



1 **MEETING OF THE UTILITY OPERATOR CERTIFICATION ADVISORY BOARD**
2 **THURSDAY June 22, 2023**
3 **9:32 A.M.**
4 **HELD VIRTUALLY VIA CISCO WEBEX MEETING**

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6 **AGENDA ITEM 1. ROLL CALL AND INTRODUCTION OF GUESTS**

7 **Members present:** **Cathie Eisen, Chair**
8 **Ivan (Michael) Abell, Vice Chair**
9 **Maria Gilvarry**
10 **Sydney Hoke**
11 **Bobby Towle**
12 **Filiberto Aguirre, Jr.**
13 **Rick Mitchell**
14 **Joe Bailey**

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16 **Absent:** **Dale Graham**

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18 **Guests:** **Tanya Trujillo, NMED-DWB SWIG Manager**
19 **Eric Hall, NMED-Team Lead**
20 **Anita Tavasci, NMED-DWB UOCP**
21 **Kendall Crowe, NMED-DWB UOCP**
22 **Nile Carver, NMED-DWB UOCP**
23 **Susan LucasKamat, NMED-SWQB Point Source Regulation**
24 **Steven Fuson**
25 **Andrew Padilla**
26 **Dominick Sherwood**
27 **Randy Vigil**
28 **Craig Byers**

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30 **ACTION:** Roll was called, a quorum was present

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32 **AGENDA ITEM 2. REVIEW AND APPROVAL: MEETING AGENDA**

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34 **DISCUSSION:** Vice Chair Abell placed the meeting Agenda up for discussion.

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36 **ACTION:** Member Gilvarry made the motion to accept the agenda as written. Member Bailey
37 seconded the motion. The motion carries unanimously.

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39 **AGENDA ITEM 3. REVIEW AND APPROVAL: JANUARY 19, 2023 MEETING MINUTES**

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41 **DISCUSSION:** Vice Chair Abell placed the meeting minutes from the January 19, 2023 Board
42 meeting up for discussion.

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44 **ACTION:** Member Mitchell made a motion to accept the minutes as written. Member Hoke
45 seconded the motion. The motion carried unanimously.

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AGENDA ITEM 4. ADVISORY BOARD VACANCIES TO FILL

DISCUSSION: Chair Eisen asked the Board Members and Guests to identify themselves when making a comment. She asked Eric Hall how many vacancies there are to fill and whose positions were to be filled. Mr. Hall responded with three vacancies; Joe Bailey, Sydney Hoke and Rick Mitchell. Chair Eisen asked the Board Members if they have had a chance to review applicant’s qualifications for the Board positions. Chair Eisen stated that we have some very stellar people who have applied and appreciates them showing an interest to serve on the Advisory Board. The Chair asked Member Bailey if he was resigning. Member Bailey responded; yes, it is time that he would like to pass his position to the younger group. Chair Eisen asked the Board Members if there were any nominations for Joe Bailey’s Board position.

ACTION: Member Abell would like to give Rick Mitchell the opportunity to fill Member Bailey’s Regular position since Member Mitchell’s Alternate position is also up for re-election. Member Mitchell stated that he would be more than happy to accept the Regular position on the Board. Member Towle made a motion for member Mitchell to be accepted to a Regular position. Member Gilvarry seconded the motion. Chair Eisen took a vote. The motion passed unanimously.

DISCUSSION: Chair Eisen asked Sydney Hoke if he wishes to remain on the Advisory Board. Member Hoke stated that he is interested.

ACTION: Member Bailey made a motion that Sydney Hoke remain on the Board. Member Towle made a second to that motion. Chair Eisen took a voice vote. The motion passed unanimously.

DISCUSSION: Chair Eisen stated that now there is an open Alternate position on the Board that needs to be filled.

ACTION: Member Towle made the nomination for Craig Byers to fill the Alternate position. Member Aguirre made a second to the motion. A voice vote was taken. The vote passed unanimously, none opposed. Craig Byers thanked the Board for the opportunity.

AGENDA ITEM 5: DOMINIC SHERWOOD EXAM

DISCUSSION: Chair Eisen handed the discussion over to Eric Hall. Mr. Hall gave the background information that he had been provided by the Testing Center’s proctor then asked Dominic Sherwood to plead his case to the Board. Dominic Sherwood stated that this was his first certification test he had taken and he proceeded to recount what happened the morning of taking his exam from his perspective. Dominic said that he did make a mistake, he fully apologized to the Board for this error and asked for the Board’s forgiveness. Mr. Eric Hall stated that Randy Vigil , Dominic’s supervisor, had submitted a letter of support which is included in the Board’s packet. Mr. Hall gave the floor over to Mr. Vigil. Randy Vigil explained

90 that Dominic came to him immediately after the incident and described what had occurred.
91 Randy said that Dominic is a good employee and would like to keep him. If Dominic is not
92 allowed to test again then Randy will have no choice but to let Dominic go since it is a
93 requirement of the position. Randy asked the Board to take into consideration that Dominic
94 had asked for forgiveness. Eric Hall asked Chair Eisen if she and the Board would discuss this
95 and present their position. Chair Eisen asked the Board to present their comments before she
96 delivers her decision. Member Mitchell stated that this was an unfortunate mistake and is for
97 letting Dominic to re-test. Member Abell stated that he can see where mistakes were made by
98 both parties. Member Abell agrees with Member Mitchell and Member Abell's
99 recommendation is to allow Dominic to retest after 60 days. Member Hoke agreed that
100 Dominic should wait 60 days before being allowed to take the test. Chair Eisen addressed
101 Dominic and asked him about the statement that other operators suggested that Dominic take
102 his notes to the test. Dominic replied that a non-certified individual suggested to him that
103 Dominic take the binder into the test and if there was an issue they would ask him to take it
104 back out to his vehicle. Dominic said it was terrible advice that he should have not listened to.
105 Chair Eisen asked Dominic to study the (Utility Operator Certification), regulations. She stated
106 to Dominic that it is every operator's responsibility to know the regulations. After Board
107 discussion on the timeframe before Dominic can retest an agreement of 2 months was
108 presented.

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110 **ACTION:** Member Towle made a motion that Dominic Sherwood would be allowed to take his
111 exam in 60 days. Member Mitchell seconded the motion. Randy Vigil asked if the 60 days
112 started the date of the Advisory Board meeting or from when Dominic was stopped taking the
113 test. Chair Eisen made an amendment to the motion for starting the 60-day suspension from
114 testing on June 22, 2023 and at the end of that term Dominic Sherwood would be allowed to
115 test for his certification. Member Abell agreed with the amendment of 60 days as of today's
116 Advisory Board meeting and made that motion. Member Towle seconded the amended
117 motion. Chair Eisen took a voice vote. The motion passed unanimously, none opposed.
118 Dominic Sherwood thanked the Board and stated that this was a mistake that he has learned
119 from and hopes that others will also learn from this. He apologized for what had happened and
120 stated that he wants to prove himself in this industry.

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122 Member Towle brought to Chair Eisen's attention that Andrew Padilla has his hand raised with
123 a question. Andrew Padilla stated that he has a Point of Order to bring up. Andrew
124 congratulated Craig Byers for getting the Alternate Board position and Rick Mitchell's
125 appointment to a Regular position. Mr. Padilla asked when will the Vice Chair position be
126 elected as the Point of Order since that was Member Baily's position. Member Abell stated that
127 following Robert's Rules of Order as Andrew had mentioned, in the minutes of the January
128 Advisory Board meeting that Mr. Abell had been appointed as Vice Chair. Andrew thanked
129 Member Abell for that point of clarification. Chair Eisen thanked Andrew for showing interest.
130 Andrew Padilla thanked Madame Chair and stated that he will save any additional comments
131 for the Public Comments portion of the meeting.

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133 **AGENDA ITEM 6: New Mexico Water and Wastewater Association**

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DISCUSSION: Chair Eisen asked if Lorenzo Sanchez is present to give an update. Eric Hall stated that Lorenzo is not present. Chair Eisen said that she will move onto the next agenda item.

AGENDA ITEM 7: NEW MEXICO DRINKING WATER BUREAU

DISCUSSION: Chair Eisen handed the discussion over to Eric Hall. Mr. Hall made the introduction of Tanya Trujillo as the SWIG Manager and welcomed her to the Board Meeting. Tanya Trujillo briefly gave her background with the Environment Department. Tanya stated that she appreciated the last discussion concerning the Code of Conduct as it applies to this vocation. Tanya stated that she looks forward to working with this Board. Chair Eisen looks forward to working with Tanya also and congratulated her on getting this position. Eric Hall stated that on August 8th the Board is on the docket to appear before the Water Quality Control Commission, (WQCC), for position appointment of new members and asked the Board to make an appearance. Chair Eisen asked if that is going to be a virtual meeting. Mr. Hall replied that it would be. Chair Eisen asked if there were any other comments before moving on. Mr. Hall stated that he would like to add the pass/fail statistics on the water and wastewater examinations. Mr. Hall stated that we used to be in the 20th percentile exam pass ratio and now have moved up to the 40th percentile pass ratio on the water and wastewater exams. Mr. Hall went on to state the Program is working with the Department of Workforce Connection Testing Centers to standardize the testing environment and processes. Chair Eisen stated that the Albuquerque Testing Center must be a huge testing center with a lot of activity. Member Gilvarry stated that her staff have been approved to test at the Las Vegas Testing Center and they are regularly not getting scheduled. Eric Hall replied that he would contact the Department of Workforce Connection Testing Centers Supervisor to find out what is going on at that testing center. Chair Eisen wanted to thank the UOCP staff for their efforts on computerized testing data and the statistics to gauge the success of computer-based testing. She went on to state that the test scores and increase of the pass-rate percentages is a reflection of the efforts spent.

AGENDA ITEM 8: NM SURFACE WATER QUALITY BUREAU-POINT SOURCE POLLUTION PROGRAM UPDATE

DISCUSSION: Susan Lucas-Kamat gave the update of a high vacancy rate and are still waiting on the open positions to post. The Legislature had appropriated funds for a Surface Water State Permitting Program and the position had been filled by Pam Homer. Pam had previously been with Surface Water, Ground Water and State Engineer. Susan went on to state that this summer they will hopefully receive 2 staff persons to work on the out-reach program and most state employees should receive an email in a month asking what would be desired in a state permitting program. Chair Eisen thanked Susan and shared her hopes that Susan will receive the additional staff.

AGENDA ITEM 9: NM GROUND WATER QUALITY BUREAU-DOMESTIC WASTE TEAM UPDATE

178 **DISCUSSION:** Mr. Hall stated that a representative of the Ground Water Quality Bureau was
179 not able to make it today.

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181 **AGENDA ITEM 10: NM OPERATOR CERTIFICATION PROGRAM UPDATE**

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183 **DISCUSSION:** Mr. Eric Hall stated that he had given the update during Agenda Item 7 and does
184 not have any additional information to share.

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186 **AGENDA ITEM 11: OTHER BUSINESS**

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188 **DISCUSSION:** Chair Eisen asked Drew Padilla to offer any additional comments. Andrew Padilla
189 thanked the Chair, Board and Staff and appreciates their work. Mr. Padilla stated that he had
190 applied for the Board position, and he wanted to see how it went. He was not sure how the
191 agenda was passed on under introductions. Mr. Padilla suggests that when a person has
192 applied for the volunteer position on the Board that they be allowed more time to introduce
193 themselves and provide their background before the Board is given the ability to nominate
194 someone. Mr. Padilla stated that he understands that all of the Board members were provided
195 with applications of interested persons but that can be lost in “translation” and giving the
196 volunteers the opportunity before the nominations occur. Mr. Padilla shared that the Chair is
197 doing a good job. He acknowledges that we are all very busy and congratulated Craig Byers on
198 getting the position. Chair Eisen thanked Mr. Padilla for his comments and direction, and she
199 agrees with him completely. The Chair went on to state that the meeting was a little rushed
200 today and that she feels that we lose something with remote meetings. One of the Chair’s
201 concerns today is that the Board did not get a chance to meet the applicants in person. The
202 Chair asked Mr. Padilla if his father was an instructor for the New Mexico Water and
203 Wastewater Association. Mr. Padilla responded that his father was not but he, (himself), is an
204 instructor for the New Mexico Water and Wastewater Association and the New Mexico Rural
205 Water Association. Chair Eisen stated that the name is familiar. She went on to say that there
206 were some really stellar resumes before them for this position and it is always a difficult choice.
207 Chair Eisen went on to say that having involvement with the Board, be present at the meetings
208 and have direct interaction does improve the opportunity. The Chair mentioned that with the
209 brief conversations with Mr. Padilla and looking at his resume she highly encourages him to
210 come back again before the Board because we need people such as himself to attend meetings
211 since additional input is appreciated. Mr. Padilla said, as mentioned by Susan Lucas-Kamat, we
212 in New Mexico are very short of operators and we need them. He then gave thanks to the
213 Board. Chair Eisen asked for any additional comments from anyone. There were none. The
214 Chair thanked everyone on the Board and Craig Byers for showing interest by joining the Board.
215 Chair Eisen asked Eric Hall what the next meeting date would be. Mr. Hall replied that the
216 Water Quality Control Commission, (WQCC), meeting is in August, and he asked the Board if
217 they wanted their next meeting in August. Chair Eisen stated that the Board usually meets right
218 after the WQCC meeting. Member Abell suggested that the Board meet right after the WQCC
219 meeting then asked if the Board meeting will be hybrid or in-person. Mr. Hall said for now it
220 will be a remote meeting. Chair Eisen asked Mr. Hall to confirm August 8th as the next Board
221 meeting. Mr. Hall was unsure of what time on August 8th the Board will be on the WQCC’s

222 agenda. Member Gilvarry stated that she has a meeting on the 8th. Mr. Hall asked the Board if
223 the 9th would work. Member Abell suggested, for scheduling purposes, that the next Board
224 meeting happen on a Thursday. Member Gilvarry agreed that Thursdays work better. The
225 Board members agreed that August 10th would work. Chair Eisen stated that the next meeting
226 date for the Utility Operator Certification Advisory Board be set for Thursday August 10th at
227 9:30 am.

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229 **AGENDA ITEM 12: PUBLIC COMMENTS**

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231 **DISCUSSION:** Chair Eisen did not receive any public comments at this time.

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233 **AGENDA ITEM 13: ADJOURNMENT BY ROLL CALL**

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235 **ACTION:** A motion was made to adjourn by Member Abell. Member Hoke seconded the
236 motion. Chair Eisen took roll call of Board Members; Ivan Abell: yes, Joe Bailey: yes, Sydney
237 Hoke: yes, Bobby Towle: yes, Maria Gilvarry: yes, Rick Mitchell: yes, Filiberto Aguirre: yes.

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239 Chair Eisen proclaimed the adjournment of the Utility Operator Certification Advisory Board at
240 10:30 on June 22nd, 2023.