

## Northern New Mexico Citizens' Advisory Board Meeting Minutes

**Hotel Loretto  
Santa Fe****Board Meeting Minutes****April 26, 2000**

<b>Board Members Present:</b>  James Alarid John Alejandro Anthony Armijo Fran Berting George Chandler Patrick Feehan Augustin Garcia Janet Gerwin Tammie Gomez Evelyn Maruska Elmer Torres Angelina Valdez	<b>Board Members Absent:</b>  Joe Field Tim Gallegos Sara Galpin Jim Johnston James Leach Menice S. Manzanares Domingo Martinez
<b>Ex-Officio Members Present:</b>  Mike Baker, ER/LANL James Bearzi, NMED Joe Vozella, DOE/LAAO	<b>Ex-Officio Members Absent:</b>
<b>Staff:</b>	<b>Guest:</b>  Julie Canepa, ER/LANL Ted Taylor, DOE/LAAO John Themelis, DOE/AL

**I. OPENING****A. Call to Order**

In the absence of MJ Byrne, Deputy Designated Federal Official, Joe Vozella, Assistant Area Manager of Environmental Management DOE/LAAO called the meeting to order at 6:10 p.m. He turned the meeting over to Elmer Torres, Vice Chair who was chairing in the absence of Menice S. Manzanares, Chair. Mr. Torres asked Ann DuBois to establish the quorum. Ms. DuBois responded that a quorum was present.

James Alarid moved, seconded by George Chandler to approve the meeting agenda.

George Chandler moved, seconded by Angelina Valdez to approve by consensus the February Board minutes as amended.

### **PUBLIC COMMENT**

Paul Schumann, ER/LANL distributed a written report on the Public Participation Requirements for Class 1, 2 and 3 Resource Conservation and Recovery Act Permit Modifications. The opportunity for public comments is coming soon. No date has been set yet. He said that eight sites have been proposed for "No Further Action". Paul Schumann promised to give to the Environmental Restoration Committee a list of the sites.

Elmer Torres asked if this process is new? Mr. Schumann said that two prior formal modifications to the permit were made when 102 sites were taken off the permit in 1997 and 1998. More sites will be proposed when the sites are cleaned up. Mr. Torres asked if public meetings were held in tribal communities? Mr. Schumann responded that the regulations require public meetings in those communities nearest to the facility e.g., the Los Alamos town site. LANL could decide to meet in tribal locations. James Bearzi, NMED, reported that the regulation says that the meeting must be in the closest effected community. Other meetings are optional.

Evelyn Maruska inquired if the publications announcing the meeting can reach a broader audience than Los Alamos e.g., the Monitor. Mr. Schumann said that the practice is to announce public meetings in The New Mexican, Journal North, the Rio Grande Sun, and the Monitor. The public announcement process including post cards is broader than what is required.

### **REPORTS**

#### **A. Briefing on the Los Alamos National Laboratory Environmental Restoration Project** by Ted Taylor, DOE, Los Alamos Area Office

Mr. Taylor said that his presentation would provide background for John Themelis's report. Mr. Taylor distributed a copy of his presentation. He described the Baseline activities for the Environmental Restoration Project. Mr. Taylor promised to give the Board a copy of the site closure list.

#### **Presentation on the Albuquerque Environmental Programs Budget Overview** by John Themelis, Deputy Assistant Manager for Environmental Management Programs.

Mr. Themelis distributed a copy of his presentation on the scope of the Environmental Management program, and its budget. In 1998, Albuquerque Operations decided to shift the clean up costs to the new waste generator.

George Chandler asked about the chart showing how LANL becomes a bigger part of budget pie after the smaller sites are cleaned up. He expressed his concern about the budget assumption built into this chart. As the smaller sites are cleaned up, the congressional delegations representing these areas are more likely to drop their support rather than vote for an expansion in the budget.

Tammie Gomez asked about the chart describing the workscope managed by Albuquerque Operations. She asked which tribes are receiving the Tribal Environmental Grants and how other tribes could apply for funds. Mr. Themelis responded that the tribes are Cochiti, San Ildefonso, Santa Clara and Jemez. He said that other tribes may apply for additional funds.

Evelyn Maruska suggested that the cleanup budget shift should happen sooner than when the smaller sites are cleaned up because the need at LANL is greater.

Elmer Torres thanked John Themelis for his presentation. Mr. Torres expressed his concern about the possibility of a budget drop in the future. He suggested that operational facilities should be evaluated differently. Mr. Themelis said that the Department is committed to this plan and will work to ensure that adequate funding is available for complete cleanup. Mr. Torres requested that Mr. Themelis make another presentation to the Board at a fall meeting.

### **Chair Report**

Mr. Torres described the Common Values paper drafted from input at the Site-Specific Advisory Boards Chairs meeting in Idaho. Ms. Manzanares was invited to participate in a conference call on April 27 to further refine this paper. Mr. Torres expressed his view that the Board was most interested in issues such as cultural sensitivity awareness, transportation issues and budget. After the drafting process is completed, all Boards are expected to sign this document.

Elmer Torres, Acting Chair, introduced the topic by saying that the contract with Ray Armenta needed to be reviewed at the next Board meeting in May. Mr. Torres asked that the Board read the contract that was distributed and give their comments and suggestions to Menice Manzanares. John Alejandro asked about how the contract was extended for one month. John Alejandro questioned the legality of the extension. He wanted to know what was the liability in extending the contract or in not acting.

Joe Vozella responded that MJ Byrne coordinated the extension so the Board could have staff support while talking about the issue. He stated that there was consultation with DOE procurement and legal counsel before the extension was granted. Mr. Alejandro requested that the procurement and legal documentation on the extension be sent to the Board as soon as possible. Mr. Torres said that the charge for the contract is confidential and the job description is to be used for the Board to review what is needed for the Board at this time. The options are to continue the contract with Mr. Armenta or not renew the contract and re-bid the contract. Mr. Torres said that the Board needed clarification on the bidding process.

James Alarid said that there is support for Mr. Armenta continuing his contract. He said that it was important to continue the cultural mosaic that we have in the staff. Mr. Alarid moved, seconded by Mr. Alejandro that the Board retain Mr. Armenta and extend his contract. Fran Berting asked that the Board follow the process identified by Mr. Torres. George Chandler said that this process was very irregular. He thought that the Board needed a non-public meeting to discuss this matter. He stated that he did not like this process. Evelyn Maruska asked if this contract had defaulted and if continuity is needed? Mr. Torres said that the Board had not reviewed contracts before. The Board now needs a formal process for evaluation. He said that the Board needed MJ Byrne and Menice Manzanares to answer questions.

Ms. Maruska said that the Board needed an evaluation of Mr. Armenta's performance and have some comparative data to make a decision. Dr. Berting reminded the Board that we were to have an Executive Session in March to have a closed discussion about this topic. She felt that a public discussion is not appropriate. She said the Board needs time to review the contract and make comments to Menice Manzanares. Agustin Garcia said that the Board needs documentation on what is the controversy. Mr. Vozella said that the Board needs the contracting issues laid out in terms of sole source vs. competitiveness. A fact sheet on procurement could be developed. Patrick Feehan said that the Board mailing packet contained no information on this issue. Mr. Chandler suggested that Mr. Alarid's motion did not have any time frame in it. Mr. Chandler made an amendment to the motion that Mr. Armenta's contract be extended for one year. He said that this decision should have been made in Executive Session. Evaluation of the existing contract is important. The Board should plan for the next time around. The Board should review all staff. A better process should be created. Mr. Alarid and Mr. Alejandro agreed to the amendment to the motion. Mr. Alejandro asked if sole source could be used for professional services? Does the Board have to prepare a revised scope of work and go through procurement? The criteria for evaluating performance must be spelled out. The question been reviewed in public concerns the contract and that the person is not being discussed. The Open Meeting Act requires that the Board take action in public.

Mr. Armijo said that the sensitive work on this contract should be done at the Committee level. The issue is distribution of the workload. He expressed his appreciation of the staff assistance and the importance of focusing on the Board's mission. Tammie Gomez suggested that Mr. Armenta be asked to share what Ms. Byrne and Ms. Manzanares had told him about his contract. Mr. Armenta said that he had been told that his contract ended on May 5. Yesterday, (May 23) he was told that the contract had been extended to June 5. On February 24, the day after the February 23 Board meeting, he was told that Ms. Byrne did not want to renew his contract. The position title would be changed to provide more assistance to Ann DuBois. The position might be cut and someone else would come in to do some of his job responsibilities. Mr. Armenta explained that he met with David Gurulé. Mr. Gurulé said that it is the Board's call to decide if the staff position stays or goes.

Dr. Berting stated if more secretarial assistance is needed, there is a budget problem. It was a matter of the workload distribution. Mr. Torres wondered if there were additional budget for staff. A motion was considered to set up an ad hoc committee to review the contract process. Mr. Chandler said that there was a motion on the floor. There was a call for the question. Janet Gerwin said that the workload distribution was not at issue here.

Mr. Alarid's motion passed 9-3. Mr. Torres said that the motion carried to extend Mr. Armenta's contract for one year. He requested that a letter be sent from the Board to indicate this vote.

Mr. Chandler moved, seconded by Dr. Berting, to establish a committee to examine the contract process. The motion passed 12-0. Mr. Alarid moved, seconded by John Alejandro, to recommend to MJ Byrne that the budget be examined to see if there are sufficient funds to pay for ½ time clerical support but not at the cost of Mr. Armenta's contract. These would be additional funds. Mr. Armijo suggested that the committee research the need rather than asking if the Board needs facilitation. This research task should be the responsibility of the ad hoc committee. The motion passed 12-0. Mr. Torres asked that an official letter be sent to convey the Board's decision.

### C. Department of Energy Report

Joe Vozella said the Board received the Department's responses to recommendations 2000-1 and 2000-2. The Department is still working on recommendation 2000-3 and this response should be finished by the next Board meeting.

Mr. Vozella said that Anthony Armijo and the Monitoring and Surveillance Committee requested a change in the October Board meeting to accommodate a presentation from Robert Charles, Chair of the External Advisory Group for the LANL Hydrogeologic Workplan.

Ann DuBois reported that the 800 number could take messages. Sometimes the messages can take several hours before they are available. Staff check messages several times a day. She requested that the Board be patient as the staff will respond to messages as quickly as possible. She asked Board members to give her the Direct Deposit forms if they want their travel expense checks to go directly to their bank accounts. If Board members plan to stay overnight for the May meeting in Las Vegas, please contact her as soon as possible. Ms. DuBois will make the necessary arrangements.

Ray Armenta said that a KDCE radio show invited a Board member to participate in May. John Alejandro was scheduled to make a presentation to the April Santa Fe County Commissioners. The meeting agenda did not include this presentation by mistake.

### D. Committee Reports

#### Monitoring and Surveillance Committee

Anthony Armijo asked Board members if they would like to hear Robert Charles talk to the Board. Mr. Charles will be in New Mexico from October 3 to 5. Mr. Armijo requested that Charlie Nylander present to the Board before this meeting in October. Mr. Armijo moved, seconded by Janet Gerwin to reschedule a fall meeting to accommodate Mr. Charles and decide later if this meeting will replace the September or the October meeting. The motion passed 12 to 0.

#### 2. Environmental Restoration Committee

Fran Berting distributed a written report.

### IV. BOARD COMMENTS

Tammie Gomez announced that tonight would be her last Board meeting. She had to resign due to job pressures. She may be able to serve later. Mr. Torres thanked her for her contributions to the Board.

Mr. Torres said that he is considering resigning from the Board due to his workload and Pueblo responsibilities.

### V. Adjournment

The meeting adjourned at 9:00 p.m. Mr. Torres thanked the Board members for attending the meeting.

The minutes are an accurate and complete summary of the matters discussed and conclusions reached at the Northern New Mexico Citizens' Advisory Board meeting held on April 26, 2000.

Certified by:

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Elmer Torres, Vice Chair Date  
Acting Chair

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