigil Coppler moved and
Commissioner Hamilton?

COMMISSIONER HAMILTON: Second.

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

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

[The Board adjourned and met in executive session at 5:15 p.m.]

ADJOURNMENT

Chair Hansen declared this meeting adjourned at approximately 5:15 p.m.

Approved by:

Anna Hansen, Board Chair

Respectfully submitted:

Karen Farrell, Wordswork

ATTEST TO

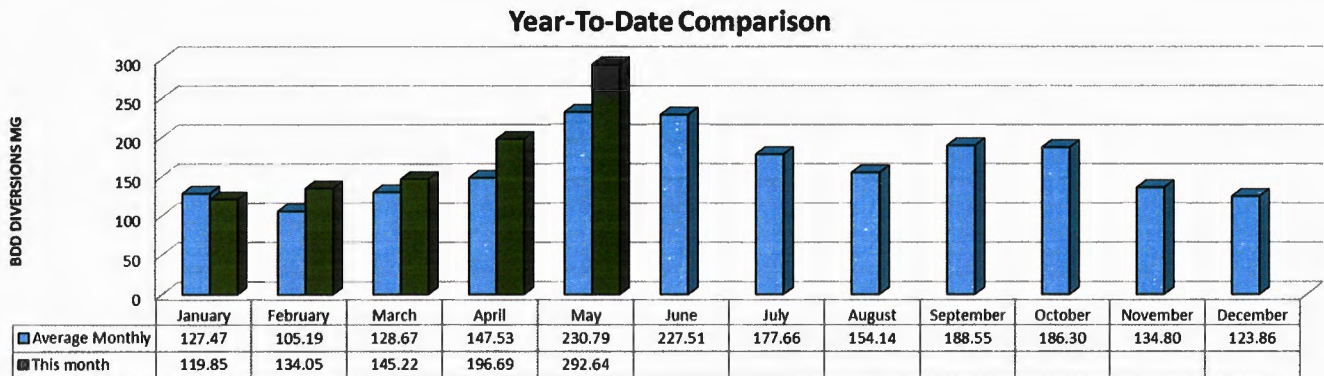
KRISTINE BUSTOS-MIHELIC
SANTA FE CITY CLERK



Date: June 3, 2021
To: Buckman Direct Diversion Board
From: Randy Sugrue, BDD Operations Superintendent
Subject: Update on BDD Operations for the Month of May 2021

ITEM:

1. This memorandum is to update the Buckman Direct Diversion Board (BDDDB) on BDD operations during the month of May 2021. The BDD diversions and deliveries have averaged, in Million Gallons Per Day (MGD) as follows:
 - a. Raw water diversions: 9.44 MGD.
 - b. Drinking water deliveries through Booster Station 4A/5A: 8.42 MGD.
 - c. Raw water delivery to Las Campanas at BS2A: 0.59 MGD.
 - d. Onsite treated and non-treated water storage: 0.43 MGD Average.
2. The BDD is providing approximately 77% percent of the water supply to the City and County for the month.
3. Regional Demand/Drought Summary and Storage-see page 2.
4. The BDD year-to-date diversions are depicted below:



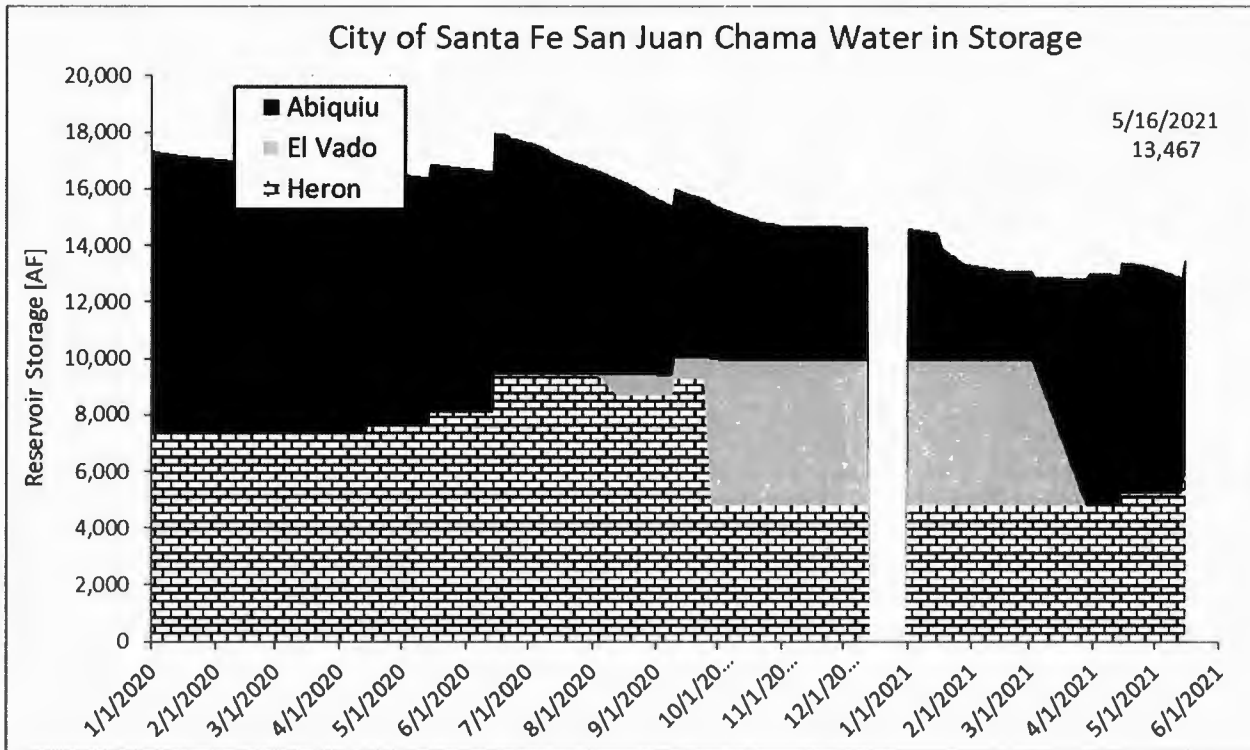


Regional Water Overview

Daily metered regional water demand for the month of May 2021 is approximately 11.0 MGD.

Rio Grande flows for May 2021 averaged approximately 1750 CFS (cubic feet per second.)

City/County/LC Storage- as updated by partners.



ENSO Summary

May 24, 2021

ENSO Alert System Status: Final La Niña Advisory ENSO-neutral conditions are present.*Equatorial sea surface temperatures (SSTs) are near-to-below average over the east-central and eastern Pacific Ocean. ENSO-neutral likely to continue through the Northern Hemisphere summer (67% chance in June-August 2021).*



Buckman Direct Diversion Monthly SJC and Native Diversions

May-21

In Acre-Feet

Month	Total SJC + Native Rights	SP-4842 RG Native COUNTY	SD-03418 RG Native LAS CAMPANAS	SJC Call Total	SP-2847-E SJC Call CITY	SP-2847-N-A SJC Call LAS CAMPANAS	All Partners Conveyance Losses
JAN	371.899	35.469	0.000	336.429	336.429	0.000	3.456
FEB	414.249	197.198	0.000	217.051	217.051	0.000	2.229
MAR	446.227	446.227	0.000	0.000	0.000	0.000	0.000
APR	605.636	487.703	0.000	117.933	117.933	0.000	1.195
MAY	902.786	518.120	0.000	384.666	384.666	0.000	2.477
JUN	0.000	0.000	0.000	0.000	0.000	0.000	0.000
JUL	0.000	0.000	0.000	0.000	0.000	0.000	0.000
AUG	0.000	0.000	0.000	0.000	0.000	0.000	0.000
SEP	0.000	0.000	0.000	0.000	0.000	0.000	0.000
OCT	0.000	0.000	0.000	0.000	0.000	0.000	0.000
NOV	0.000	0.000	0.000	0.000	0.000	0.000	0.000
DEC	0.000	0.000	0.000	0.000	0.000	0.000	0.000
TOTAL	2,740.798	1,684.717	0.000	1,056.080	1,056.080	0.000	9.357

In Million Gallons

Month	Native COUNTY	Native Las Campanas	SJC TOTAL	SJC CITY	SJC Las Campanas	All Partners Diversions
JAN	11.554	0.000	108.306	108.306	0.000	119.860
FEB	64.234	0.000	69.875	69.875	0.000	134.109
MAR	145.351	0.000	0.000	0.000	0.000	145.351
APR	158.861	0.000	37.971	37.971	0.000	196.832
MAY	168.769	0.000	123.871	123.871	0.000	292.640
JUN	0.000	0.000	0.000	0.000	0.000	0.000
JUL	0.000	0.000	0.000	0.000	0.000	0.000
AUG	0.000	0.000	0.000	0.000	0.000	0.000
SEP	0.000	0.000	0.000	0.000	0.000	0.000
OCT	0.000	0.000	0.000	0.000	0.000	0.000
NOV	0.000	0.000	0.000	0.000	0.000	0.000
DEC	0.000	0.000	0.000	0.000	0.000	0.000
TOTAL	548.768	0.000	340.023	340.023	0.000	888.791



Buckman Direct Diversion Monthly SJC and Native Diversions

Dec-20

In Acre-Feet

Month	Total SJC + Native Rights	SP-4842 RG Native COUNTY	SD-03418 RG Native LAS CAMPANAS	SJC Call Total	SP-2847-E SJC Call CITY	SP-2847-N-A SJC Call LAS CAMPANAS	All Partners Conveyance Losses
JAN	438.797	134.433	0.000	304.364	298.249	6.115	2.759
FEB	396.508	218.194	0.000	178.314	178.314	0.000	1.679
MAR	357.764	185.598	0.000	172.165	172.165	0.000	1.621
APR	372.408	187.945	0.000	184.463	122.188	62.275	1.737
MAY	641.374	529.897	0.000	111.477	111.477	0.000	0.889
JUN	637.220	509.818	0.000	127.402	1.618	125.784	1.017
JUL	784.520	0.000	0.000	784.520	784.520	0.000	3.663
AUG	886.856	12.503	0.000	874.354	839.919	34.435	4.214
SEP	762.357	0.000	0.000	762.357	682.674	79.683	3.556
OCT	593.109	0.000	0.000	593.109	539.638	53.472	5.845
NOV	390.743	353.481	0.000	37.261	37.261	0.000	0.345
DEC	392.394	355.317	0.000	37.077	37.077	0.000	0.377
TOTAL	6,654.050	2,487.186	0.000	4,166.864	3,805.100	361.764	27.701

In Million Gallons

Month	Native COUNTY	Native Las Campanas	SJC TOTAL	SJC CITY	SJC Las Campanas	All Partners Diversions
JAN	43.789	0.000	98.103	96.304	1.975	141.892
FEB	71.073	0.000	57.454	57.454	0.000	128.527
MAR	60.456	0.000	55.473	55.473	0.000	115.928
APR	61.220	0.000	59.435	39.440	20.101	120.655
MAY	172.605	0.000	35.812	35.812	0.000	208.417
JUN	166.065	0.000	40.927	0.520	40.407	206.992
JUL	0.000	0.000	252.754	252.754	0.000	252.754
AUG	4.073	0.000	281.681	271.072	11.113	285.754
SEP	0.000	0.000	245.686	219.960	25.726	245.686
OCT	0.000	0.000	191.019	174.109	17.252	191.019
NOV	115.140	0.000	12.008	12.008	0.000	127.148
DEC	115.738	0.000	11.937	11.937	0.000	127.676
TOTAL	810.158	0.000	1,342.289	1,226.843	116.574	2,152.447



Dec-19

In Acre-Feet

Month	Total SJC + Native Rights	SP-4842 RG Native COUNTY	SD-03418 RG Native LAS CAMPANAS	SJC Call Total	SP-2847-E SJC Call CITY	SP-2847-N-A SJC Call LAS CAMPANAS	All Partners Conveyance Losses
JAN	327.677	56.671	0.000	271.007	271.007	0.000	2.483
FEB	278.357	71.266	0.000	207.090	207.090	0.000	1.908
MAR	134.335	88.610	0.000	45.725	45.725	0.000	3.498
APR	126.924	114.750	0.000	12.175	12.175	0.000	0.110
MAY	550.285	550.285	0.000	0.000	0.000	0.000	0.000
JUN	546.222	546.222	0.000	0.000	0.000	0.000	0.000
JUL	649.014	23.285	0.000	625.729	519.383	106.345	2.907
AUG	422.340	17.075	0.000	405.265	318.606	86.659	1.912
SEP	518.606	169.956	0.000	348.650	261.901	86.749	1.564
OCT	531.254	15.373	0.000	515.881	477.452	38.429	4.676
NOV	325.023	42.180	0.000	282.843	280.865	1.978	2.936
DEC	334.880	48.808	0.000	286.071	286.071	0.000	2.893
TOTAL	4,744.916	1,744.482	0.000	3,000.434	2,680.275	320.160	24.886

In Million Gallons

Month	Native COUNTY	Native Las Campanas	SJC TOTAL	SJC CITY	SJC Las Campanas	All Partners Diversions
JAN	18.460	0.000	87.342	87.342	0.000	105.802
FEB	23.214	0.000	66.739	66.739	0.000	89.953
MAR	28.863	0.000	13.735	13.735	0.000	42.598
APR	37.378	0.000	3.924	3.924	0.000	41.302
MAY	179.246	0.000	0.000	0.000	0.000	179.246
JUN	177.923	0.000	0.000	0.000	0.000	177.923
JUL	7.585	0.000	201.598	167.635	34.262	209.183
AUG	5.562	0.000	130.586	102.846	27.974	136.148
SEP	55.360	0.000	112.401	84.384	28.017	167.762
OCT	5.008	0.000	166.279	154.168	12.409	171.287
NOV	13.739	0.000	91.045	90.407	0.638	104.785
DEC	15.899	0.000	92.109	92.109	0.000	108.008
TOTAL	568.235	0.000	965.760	863.292	103.299	1,533.995



Buckman Direct Diversion Monthly SJC and Native Diversions

Dec-18

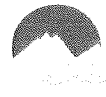
In Acre-Feet

Month	Total SJC + Native Rights	SP-4842 RG Native COUNTY	SD-03418 RG Native LAS CAMPANAS	SJC Call Total	SP-2847-E SJC Call CITY	SP-2847-N-A SJC Call LAS CAMPANAS	All Partners Conveyance Losses
JAN	383.578	77.954	0.000	305.624	305.624	0.000	2.708
FEB	343.467	75.227	0.000	268.240	268.240	0.000	2.415
MAR	363.780	267.512	0.000	96.268	96.268	0.000	4.036
APR	662.407	569.253	0.000	93.154	93.154	0.000	3.898
MAY	941.240	209.538	0.000	731.702	615.366	116.336	8.171
JUN	912.903	30.894	0.000	882.009	740.070	141.939	8.707
JUL	905.897	0.000	0.000	905.897	816.188	89.709	4.255
AUG	678.383	1.466	0.000	676.917	676.917	0.000	6.087
SEP	694.411	0.000	0.000	694.411	694.411	0.000	6.404
OCT	608.789	0.000	0.000	608.789	599.228	9.560	5.805
NOV	404.616	82.390	0.000	322.226	316.641	5.585	3.196
DEC	369.186	2.966	0.000	366.220	366.220	0.000	3.392
TOTAL	7,268.656	1,317.200	0.000	5,951.456	5,588.327	363.129	59.073

In Acre-Feet

Month	Native COUNTY	Native Las Campanas	SJC TOTAL	SJC CITY	SJC Las Campanas	All Partners Diversions
JAN	77.954	0.000	302.916	302.916	0.000	380.870
FEB	75.227	0.000	265.825	265.825	0.000	341.052
MAR	267.512	0.000	92.231	92.231	0.000	359.744
APR	569.253	0.000	89.256	89.256	0.000	658.509
MAY	209.538	0.000	723.531	608.494	115.037	933.069
JUN	30.894	0.000	873.302	732.764	140.538	904.196
JUL	0.000	0.000	900.737	811.539	89.198	900.737
AUG	1.466	0.000	670.830	670.830	0.000	672.295
SEP	0.000	0.000	688.007	688.007	0.000	688.007
OCT	0.000	0.000	602.984	593.515	9.469	602.984
NOV	82.390	0.000	319.030	313.500	5.530	401.420
DEC	2.966	0.000	362.829	362.829	0.000	365.794
TOTAL	1,317.200	0.000	5,891.477	5,531.706	359.772	7,208.677

Memorandum



Buckman Direct Diversion

Date: June 3, 2021

To: Buckman Direct Diversion Board

From: Kyle Harwood
Rick Carpenter

Subject: **Long Komer & Associates, P.A. Amendment No. 3 to Legal Services Agreement**

Item and Issue:

Request for approval of Amendment No. 3 to the Legal Services Agreement in the amount of \$15,000 exclusive of NMGRF for FY2021 legal services with Long, Komer & Associates and subcontractor Egolf, Ferlic, Martinez & Harwood.

Background and Summary:

On March 7, 2019 the Buckman Direct Diversion Board (BDDDB) awarded RFP '19/22/P for legal services to Long, Komer & Associates, P.A. to serve as the legal counsel for the BDDDB. On June 4, 2020, the BDDDB approved Amendment No. 1 to the legal services contract. Amendment No. 1 extended the award for services to June 30, 2021 and increased compensation for the amended term.

On January 7, the BDDDB approved Amendment No. 2 to the legal services contract. Amendment No. 2 increased the compensation in the amount of \$20,000 to provide funding for the Waters of the United States (WOTUS) briefing.

This Amendment No. 3 is to increase the compensation for the current term in the amount of \$15,000.00 for the purposes of increased work load with respect to Los Alamos National Laboratory and Rio Grande water quality issues over the past six months; additional tasks with respect to the Minnow Collaborative program concerning the 2021 drought; and tasks concerning the City return pipeline in relation to the BDDDB permit and coordination with staff regarding the permit during the first quarter of 2021.

Action Requested

Staff recommends approval of Amendment No. 3 to the Legal Services Agreement with Long, Komer & Associates, P.A. Funding is available within our approved FY2021 operating budget.



**BUCKMAN DIRECT DIVERSION BOARD
AMENDMENT NO. 3 TO
LEGAL SERVICES AGREEMENT
WITH LONG, KOMER & ASSOCIATES, P.A.
#19-0246**

THIS AMENDMENT NO. 3 (“Amendment”) to the Legal Services Agreement dated March 7, 2019, and as subsequently amended (“Agreement”), is made between the Buckman Direct Diversion Board (“BDDDB”) and Long, Komer & Associates, P.A. (“Contractor”). The effective date of this Amendment shall be the date it is executed by the BDDDB.

RECITALS

A. Under the terms of the Agreement, Contractor has agreed to provide legal services, acting in the capacity of legal counsel for the BDDDB.

B. Pursuant to Article 18 of the Agreement, and for good and valuable consideration, the receipt and sufficiency of which are acknowledged by the parties, the BDDDB and Contractor agree as follows:

1. COMPENSATION

Article 3, paragraph A of the Agreement is amended to increase the amount of compensation by a total of Fifteen Thousand Dollars (\$15,000.00) plus applicable gross receipts tax, so that Article 3 paragraph A reads in its entirety as follows:

A. Compensation under this Agreement shall be in an amount not to exceed Five Hundred Forty-Nine Thousand Dollars (\$549,000.00) plus applicable gross receipts tax.

B. Contractor shall be responsible for payment of gross receipts taxes levied by the State of New Mexico on the sums paid under this Agreement.

C. Payment shall be made upon receipt and approval by the BDDDB of detailed statements containing a report of services completed. Compensation shall be paid only for services performed.

2. TERM AND EFFECTIVE DATE

Article 5 of the Agreement is amended to extend the term to terminate on June 30, 2022.

3. AGREEMENT IN FULL FORCE.

Except as specifically provided in this amendment, the Agreement remains, and shall remain in full force and effect, in accordance with its terms.

IN WITNESS WHEREOF, the parties have executed this Amendment No. 3 to the Legal Service Agreement as the dates set forth below.

BUCKMAN DIRECT DIVERSION BOARD

CONTRACTOR

Long, Komer & Associates P.A.

By: _____
Commissioner Anna C. Hansen, BDDDB Chair

Signature: _____

Printed Name: Nancy R. Long

Date: _____

Title: _____

Date: _____

ATTEST

New Mexico Tax & Revenue

Katherine E. Clark, Santa Fe County Clerk

CRS# _____

File Date: _____

City of Santa Fe Business

Registration# _____

APPROVED AS TO FORM

Erin K. McSherry, COSF Attorney

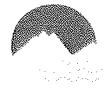
APPROVED

Alexis C. Lotero, Acting COSF Finance Director

ATTEST

Kristine Bustos-Mihelcic, COSF Clerk

Memorandum



Buckman Direct Diversion

Date: May 20, 2021
To: Buckman Direct Diversion Board
From: Monique Maes, BDD Contracts Administrator
Via: Rick Carpenter, BDD Facilities Manager
Subject: ALS Group USA, Corp. Amendment No. 3

ITEM:

Request for approval of Amendment No. 3 to the Professional Services Agreement Item 18-1048 with ALS Group USA, Corp for additional laboratory analysis service for FY 22/23 in the amount of \$90,000 plus applicable tax.

BACKGROUND:

In order to evaluate the concentrations of radionuclides at The BDD, at statistically significant levels a substantial number of samples must be collected and analyzed. The cost to perform this level of sampling is estimated to be \$90,000. BDD currently has an existing contract with ALS Group USA Corp, for conducting this type of analyses. This contract was awarded through RFP '18/46/P Laboratory Analytical Testing Services. This Amendment will increase compensation to provide the funding needed to comply with the additional sampling requirement.

Action Requested:

Staff recommends approval of Amendment No 3 to the Professional Services Agreement with ALS Group, Corp.

BU/LI: Compliance Service 8000801.510250

Approved by BDDDB June 3rd 2021

Commissioner Anna Hansen, BDDDB Chair



Buckman Direct Diversion 341 Caja del Rio Santa Fe, NM 87506



**BUCKMAN DIRECT DIVERSION BOARD
AMENDMENT NO. 3
TO SERVICES AGREEMENT WITH
ALS GROUP USA, CORP.
#18-1048**

THIS AMENDMENT NO. 3 (the “Amendment”) to the Services Agreement dated August 2, 2018, (the “Agreement”) is made between the Buckman Direct Diversion Board (“BDDDB”) and ALS Group USA, Corp. (“Contractor”). The effective date of this amendment shall be the date it is executed by the BDDDB.

RECITALS

A. Under the terms of the Agreement, Contractor has agreed to provide laboratory analysis service for the BDD Board as outlined in the agreement.

B. Pursuant to Article 18 of the agreement. And for good and valuable consideration, the receipt and Sufficiency of which are acknowledged by the parties, the Board and the Contractor agree as follows:

1. COMPENSATION

Article 3, paragraph A of the Agreement is amended to increase the amount of compensation by a total of Ninety Six Thousand dollars (\$96,000) plus applicable gross receipts tax, so that Article 3 paragraph A reads in its entirety as follows:

A. The BDDDB shall pay to the Contractor in full payment of services rendered a sum not to exceed Three hundred Forty-Six Thousand dollars (346,000) plus applicable gross receipts tax.

B. The Contractor shall be responsible for payment of gross receipts taxes levied by the State of New Mexico on the sums paid under this Agreement.

C. Payment shall be made upon receipt and approval by The BDDB of detailed statements containing a report of services completed. Compensation shall be paid only for services actually preformed.

2. **TERM AND EFFECTIVE DATE**

Article 5 of the agreement is amended to extend the term to terminate on June 30, 2022.

3. **AGREEMENT IN FULL FORCE.**

Except as specifically provided in this amendment, the Agreement remains, and shall remain in full force and effect, in accordance with its terms.

IN WITNESS WHEREOF, the parties have executed this Amendment No.3 to the professional Service Agreement as the dates set forth below.

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SIGNATURE PAGE FOLLOWS]***

BUCKMAN DIRECT DIVERSION BOARD

By: _____

Commissioner Anna C. Hansen, BDDDB Chair

Date: _____

ATTEST

Katharine E. Clark, County Clerk

File Date: _____

APPROVED AS TO FORM:

Nancy R. Long, BDDDB Counsel

APPROVED

Alexis C. Lotero, Acting Finance Director

ATTEST

Kristine Bustos-Mihelcic

CONTRACTOR:

ALS Group USA, Corp

Signature: _____

Printed Name: _____

Title: _____

Date: _____

New Mexico Tax & Revenue

CRS# _____

City of Santa Fe Business

Registration# _____

Memorandum



Buckman Direct Diversion

Date: June 3rd 2021
To: The Buckman Direct Diversion Board
From: Rick Carpenter, BDD Facilities Manager
Via: Monique Maes, BDD Contract Administrator
Subject: Chavez Security, INC Amendment NO.3

ITEM

Request for approval of Amendment NO. 3 to the Service Agreement for FY2022 in the Amount of \$179,000 plus applicable tax to the contract with Chavez Security, INC.

BACKGROUND

On June 7th, 2018 the Buckman Direct Diversion Board granted RFP '18/14/B award for BDD Security services to Chavez Security INC. This request will extend the award for services to June 30, 2022 which is the final year of this contract term. Chavez Security, Inc. provides patrols to the Buckman Facilities along the Buckman road corridor.

ACTION REQUESTED

Staff recommends approval of Amendment No. 3 to the Services Agreement with Chavez Security, Inc. in the amount of \$179,000 plus applicable tax. Funding is available in our approved FY2022 operating budget.

ORG/OBJ: Service Contracts -8000801.510310

MUNIS Contract# 3200238, Change Order 1

Approved by BDDDB June 3rd, 2021

Commissioner Anna C. Hansen



Buckman Direct Diversion 341 Caja del Rio Santa Fe, NM 87506



**BUCKMAN DIRECT DIVERSION BOARD
AMENDMENT NO. 3 TO
SERVICES AGREEMENT
WITH CHAVEZ SECURITY, Inc.
#18-0663**

THIS AMENDMENT NO. 3 ("Amendment") to the Services Agreement, dated June 7, 2018 and as subsequently amended ("Agreement"), is made between the Buckman Direct Diversion Board ("BDDDB") and Chavez Security, Inc. ("Contractor"). The effective date of this Amendment shall be the date it is executed by the BDDDB.

RECITALS

A. Under the terms of the Agreement, Contractor has agreed to provide physical prevention and protection to persons and property for the BDDDB and Buckman Direct Diversion facilities.

B. Pursuant to Article 18 of the Agreement, and for good and valuable consideration, the receipt and sufficiency of which are acknowledged by the parties, the BDDDB and Contractor agree as follows:

1. COMPENSATION

Article 3, paragraph A of the Agreement is amended to increase the amount of compensation by a total of One Hundred Seventy-Nine Thousand Dollars (\$179,000.00) plus applicable gross receipts tax, so that Article 3, paragraph A reads in its entirety as follows:

A. Compensation under this Agreement shall be only for services rendered at an hourly rate of Twenty-Seven Dollars and Twenty-Six Cents (\$27.26) per hour for each Security Officer III, including the vehicle and all equipment for each Security Officer III and an hourly rate of Twenty-five Dollars (\$25.00) for emergency call in. The BDDDB shall pay to Contractor for services rendered a sum not to exceed Seven Hundred Sixteen Thousand Dollars (\$716,000.00) plus applicable gross

receipts tax. Compensation to be paid for any renewal term shall be agreed upon by the parties.

B. Contractor shall be responsible for payment of gross receipts taxes levied by the State of New Mexico on the sums paid under this Agreement.

C. Payment shall be made upon receipt and approval by the BDDDB of detailed statements containing a report of services completed. Compensation shall be paid only for services performed.

2. TERM AND EFFECTIVE DATE.

Article 6, of the Agreement is amended to extend the term to terminate on June 30, 2022.

3. AGREEMENT IN FULL FORCE.

Except as specifically provided in this Amendment, the Agreement remains, and shall remain, in full force and effect, in accordance with its terms.

IN WITNESS WHEREOF, the parties have executed this Amendment No. 3 to the Agreement as of the dates set forth below.

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SIGNATURE PAGE FOLLOWS]***

BUCKMAN DIRECT DIVERSION BOARD

By: _____
Commissioner Anne C. Hansen, BDDDB Chair

Date: _____

ATTEST

Katherine E, Clark, Santa Fe County Clerk

File Date: _____

APPROVED AS TO FORM

Nancy R. Long

Nancy R. Long, BDDDB Counsel

APPROVED

Alexis C. Lotero, Acting COSF Finance Director

ATTEST

Kristine Bustos Mihelcic

CONTRACTOR
Chavez Security, Inc.

Signature _____

Title: _____

Date: _____

New Mexico Tax & Revenue

CRS# _____

City of Santa Fe Business
Registration # _____

Memorandum



Buckman Direct Diversion

Date: June 3rd, 2021
To: Buckman Direct Diversion Board
From: Rick Carpenter, BDD Facilities Manager
Via: Monique Maes, Contracts Administrator
Subject: B & D Industries Amendment No. 3

ITEM

Request for approval of Amendment NO. 3 to Service Agreement Item 19-0056 with B& D Industries, Inc. for on-call HVAC repair services for FY2022 in the amount of \$55,000 plus applicable tax.

BACKGROUND

On November 11, 2018 the Buckman Direct Diversion Board approved the request to award RFB '19/05/B On-Call HVAC services to B & D Industries, Inc. This request will extend the award for services to June 30, 2022, which enters into the final term of the contract. This amendment will also increase compensation for the amended term in the amount of 55,000 plus tax.

BDD has many heating ventilation and air conditioning units throughout the facilities. These units provide temperature control for our pumps and equipment. If a unit fails it is extremely important that the unit is repaired in a timely manner so that the pumps and equipment do not overheat. This service will be utilized to supplement the current resources in the repair and maintenance of BDD equipment.

ACTION REQUESTED

Staff recommends approval of Amendment No. 3 to the Services Agreement with B & D industries, Inc. in the amount of \$55,000 exclusive of NMGRT. Funding is available in our approved FY2022 operating budget.

ORG/OBG: Repair and Maintenance Building/Structure #7280000.520100.930020

Approved by BDDDB June 3rd 2022

Commissioner Anna C Hansen, BDD Chair



Buckman Direct Diversion 341 Caja del Rio Santa Fe, NM 87506



**BUCKMAN DIRECT DIVERSION BOARD
AMENDMENT NO. 3 TO SERVICES AGREEMENT
WITH B & D INDUSTRIES, INC.
#19-0056**

THIS AMENDMENT No. 3 ("Amendment") to the SERVICES AGREEMENT, dated November 30, 2018, and as subsequently amended ("Agreement"), is made between the Buckman Direct Diversion Board ("BDDDB") and B & D Industries, Inc. ("Contractor"). The effective date of this Amendment shall be the date it is executed by the BDDDB.

RECITALS

A. Under the terms of the Agreement, Contractor has agreed to provide on call repair, replacement, and installation of HVAC systems at the BDD.

B. Pursuant to Article 18 of the Agreement, and for good and valuable consideration, the receipt and sufficiency of which are acknowledged by the parties, the BDDDB and Contractor agree as follows:

1. COMPENSATION

Article 3, paragraph A of the Agreement is amended to increase the amount of compensation by a total of Fifty-Five Thousand Dollars (\$55,000.00) plus applicable gross receipts tax, so that Article 3, paragraph A reads in its entirety as follows:

A. Compensation under this agreement shall be in an amount not to exceed Two Hundred Fifty-Five Thousand Dollars (\$255,000.00), plus applicable gross receipts tax.

B. Contractor shall be responsible for payment of gross receipts taxes levied by the State of New Mexico on the sums paid under this Agreement.

C. Payment shall be made upon receipt and approval by the BDDDB of detailed statements containing a report of services completed. Compensation shall be paid only for services performed.

2. **TERM AND EFFECTIVE DATE.**

Article 6, of the Agreement is amended to extend the term to terminate on June 30, 2022.

3. **AGREEMENT IN FULL FORCE.**

Except as specifically provided in this Amendment, the Agreement remains, and shall remain, in full force and effect, in accordance with its terms.

IN WITNESS WHEREOF, the parties have executed this Amendment No. 3 to the Agreement as of the dates set forth below.

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SIGNATURE PAGE FOLLOWS]***

BUCKMAN DIRECT DIVERSION BOARD

By: _____
Commissioner Anna C. Hansen

Date _____

ATTEST

Katherine E. Clark, Santa Fe Count Clerk

APPROVED AS TO FORM

Nancy R. Long

Nancy R. Long, BDDDB Counsel

APPROVED

Alexis C, Lotero, Acting COSF Finance Director

ATTEST

Kristine Bustos-Mihelcic, City Clerk

File Date: _____

**CONTRACTOR:
B&D Industries, Inc.**

Signature: _____

Printed Name: _____

Title: _____

Date: _____

New Mexico Tax & Revenue

CRS# _____

City of Santa Fe Business

Registration # _____

Memorandum



Buckman Direct Diversion

Date: June 3rd, 2021
To: Buckman Direct Diversion Board
From: Rick Carpenter, BDD Facilities Manager
Via: Monique Maes, BDD Contracts Administrator
Subject: Glorieta Geoscience, Inc. -Amendment No. 3

ITEM:

Request for approval of Amendment No. 3, to Professional Services Agreement with Glorieta Geoscience, Inc. to increase compensation of PSA agreement 19-0302 by \$55,000 plus applicable tax.

BACKGROUND:

On March 7, 2019 the Buckman Direct Diversion Board award RFP '19/04/P to procure Technical Support Services from Glorieta Geoscience, Inc. Work performed under this agreement is authorized pursuant to approved task orders issued by the BDD Facilities Manager. Compensation under this agreement for FY2022 is Fifty-Five Thousand dollars plus applicable tax.

ACTION REQUESTED:

Recommended approval of Amendment No. 3 to the Professional Services Agreement with Glorieta Geoscience Inc. Funding is available within our FY2022 Operating Budget.

Project, Org and Object: BDD7530-Regulatory, 8000801.510340

MUNIS Contract # 3200380

Approved by BDDDB December 3, 2020

Commissioner Anna C. Hansen



Buckman Direct Diversion 341 Caja del Rio Santa Fe, NM 87506



**BUCKMAN DIRECT DIVERSION BOARD
AMENDMENT NO. 3 TO
PROFESSIONAL SERVICES AGREEMENT
WITH GLORIETA GEOSCIENCE, INC.
#19-0302**

THIS AMENDMENT NO. 3 ("Amendment") to the PROFESSIONAL SERVICES AGREEMENT, dated March 7, 2019, and as subsequently amended ("Agreement"), is made between the Buckman Direct Diversion Board ("BDDDB") and Glorieta Geoscience, Inc. ("Contractor"). The effective date of this Amendment shall be the date it is executed by the BDDDB.

RECITALS

A. Under the terms of the Agreement, Contractor has agreed to perform professional technical oversight and support services on an as needed basis as assigned and directed by the BDDDB Facilities Manager.

B. Pursuant to Article 18 of the Agreement, and for good and valuable consideration, the receipt and sufficiency of which are acknowledged by the parties, the BDDDB and Contractor agree as follows:

1. COMPENSATION.

Article 3, paragraph A of the Agreement is amended to increase the amount of compensation by a total of Fifty-Five Thousand Dollars (\$55,000.00) plus applicable gross receipts tax, so that Article 3, paragraph A reads in its entirety as follows:

A. The BDDDB shall pay to Contractor in full payment for services rendered, a sum not to exceed Two Hundred Sixty-Five Thousand Dollars (\$265,000.00), plus applicable gross receipts taxes, billed in accordance with the Hourly Rate Schedule attached hereto as Exhibit A.

B. Contractor shall be responsible for payment of gross receipts taxes levied by the State of New Mexico on the sums paid under this Agreement.

C. Payment shall be made upon receipt and approval by the BDDB of detailed statements containing a report of services completed. Compensation shall be paid only for services performed.

2. TERM AND EFFECTIVE DATE.

Article 5, of the Agreement is amended to extend the term to terminate on June 30, 2022.

3. AGREEMENT IN FULL FORCE.

Except as specifically provided in this Amendment, the Agreement remains, and shall remain, in full force and effect, in accordance with its terms.

IN WITNESS WHEREOF, the parties have executed this Amendment No. 3 to the Professional Services Agreement as of the dates set forth below.

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SIGNATURE PAGE FOLLOWS]***

BUCKMAN DIRECT DIVERSION BOARD

By: _____
Commissioner Anna C. Hansen

Date: _____

ATTEST

Katherine E Clark, Santa Fe County Clerk

APPROVED AS TO FORM

Nancy R. Long

Nancy R. Long, BDDDB Counsel

APPROVED

Alexis C. Lotero, Acting COSF Finance Director

ATTEST

Kristine Bustos-Mihelcic, COSF Clerk

File Date: _____

**CONTRACTOR:
Glorieta Geoscience, Inc.**

Signature: _____

Printed Name: _____

Title: _____

Date: _____

New Mexico Tax & Revenue

CRS# _____

City of Santa Fe Business

Registration # _____

Memorandum



Buckman Direct Diversion

Date: June 3rd 2021
To: The Buckman Direct Diversion Board
From: Rick Carpenter, BDD Facilities Manager
Via: Monique Maes, BDD Contracts Administrator
Subject: Long Komer & Associates, P.A. Amendment 4

ITEM:

Request for approval of Amendment No. 4 to the Legal Service Agreement with Long, Komer, and Associates, P.A. in the amount of \$249,000. plus applicable gross receipts tax.

BACKGROUND:

On March 7, 2019 the Buckman Direct Diversion Board granted RFP '19/22/P award for Professional Legal Service to Long Komer and Associates, P.A. to serve as the legal counsel for the Buckman Direct Diversion Board. This amendment will provide compensation for FY 2022 in the amount of \$249,000.00 plus applicable gross receipt tax.

Action Requested:

Staff recommends approval of Amendment No. 4 to the Legal Service Agreement with Long, Komer & Associates, P.A. Funding is available within our approved FY2022 operating budget

ORG & OBJ: Legal Service # 800801.510200
MUNIS Contract# 3200406, Change Order 3

Approved by BDDDB June 3rd 2021

Commissioner Anna C. Hansen, BDD Chair



Buckman Direct Diversion 341 Caja del Rio Santa Fe, NM 87506



SANTA FE COUNTY

**BUCKMAN DIRECT DIVERSION BOARD
AMENDMENT NO. 4 TO
LEGAL SERVICES AGREEMENT
WITH
LONG, KOMER & ASSOCIATES, P.A.
#19-0246**

THIS AMENDMENT NO. 4 (the “Amendment”) to the Legal Services Agreement dated March 7, 2019, and as subsequently amended (the “Agreement”) is made between the Buckman Direct Diversion Board (“BDDDB”) and Long, Komer & Associates, P.A. (“Contractor”). The effective date of this amendment shall be the date it is executed by the BDDDB.

RECITALS

A. Under the terms of the Agreement, Contractor has agreed to provide legal service, acting in the capacity of legal counsel for the Board.

B. Pursuant to Article 18 of the agreement, and for good and valuable consideration, the receipt and sufficiency of which are acknowledged by the parties, the Board and the Contractor agree as follows:

1. COMPENSATION

Article 3, paragraph A of the Agreement is amended to increase the amount of compensation by a total of Two Hundred Forty Thousand Dollars (\$249,000.00) plus applicable gross receipts tax, so that Article 3 paragraph A reads in its entirety as follows:

A. Compensation under this Agreement shall be in an amount not to exceed Seven Hundred Ninety Eight Thousand dollars (798,000.00) plus applicable gross receipts tax.

B. The Contractor shall be responsible for payment of gross receipts taxes levied by the State of New Mexico on the sums paid under this Agreement.

C. Payment shall be made upon receipt and approval by the BDDB of detailed statements containing a report of services completed. Compensation shall be paid only for services actually performed.

2. **TERM AND EFFECTIVE DATE**

Article 5 of the agreement is amended to extend the term to terminate on June 30, 2022.

3. **AGREEMENT IN FULL FORCE.**

Except as specifically provided in this amendment, the Agreement remains, and shall remain in full force and effect, in accordance with its terms.

IN WITNESS WHEREOF, the parties have executed this Amendment NO. 4 to the Legal Service Agreement as the dates set forth below.

BUCKMAN DIRECT DIVERSION BOARD

CONTRACTOR

Long, Komer & Associates P.A.

By: _____
Commissioner Anna C. Hansen, BDDDB Chair

Signature: _____

Printed Name: _____

Date: _____

Title: _____

Date: _____

ATTEST

Katherine E. Clark, Santa Fe County Clerk

New Mexico Tax & Revenue

File Date: _____

CRS# _____

City of Santa Fe Business

Registration# _____

APPROVED AS TO FORM

Erin K. McSherry, COSF Attorney

APPROVED

Alexis C. Lotero, Acting COSF Finance Director

ATTEST

Kristine Bustos-Mihelcic, COSF Clerk

Memorandum



Buckman Direct Diversion

Date: June 3rd, 2021
To: The Buckman Direct Diversion Board
From: Rick Carpenter, BDD Facilities Manager
Via: Monique Maes, Contracts Administrator
Subject: Snell & Wilmer, LLP Amendment No. 5

ITEM

Request for Approval of Amendment No. 5 to the Legal Services Agreement in the amount of \$1,820,000. Plus applicable tax for FY2022 legal service with Snell & Wilmer, LLP.

BACKGROUND

On March 1, 2018, the Buckman Direct Diversion Board granted RFP '18/12/P for litigation services to Snell & Wilmer, LLP to serve as legal counsel for the Buckman Direct Diversion Board. This request will extend the award for services to June 30th, 2022, for the final year of the contract. The amendment will increase compensation for the amended term in the amount of \$1,820,000. Plus applicable tax.

ACTION REQUESTED

Staff recommends approval of amendment No. 5 to the Legal Services Agreement with Snell & Wilmer, LLP. Funding is available within our approved FY2022 Operating Budget.

ORG/OBJ: Legal Service #8000801.510200

MUNIS Contract # 3200242

Approved By BDDDB June 4th, 2021

Commissioner Anna C. Hansen



Buckman Direct Diversion 341 Caja del Rio Santa Fe, NM 87506



**BUCKMAN DIRECT DIVERSION BOARD
AMENDMENT NO. 5
TO THE LEGAL SERVICES AGREEMENT
WITH SNELL & WILMER, LLP
#18-0424**

THIS AMENDMENT No. 5 (“Amendment”) to the Legal Services Agreement, dated March 27, 2018 (“Agreement”), between the Buckman Direct Diversion Board (“BDDDB”) and Snell & Wilmer, LLP, (“Contractor”) shall be effective as of the date when it is executed by the BDDDB.

RECITALS

A. Under the terms of the Agreement, Contractor has agreed to provide professional legal services to the Board.

B. Pursuant to Article 19 of the Agreement, and for good and valuable consideration, the receipt and sufficiency of which are acknowledged by the parties, BDDDB and Contractor agree as follows:

1. COMPENSATION

Article 3 of the Agreement is amended to increase the amount of compensation by a total of One Million Eight-Hundred Twenty Thousand Dollars (\$1,820,000.00) plus applicable gross receipts tax, so that Article 3, paragraph A reads in its entirety as follows:

A. The BDDDB shall pay to Contractor in full payment for services, costs and fees incurred, a sum not to exceed Seven Million Four-Hundred Seventy Thousand Dollars (\$7,470,000.00), plus applicable gross receipts tax.

2. TERM AND EFFECTIVE DATE

Article 5, of the Agreement is amended to extend the tem to terminate on June 30, 2022.

3. **AGREEMENT IN FULL FORCE**

Except as specifically provided in this Amendment, the Agreement remains, and shall remain, in full force and effect, in accordance with its terms.

IN WITNESS WHEREOF, the parties have executed this Amendment No. 5 to the Legal Services Agreement as of the dates set forth below.

***[BALANCE OF PAGE INTENTIONALLY LEFT BLANK;
SIGNATURE PAGE FOLLOWS]***

BUCKMAN DIRECT DIVERSION BOARD

CONTRACTOR:
Snell & Wilmer, LLP

By: _____
Commissioner Anna Hansen, BDDDB Chair

Signature: _____
Name: Daniel R Frost

Date: _____

Title: _____

Date _____

ATTEST

Katherine E. Clark, Santa Fe County Clerk

NM Taxation & Revenue

File Date: _____

CRS# _____

APPROVED AS TO FORM

City of Santa Fe Business

Registration# _____

Nancy R. Long

Nancy R. Long, BDDDB Counsel

APPROVED

Alexis C. Lotero, Acting COSF Finance Director

ATTEST

Kristine Bustos-Mihelcic COSF Clerk