



County of Los Alamos

Los Alamos, NM 87544
www.losalamosnm.us

Agenda - Final County Council - Regular Session

*David Izraelevitz, Council Chair; Susan O'Leary, Council Vice
Chair; Christine Chandler, James Chrobocinski, Antonio
Maggiore, Rick Reiss, and Pete Sheehey, Councilors*

Tuesday, September 5, 2017

6:00 PM

Council Chambers - 1000 Central Avenue
TELEVISED

1. **OPENING/ROLL CALL**

2. **PLEDGE OF ALLEGIANCE**

- A. [9871-17](#) Boys Scout Troop 122 will be Leading the Pledge of Allegiance

Presenters: County Council - Regular Session

3. **PUBLIC COMMENT**

*This section of the agenda is reserved for comments from the public
on items that are not otherwise included in this agenda.*

4. **APPROVAL OF AGENDA**

5. **PRESENTATIONS, PROCLAMATIONS AND RECOGNITIONS**

- A. [9598-17](#) Proclamation declaring Friday, Sept. 8, 2017 as "Russ Gordon Day"
in Los Alamos County (accepted by Russ Gordon)

Presenters: County Council - Regular Session

- B. [9752-17](#) Proclamation declaring the Week of September 17-23, 2017 as
"Constitution Week" in Los Alamos County (accepted by Roberta Day
Izdorek of the Daughters of the American Revolution, Valle Grande
Chapter)

Presenters: County Council - Regular Session

- C. [9777-17](#) Proclamation declaring 2017-2018 as a "Year of Asset Building" and
declaring Friday, September 8, 2017 as "College Day/Military Day" in
Los Alamos County (accepted by Bernadette Lauritzen)

Presenters: County Council - Regular Session

- D. [9801-17](#) Proclamation declaring the Week of Sept. 15-24 as "Welcoming
Week" in Los Alamos County (accepted by Linda Daly and

representatives of the Y)

Presenters: County Council - Regular Session

6. PUBLIC COMMENT FOR ITEMS ON CONSENT AGENDA

7. CONSENT AGENDA

The following items are presented for Council approval under a single motion unless any item is withdrawn by a Councilor for further Council consideration in the agenda section entitled "Business."

September 5, 2017 Consent Motion:

Consent Motion -

I move that Council approve the items on the Consent Agenda as presented and that the motions in the staff reports be included for the record; or,

I move that Council approve the items on the Consent Agenda and that the motions contained in the staff reports, as amended be included for the record.

- A. [9781-17](#)** Consideration of FY2017 Budget Carryovers and FY2018 Budget Revisions
- Presenters:** Karen Kendall, Budget and Performance Manager and Helen Perraglio, Chief Financial Officer
- Attachments:** [A - FY2017 Budget Carryovers](#)
[B - Budget Revision 2018-02 Utilities Budget Carryovers](#)
[C - Budget Revision 2018-04 September 2017 \(FY2018\)](#)
- B. [9870-17](#)** State Approval of County Budget
- Presenters:** Karen Kendall, Budget and Performance Manager
- Attachments:** [A - State Budget Approval Letter FY2018](#)
- C. [9836-17](#)** Grant of Utility Easement Within Tract A, a Subdivision of Quemazon Communities Phase 1
- Presenters:** James Alarid, Deputy Utilities Manager - Engineering
- Attachments:** [A - Easement and Letter to Quemazon Board of Directors](#)
- D. [9863-17](#)** Board/Commission Appointment - Lodgers' Tax Advisory Board

(LTAB).

Presenters: Kelly Stewart, Marketing Specialist and Lodgers' Tax Advisory Board

Attachments: [A - BOARD MEMBER LIST](#)
[B - Catherine Mockler LTAB Application Packet](#)
[C - Elizabeth Allen LTAB Application Packet](#)

8. PUBLIC HEARING(S)

- A. [9786-17](#) Transfer of Ownership Only of Ownership of Liquor License No. 1319, submitted by Suncoast, LLC.

Presenters: County Council - Regular Session

Attachments: [A - Publication Form](#)
[B - PD Memo](#)
[C - CDD Memo](#)
[D - Suncoast, LLC dba Pajarito Brewpub and Grill Liquor License](#)
[E - 30 Day Waiver Granted](#)

9. BUSINESS

- A. [9758-17](#) Homebuyer Assistance Program Policies & Procedures

Presenters: Paul Andrus, Community Development Director and Andrew Harnden, Housing Programs Manager

Attachments: [A - Homebuyer Assistance Program Draft Policies & Procedures](#)

10. COUNCIL BUSINESS

- A. *Appointments*
- B. *Board, Commission and Committee Liaison Reports*
- C. *County Manager's Report*
- D. *Council Chair Report*
- E. *General Council Business*
- F. *Approval of Councilor Expenses*

G. *Preview of Upcoming Agenda Items***11. COUNCILOR COMMENTS****12. PUBLIC COMMENT****13. ADJOURNMENT**

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the County Human Resources Division at 662-8040 at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes can be provided in various accessible formats. Please contact the personnel in the Office of the County Manager at 663-1750 if a summary or other type of accessible format is needed.



County of Los Alamos

Staff Report

September 05, 2017

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.: A.

Index (Council Goals):

Presenters: County Council - Regular Session

Legislative File: 9871-17

Title

Boys Scout Troop 122 will be Leading the Pledge of Allegiance



County of Los Alamos
Staff Report
September 05, 2017

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.: A.
Index (Council Goals):
Presenters: County Council - Regular Session
Legislative File: 9598-17

Title

Proclamation declaring Friday, Sept. 8, 2017 as "Russ Gordon Day" in Los Alamos County
(accepted by Russ Gordon)

Body

WHEREAS: Russ Gordon has been "the man behind the music" for 28 years as the organizer
extraordinaire for the Los Alamos Summer Concert Series; and

WHEREAS: Russ and Deborah have finally decided to step down from the concert stage and
enjoy a retirement that is well-deserved; and

WHEREAS: We want to recognize the thousands of hours that Russ has put into the concert
series since it began back in 1990 - he's brought a wide variety of musical
acts to our little community that have lit up our concert stage on many
summer evenings and filled our residents and visitors with great joy; and

WHEREAS: Because of Russ' passion and enthusiasm for great music, he's kept our toes
tapping and our fingers snapping on Friday evenings at Ashley Pond Park,
Overlook Park - and more than a few parking lots in between - and we want
his career to end on a high note before we say good-bye to him and
Deborah, as our way of saying "THANKS FOR THE MUSICAL
MEMORIES";

NOW, THEREFORE, on behalf of the Council of the Incorporated County of Los Alamos, I do
hereby proclaim Friday, September 8, 2017 as

"RUSS GORDON DAY"

and ask our community to join us in finding ways on this special day to thank Russ for his years of
producing the summer concert series for Los Alamos - we wish him and Deborah a long, happy
retirement surrounded by friends and family, and intertwined with some great musical tunes.



County of Los Alamos

Staff Report

September 05, 2017

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.: B.

Index (Council Goals):

Presenters: County Council - Regular Session

Legislative File: 9752-17

Title

Proclamation declaring the Week of September 17-23, 2017 as "Constitution Week" in Los Alamos County (accepted by Roberta Day Izdorek of the Daughters of the American Revolution, Valle Grande Chapter)

Body

WHEREAS: September 17, 2017, marks the two hundred thirtieth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS: It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary; and

WHEREAS: Constitution Week was initiated by the Daughters of the American Revolution (DAR), a patriotic organization that encourages education and historic preservation across America; and

WHEREAS: Constitution Week was officially declared by President Dwight D. Eisenhower on August 2, 1956, as the result of the work of the DAR and the active role of their membership in teaching others how to study and discuss the U.S. Constitution; and

WHEREAS: The local chapter of the DAR is the Valle Grande Chapter, which has been active in Los Alamos for over forty years, and the Chapter will be promoting Constitution Week from September 17 - 23 in Los Alamos, with a goal of educating citizens about this important document and its place in our history;

NOW, THEREFORE, on behalf of the Council of the Incorporated County of Los Alamos, I do hereby proclaim the Week of September 17 - 23, 2017 as

"CONSTITUTION WEEK"

in Los Alamos County, and encourage our citizens to use this time to study the U.S. Constitution and the foundation that the Framers of the Constitution envisioned in 1787 to protect the freedoms guaranteed to us through this guardian of our liberties.



County of Los Alamos
Staff Report
September 05, 2017

Los Alamos, NM 87544
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Agenda No.: C.
Index (Council Goals):
Presenters: County Council - Regular Session
Legislative File: 9777-17

Title

Proclamation declaring 2017-2018 as a "Year of Asset Building" and declaring Friday, September 8, 2017 as "College Day/Military Day" in Los Alamos County (accepted by Bernadette Lauritzen)

Body

WHEREAS: The Search Institute's 40 Developmental Assets are common sense, positive experiences and qualities that help influence the choices young people make to become caring, responsible adults; and

WHEREAS: Everyone - young and young at heart - needs Support, Empowerment, Boundaries and Expectations, Constructive Use of Time, Commitment to Learning, Positive Values, Social Competencies, Positive Identity; and

WHEREAS: Neighborhoods, faith communities, schools, businesses and civic organizations play vital roles in building Assets in our community and our youth by establishing relationships; and

WHEREAS: The Los Alamos Commerce and Development Corporation and Champions of Youth Ambitions (C'YA) work together, with an intentional goal of creating and increasing these building blocks to elevate Healthy Community, Healthy Youth;

NOW, THEREFORE, on behalf of the Council of the Incorporated County of Los Alamos, I do hereby proclaim 2017-2018 as a

"YEAR OF ASSET BUILDING"

in Los Alamos County, and encourage everyone to "Take A Second, Make A Difference" to benefit the future, by engaging youth and helping our children thrive;

AND FURTHERMORE, I do hereby endorse a love of life-long education and learning by declaring Friday, September 8, 2017 as "**COLLEGE DAY/MILITARY DAY**" in our community; I encourage members of the community to wear their favorite apparel on this special day to promote life-long learning for our youth.



County of Los Alamos

Staff Report

September 05, 2017

Los Alamos, NM 87544
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Agenda No.: D.

Index (Council Goals):

Presenters: County Council - Regular Session

Legislative File: 9801-17

Title

Proclamation declaring the Week of Sept. 15-24 as "Welcoming Week" in Los Alamos County
(accepted by Linda Daly and representatives of the Y)

Body

WHEREAS: Welcoming Week is a national celebration of a growing movement of communities that embrace new Americans and their contributions to the social fabric of our country, bringing together immigrants and U.S. born residents to promote cross-cultural understanding and raise awareness of the benefits of welcoming everyone; and

WHEREAS: Our local Y will be participating in Welcoming Week from September 15 - 24 in support of the national program, which was created by the national YMCA of the USA's national partner, Welcoming America, and the Council wishes to support their outreach efforts for this program at the local government level; and

WHEREAS: With our diverse and multi-cultural community here in Los Alamos, it is important that everyone feels valued and supported so that they may fully participate; and

WHEREAS: By working together and creating a welcoming environment, we are united in our efforts to build a stronger Los Alamos; and

WHEREAS: The Y will be hosting educational events with local businesses and organizations to celebrate diversity and foster community cohesion;

NOW, THEREFORE, on behalf of the Council of the Incorporated County of Los Alamos, I do hereby proclaim the Week of September 15 - 24, 2017 as

"WELCOMING WEEK"

in Los Alamos County, and encourage our residents to support the Y in their efforts.



County of Los Alamos

Staff Report

September 05, 2017

Los Alamos, NM 87544
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Agenda No.:

Index (Council Goals):

Presenters:

Title

September 5, 2017 Consent Motion:

Recommended Action

I move that Council approve the items on the Consent Agenda as presented and that the motions in the staff reports be included for the record; or,

I move that Council approve the items on the Consent Agenda and that the motions contained in the staff reports, as amended, be included for the record.



County of Los Alamos

Staff Report

September 05, 2017

Los Alamos, NM 87544
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Agenda No.: A.

Index (Council Goals): * 2017 Council Goal – Quality Governance – Operational Excellence – Maintain Quality Essential Services and Supporting Infrastructure

Presenters: Karen Kendall, Budget and Performance Manager and Helen Perraglio, Chief Financial Officer

Legislative File: 9781-17

Title

Consideration of FY2017 Budget Carryovers and FY2018 Budget Revisions

Recommended Action

I move that Council approve the FY2017 carryovers as summarized on attachments A and B and that the attachments be made a part of the minutes of this meeting. I further move that Council approve Budget Revision 2018-04 as summarized on attachment C and that the attachment be made a part of the minutes of this meeting.

County Manager's Recommendation

The County Manager recommends that Council approve the budget carryovers and budget revision as requested.

Board, Commission or Committee Recommendation

The Board of Public Utilities approved the Joint Utilities Fund carryovers included in Attachment B at the August 16, 2017 board meeting.

Body

The purpose of this item is to consider requests to carry over certain unexpended and unencumbered budgets from FY2017 to FY2018. This item also includes budget revisions to the FY2018 adopted budget. The specific details relating to each budget revision are in attachment C.

Carryover Requests

When Council adopted the FY2018 budget, they also approved continuing appropriations for: a) all valid encumbrances outstanding at June 30, 2017; b) all unexpended and unencumbered, previously approved project budgets at June 30, 2017; c) all unexpended and unencumbered previously approved pavement preservation budgets at June 30, 2017; d) all unexpended and unencumbered previously approved budget for Fire Mitigation; and e) all unexpended and unencumbered grant budgets at June 30, 2017 that are permitted to be carried forward by their governing grant agreements. The request to carry over budgets for the other unexpended and unencumbered items was deferred until now in order to refine the amounts being requested.

Alternatives

Council could choose not to approve some or all of the attached carryovers and revisions. The impact would be that the related projects or programs may not occur or existing operations may

be negatively impacted in FY2018.

Fiscal and Staff Impact/Planned Item

Fiscal and staff impact is described in the attachments.

Attachments

A - FY2017 Budget Carryovers

B - Budget Revision 2018-02 Utilities Budget Carryovers

C - Budget Revision 2018-04 September 2017 (FY2018)

Budget Revision 2018-X

	Fund/Dept	Brass Org	Revenue (decrease)	Expenditures (decrease)	Transfers In(Out)	Fund Balance (decrease)
1	General Fund - Major Facilities Maintenance	011-F66911	\$ -	\$ 158,000	\$ -	\$ (158,000)
Description: The purpose of this budget revision is to carryover funds not expended in excess of \$2.5 million in FY2017 which will be used for additional major facilities maintenance in FY2018. These amounts were not previously budgeted in FY2018. Note: The \$2.5 million of the FY2017 unexpended balance is being retained for maintaining fund balance in the General Fund.						
Fiscal Impact: The fiscal impact on the General Fund is to increase expenditures and decrease fund balance by \$158,000.						
2	General Fund - Community Services, Library	011-840841 8519	\$ -	\$ 21,132	\$ -	\$ (21,132)
Description: The purpose of this budget revision is to carryover funds not expended in FY2017 for the library from Friends of the Mesa Public Library for collections and programs which will be used in FY2018. These amounts were not previously budgeted in FY2018.						
Fiscal Impact: The fiscal impact on the General Fund is to increase expenditures and decrease fund balance by \$21,132.						
3	General Fund - Community Services, Library	011-840846 8519	\$ 38,280	\$ 38,280	\$ -	\$ -
Description: The purpose of this budget revision is to carryover funds not expended in FY2017 for the library from the General Obligation (GO) bond distribution for Library collections which will be used in FY2018. These amounts were not previously budgeted in FY2018. Note: this includes the remaining balance from the 2014 GO Bond distribution received in October 2016 and the 2016 GO Bond distribution in the amount of \$26,943 to be received in October 2017. Note: GO Bond funding for the library is on a reimbursement basis. Therefore, the revenue is recognized at the time of reimbursement.						
Fiscal Impact: The fiscal impact on the General Fund is to increase revenue and expenditures by \$38,280.						
4	General Fund - Administrative Services Division	011-401120 011-501120	\$ -	\$ 120,000	\$ -	\$ (120,000)
Description: Administrative Services Department has had two retirements that impact the FY2018 budget (Chief Financial Officer and a Telecom Network Support Specialist). The total cost to the department for retirement benefits is approximately \$165,000. We have identified FY2018 operational savings of approximately \$45,000 to help defray these costs. In order to defray the remainder of these costs the department would leave other key vacant positions empty, however that is expected to be too detrimental to ongoing operations and projects. The purpose of this budget revision is to carryover \$120,000 of unexpended budget from FY2017 to FY2018 to allow the department continue operations and projects without severe negative impacts.						
Fiscal Impact: The fiscal impact on the General Fund is to increase expenditures and decrease fund balance by \$120,000.						
5	General Fund - County Attorney	011-200110	\$ -	\$ 27,000	\$ -	\$ (27,000)
Description: The purpose of this budget revision is to carryover funds not expended in FY2017 to fund \$27,000 for staff restructuring.						
Fiscal Impact: The fiscal impact on the General Fund is to increase expenditures and decrease fund balance by \$27,000.						

Budget Revision 2018-X

	Fund/Dept	Brass Org	Revenue (decrease)	Expenditures (decrease)	Transfers In(Out)	Fund Balance (decrease)
6	Environmental Services Fund	611-R68110	\$ -	\$ 48,000	\$ -	\$ (48,000)
Description: The purpose of this budget revision is to carryover \$48,000 for implementing a recycling incentive program. Environmental Services has been focused on revamping the brush and bulk item collection program. Staff resources will be dedicated to implement an incentive based recycle program in FY2018, first by going out for RFP in the fall and implementation in the spring. Fiscal Impact: The fiscal impact on the Environmental Services Fund is to increase expenditures and decrease fund balance by \$48,000.						
7	Economic Development Fund	171-S40110	\$ -	\$ 12,000	\$ -	\$ (12,000)
Description: The purpose of this budget revision is to carryover \$12,000 to cover expenses relating to Sciencefest that due to billing timing will cross over fiscal years. Fiscal Impact: The fiscal impact on the Economic Development Fund is to increase expenditures and decrease fund balance by \$12,000.						
8	Economic Development Fund - Housing Rehabilitation	173-540176	\$ -	\$ 445,230	\$ -	\$ (445,230)
Description: The purpose of this budget revision is to carryover \$445,230 for the Housing Rehabilitation Loan Program to be administered in FY2018. Fiscal Impact: The fiscal impact on the Economic Development Fund is to increase expenditures and decrease fund balance by \$445,230.						
9	General Fund - Community Development	011-670110	\$ -	\$ 30,000	\$ -	\$ (30,000)
Description: The purpose of this budget revision is to carryover \$30,000 in the Administrative Division of the Community Development Department for the interactive permitting web resource to be implemented in FY2018. Fiscal Impact: The fiscal impact on the General Fund is to increase expenditures and decrease fund balance by \$30,000.						
10	Airport Fund	681-A65110	\$ -	\$ 42,000	\$ -	\$ (42,000)
Description: The purpose of this budget revision is to carryover \$42,000 for four months of overlap in labor and benefits expense due to retirement benefits for the Airport Manager. Fiscal Impact: The fiscal impact on the Airport Fund is to increase expenditures and decrease fund balance by \$42,000.						
11	Economic Development Fund	171-S40121	\$ -	\$ 15,000	\$ -	\$ (15,000)
Description: The purpose of this budget revision is to carryover \$15,000 unspent in FY2017 for branding/marketing activities in FY2018. Fiscal Impact: The fiscal impact on the Economic Development Fund is to increase expenditures and decrease fund balance by \$15,000.						

Attachment B Budget Revision 2018-02 Department of Public Utilities Carryovers

	Fund/Dept	Brass Org	Revenue (decrease)	Expenditures (decrease)	Transfers In(Out)	Fund Balance (decrease)
1	Utilities - Electric Production	511-855111	\$ -	\$ 2,500,000	\$ -	\$ (2,500,000)
1	Utilities - Electric Distribution	512-852291	\$ -	\$ 2,500,000	\$ -	\$ (2,500,000)
<p>Description: The purpose of this budget revision is to carryover budget expenditure authority from FY2017 to FY2018. The total cost of the AMI project is approximately \$5 million. Revenue bonds were issued in 2014 to fund \$2.5 million of this project. This is the amount being carried over from Electric Distribution. The carryover from Electric Production is from operational savings.</p> <p>Fiscal Impact: The impact on the Joint Utilities Fund in FY2018 is to increase the expenditure budget and decrease the fund balance by \$5 million.</p>						
2	Utilities - Gas	531-GA2005 8369	\$ -	\$ 10,000	\$ -	\$ (10,000)
<p>Description: The purpose of this budget revision is to carryover budget expenditure authority from FY2017 to FY2018. Union contract negotiations delayed in house welding program one year. Need this roll over fund for FY2018 contract steel welding projects.</p> <p>Fiscal Impact: The impact on the Joint Utilities Fund in FY2018 is to increase the expenditure budget and decrease the fund balance by \$10,000.</p>						
3	Utilities - Finance	512-UF1003 8369	\$ -	\$ 27,000	\$ -	\$ (27,000)
<p>Description: The purpose of this budget revision is to carryover budget expenditure authority from FY2017 to FY2018. The Customer Care Center remodel design work has been pushed to FY2018. The total budget in FY2017 for this project was \$150,000.</p> <p>Fiscal Impact: The impact on the Joint Utilities Fund in FY2018 is to increase the expenditure budget and decrease the fund balance by \$27,000.</p>						
4	Utilities - Water Production	542-WP1071 8369	\$ -	\$ 105,000	\$ -	\$ (105,000)
<p>Description: The purpose of this budget revision is to carryover budget expenditure authority from FY2017 to FY2018 for Water Production Admin SCADA System Maintenance. Delay in finalizing consultant contract for the GIS Upgrade Project.</p> <p>Fiscal Impact: The impact on the Joint Utilities Fund in FY2018 is to increase the expenditure budget and decrease the fund balance by \$105,000.</p>						
5	Utilities - Water Production	542-WP1513 8839	\$ -	\$ 66,500	\$ -	\$ (66,500)
<p>Description: The purpose of this budget revision is to carryover budget expenditure authority from FY2017 to FY2018 for Water Production Treatment Systems Maintenance. Delay in getting New Disinfection Equipment vendor contract finalized.</p> <p>Fiscal Impact: The impact on the Joint Utilities Fund in FY2018 is to increase the expenditure budget and decrease the fund balance by \$66,500.</p>						

Budget Revision 2018-02 Department of Public Utilities Carryovers

	Fund/Dept	Brass Org	Revenue (decrease)	Expenditures (decrease)	Transfers In(Out)	Fund Balance (decrease)
6	Utilities - Water Production	542-WP2171 8369	\$ -	\$ 20,000	\$ -	\$ (20,000)
Description: The purpose of this budget revision is to carryover budget expenditure authority from FY2017 to FY2018 for Water Production Non-Potable Admin SCADA Maintenance. Delay in finalizing consultant contract for the GIS Upgrade Project Fiscal Impact: The impact on the Joint Utilities Fund in FY2018 is to increase the expenditure budget and decrease the fund balance by \$20,000.						
7	Utilities - Water Production	542-WP2185 8369	\$ -	\$ 100,000	\$ -	\$ (100,000)
Description: The purpose of this budget revision is to carryover budget expenditure authority from FY2017 to FY2018 for Water Production Non-Potable Admin Meter Maintenance. FY2017 budget for this item was \$250,000. Delays in supplier meter calibration caused SCADA connections delays. Fiscal Impact: The impact on the Joint Utilities Fund in FY2018 is to increase the expenditure budget and decrease the fund balance by \$100,000.						
8	Utilities - Water Production	542- 8369	\$ -	\$ 75,000	\$ -	\$ (75,000)
8	Utilities - Water Production	542-8369	\$ -	\$ (75,000)	\$ -	\$ -
8	Utilities - Water Distribution	541-DW2019 8369	\$ -	\$ 75,000	\$ -	\$ -
Description: The purpose of this budget revision is to carryover budget expenditure authority from FY2017 to FY2018 for Water Production. At the same time, this revision transfers spending authority from Water Production to Water Distribution in the amount of \$75,000 for FY2018. Delay in finalizing BFP vendor contract causing BFP Program start up delay. Fiscal Impact: The impact on the Joint Utilities Fund in FY2018 is to increase the expenditure budget and decrease the fund balance by \$75,000.						
9	Utilities - Wastewater	551-WW1107 8369	\$ -	\$ 75,000	\$ -	\$ (75,000)
Description: The purpose of this budget revision is to carryover budget expenditure authority from FY2017 to FY2018 for Wastewater Tools & Supplies. Delays in finalizing consultant contract for the GIS Upgrade Project caused a delay in finalizing this work also. Fiscal Impact: The impact on the Joint Utilities Fund in FY2018 is to increase the expenditure budget and decrease the fund balance by \$75,000.						
10	Utilities - Wastewater	551-WW2057 8839	\$ -	\$ 50,000	\$ -	\$ (50,000)
Description: The purpose of this budget revision is to carryover budget expenditure authority from FY2017 to FY2018 for Wastewater Video Inspection. Delay in finalizing Video Equipment vendor contract caused video equipment purchase delay. Fiscal Impact: The impact on the Joint Utilities Fund in FY2018 is to increase the expenditure budget and decrease the fund balance by \$50,000.						

Budget Revision 2018-02 Department of Public Utilities Carryovers

	Fund/Dept	Brass Org	Revenue (decrease)	Expenditures (decrease)	Transfers In(Out)	Fund Balance (decrease)
11	Utilities - Wastewater	551-WW2401 8833	\$ -	\$ 50,000	\$ -	\$ (50,000)
<p>Description: The purpose of this budget revision is to carryover budget expenditure authority from FY2017 to FY2018 for Wastewater Los Alamos WWTF Operations. Delay in finalizing WWTF SCADA Upgrade consultant contract caused WWTF SCADA upgrade start up delay.</p> <p>Fiscal Impact: The impact on the Joint Utilities Fund in FY2018 is to increase the expenditure budget and decrease the fund balance by \$50,000.</p>						
12	Utilities - Water Production	542-WPxxx 8369	\$ 484,560	\$ 644,400	\$ -	\$ (159,840)
<p>Description: The purpose of this budget revision is to carryover budget expenditure authority from FY2017 to FY2018 for Wastewater Reservoir Pipeline. The funding source (grant) is the Water Trust Board. We closed on the loan/grant agreement in February 2017. The loan repayment is budgeted in FY2018. Design is 90% complete. The environmental clearance documents are being prepared to permit the construction. Due to the lengthy process to permit the project, we will not bid the project until the Fall of 2017.</p> <p>Fiscal Impact: The impact on the Joint Utilities Fund in FY2018 is to increase the expenditure budget by \$644,400, increase grant revenue by \$484,560 and decrease the fund balance by \$159,840.</p>						
13	Utilities - Electric Distribution	512-ED7006 8369	\$ -	\$ 490,000	\$ -	\$ (490,000)
<p>Description: The purpose of this budget revision is to carryover budget expenditure authority from FY2017 to FY2018 for Electric Distribution. Work started on the new TC1-TC2 to LASS Substation project in FY2017, but work will primarily be completed in FY2018.</p> <p>Fiscal Impact: The impact on the Joint Utilities Fund in FY2018 is to increase the expenditure budget and decrease the fund balance by \$490,000.</p>						
14	Utilities - Electric Distribution	512-ED7007 8369	\$ -	\$ 290,000	\$ -	\$ (290,000)
<p>Description: The purpose of this budget revision is to carryover budget expenditure authority from FY2017 to FY2018 for Electric Distribution. Work started on the new feeders for 13T, 15T, 16T and LAMC in FY2017, but work will continue into FY2018. The amount originally budgeted in FY2017 was \$500,000. The related encumbrance will also be carried over into FY2018 through the encumbrance rollover process.</p> <p>Fiscal Impact: The impact on the Joint Utilities Fund in FY2018 is to increase the expenditure budget and decrease the fund balance by \$290,000.</p>						

Attachment C

Budget Revision 2018-04 September 2017 (FY2018)

	Fund/Dept	Brass Org	Revenue (decrease)	Expenditures (decrease)	Transfers In(Out)	Fund Balance (decrease)
1	General Fund - Community Services, Library	011-840841 8519	\$ -	\$ 40,000	\$ -	\$ (40,000)
<p>Description: The purpose of this budget revision is to increase expenditure authority relating to donations from the Friends of the Mesa Public Library for the library collection and programs. The Friends of Mesa Public Library donated \$20,000 in March 2017 and \$20,000 in June 2017.</p> <p>Fiscal Impact: The fiscal impact on the General Fund is to increase expenditures and reduce fund balance by \$40,000.</p>						
2	General Fund - Community Services, Library	011-840836 8519	\$ -	\$ 4,100	\$ -	\$ (4,100)
<p>Description: The purpose of this budget revision is to increase expenditure authority for Lost and Paid fees budgeted for FY2018. Revenue was budgeted, but the associated expenditures were not.</p> <p>Fiscal Impact: The fiscal impact on the General Fund is to increase expenditures and reduce fund balance by \$4,100.</p>						



County of Los Alamos

Staff Report

September 05, 2017

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.: B.

Index (Council Goals):

Presenters: Karen Kendall, Budget and Performance Manager

Legislative File: 9870-17

Title

State Approval of County Budget

Body

Local budgets approved by the Local Government Division of the New Mexico Department of Finance and Administration (DFA) are required by State Statute to be made a part of the minutes of that local body. Therefore, the letter with the approved budget from DFA is being provided here so that it may be incorporated into the minutes. The total budgeted expenditures approved by DFA changed to \$200,916,547, which is \$187 higher than the total expenditures that County Council approved for FY2018 during the budget hearings in April. This was due to a change in the Law Enforcement Protection Fund funding from the State. Additionally, transfers from the General Fund were increased by \$48,333 and transfers from the State Shared Revenues Fund were decreased by \$48,333. This change ensures that the County is in compliance with the DFA requirement to maintain a cash reserve in the Road Fund equal to 1/12th of expenditures. No further Council action is required.

Attachments

A - State Budget Approval Letter FY2018

SUSANA MARTINEZ
GOVERNOR



DUFFY RODRIGUEZ
CABINET SECRETARY

RICK LOPEZ
DIRECTOR

MICHAEL MARIANO
ACTING DEPUTY DIRECTOR

STATE OF NEW MEXICO
DEPARTMENT OF FINANCE AND ADMINISTRATION
LOCAL GOVERNMENT DIVISION
Bataan Memorial Building ♦ 407 Galisteo St. ♦ Suite 202 ♦ Santa Fe, NM 87501
PHONE (505) 827-4950 ♦ FAX (505) 827-4948

August 23, 2017

The Honorable David Izraelevitz
Los Alamos County
1000 Central Ave. Suite 300
Los Alamos, NM 87544

Dear Commissioner Izraelevitz:

The final budget for your local government entity for Fiscal Year 2018, as approved by your governing body, has been examined and reviewed. The Department of Finance and Administration, Local Government Division (LGD) finds it has been developed in accordance with applicable statutes and budgeting guidelines, and sufficient resources appear to be available to cover budgeted expenditures. In addition, the *Budget Certification of Local Public Bodies* rule, 2.2.3 NMAC, requires that your entity's audit or "Agreed Upon Procedures" (per the *Tier System Reporting* rule, 2.2.2.16 NMAC) for Fiscal Year 2016 should have been submitted to the Office of the State Auditor as of this time. The LGD's information indicates that you are in compliance with this requirement. Therefore, in accordance with Section 6-6-2E NMSA 1978, the LGD certifies your entity's final Fiscal Year 2018 budget.

Please take note that state statute requires all revenue sources be expended only for public purposes, and if applicable, in accordance with the Procurement Code, Chapter 13, Article 1, NMSA 1978. Use of public revenue is governed by Article 9, Section 14 of the Constitution of the State of New Mexico, commonly referred to as the anti-donation clause.

Budgets approved by the LGD are required to be made a part of the minutes of your governing body according to Section 6-6-5 NMSA 1978. In addition, Section 6-6-6 NMSA 1978 provides that the approved budget is binding on local officials and governing authorities; and any official or governing authority approving claims or paying warrants in excess of the approved budget or available funds will be liable for the excess amounts.

Finally, as required by Section 6-6-2H NMSA 1978, LGD is required to approve all budget increases and transfers between funds not included in the final approved budget.

If you have questions regarding this matter, please call Erica Cummings of my staff at 505-827-4127.

Sincerely,



Rick Lopez, Director
Local Government Division

xc: file

New Mexico Department of Finance and Administration
Local Government Division
Budget Request Recapitulation
ROUNDED TO NEAREST DOLLAR

COUNTY: Los Alamos County

Fiscal Year 2018

FUND TITLE	FUND NUMBER	UNAUDITED BEGINNING CASH BALANCE @ JULY 1	INVESTMENTS	BUDGETED REVENUES	BUDGETED TRANSFERS	BUDGETED EXPENDITURES	ESTIMATED ENDING CASH BALANCE	LOCAL RESERVE REQUIREMENTS UNAVAILABLE FOR BUDGETING	ADJUSTED ENDING CASH BALANCE
GENERAL FUND - Operating (GF)	101	\$12,899,184	\$829,079	59,866,604	(6,312,922)	51,774,694	15,507,183	12,943,674	2,563,510
CORRECTION	201	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
ENVIRONMENTAL GRT	202	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
COUNTY PROPERTY VALUATION	203	\$601,854	\$0	175,000	\$0	203,221	\$573,633	\$573,633	\$573,633
COUNTY ROAD	204	(50)	\$0	580,000	(531,660.71)	\$0	48,333	48,333	(50)
EMS	206	\$3	\$0	11,200	\$0	11,200	\$3	\$3	\$3
ENHANCED 911	207	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
FARM & RANGE IMPROVEMENT	208	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
FIRE PROTECTION FUND	209	\$492,737	\$0	500,000	\$0	500,000	\$492,737	\$492,737	\$492,737
LEPF	211	\$187	\$0	39,200	\$0	39,200	\$187	\$187	\$187
LODGERS' TAX	214	\$305,229	\$0	293,000	\$0	225,918	\$372,311	\$372,311	\$372,311
RECREATION	217	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
INTERGOVERNMENTAL GRANTS	218	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SENIOR CITIZEN	219	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
COUNTY INDIGENT FUND	220	\$107,767	\$0	1,710,000	317,000	2,134,767	\$0	\$0	\$0
COUNTY HOSPITAL FUND	221	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
COUNTY FIRE PROTECTION	222	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
DWI PROGRAM	223	\$9,979	\$0	69,000	24,500	93,500	\$9,979	\$9,979	\$9,979
CLERK RECORDING AND FILING	225	\$62,852	\$0	21,000	\$0	28,550	\$55,302	\$55,302	\$55,302
JAIL - DETENTION FUND	226	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
OTHER	299	\$7,695,233	\$12,300	141,557	(1,985,000)	2,951,257	\$2,912,833	\$2,912,833	\$2,912,833
CAPITAL PROJECT FUNDS	300	\$27,666,747	\$22,733,560	24,513,050	1,772,700	14,450,000	\$62,236,057	\$62,236,057	\$62,236,057
GEN. BONDS	401	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
REVENUE BONDS	402	\$253,858	\$555,038	7,000	6,268,597	6,268,597	\$815,896	\$815,896	\$815,896
DEBT SERVICE OTHER	403	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
ENTERPRISE FUNDS	500								
Water Fund				\$0	\$0	\$0	\$0	\$0	\$0
Solid Waste		\$1,763,451	\$662,183	4,485,400	(300,000)	5,233,588	\$1,377,446	\$1,377,446	\$1,377,446
Waste Water				\$0	\$0	\$0	\$0	\$0	\$0
Airport		\$1,106,362	\$0	749,300	260,000	1,144,425	\$973,237	\$973,237	\$973,237
Ambulance				\$0	\$0	\$0	\$0	\$0	\$0
Cemetery				\$0	\$0	\$0	\$0	\$0	\$0
Housing				\$0	\$0	\$0	\$0	\$0	\$0
Parking				\$0	\$0	\$0	\$0	\$0	\$0
Joint Utilities Fund		\$15,089,015	\$20,742,561	69,849,433	1,086,860	71,462,741	\$35,305,127	\$35,305,127	\$35,305,127
Transit		\$1,310,426	\$0	3,877,594	800,000	4,567,427	\$1,420,593	\$1,420,593	\$1,420,593
Fire		\$41,300	\$0	26,301,125	(1,700,000)	24,642,125	\$300	\$300	\$300
Other Enterprise (enter fund name)				\$0	\$0	\$0	\$0	\$0	\$0
INTERNAL SERVICE FUNDS	600	\$16,489,432	\$8,424	14,958,430	300,000	15,185,150	\$16,571,136	\$16,571,136	\$16,571,136
TRUST AND AGENCY FUNDS	700	\$178,289	\$15,958	\$0	\$0	\$0	\$194,247	\$194,247	\$194,247
GRAND TOTAL - ALL FUNDS		\$86,075,905	\$45,559,102	\$208,147,893	\$0	\$200,916,360	\$138,866,644	\$12,943,674	\$125,922,867

APPROVED (AS AMENDED) PURSUANT TO SECTION 6-6-2 NMSA 1978
LOCAL GOVERNMENT DIVISION
DATE 8/23/17
By David S. Gomez

Department of Finance & Administration / Local Government Division
Law Enforcement Protection Fund Carryover Request Form
***** (this form must accompany the final budget submission for counties & municipalities) *****

Entity Name: Los Alamos CO
Contact Name: Preston Ballew
Contact Title: Commander
Contact Phone Number: 505-662-8236
Contact E-mail Address: preston.ballew@lacnm.us

I hereby certify that the information presented on this form is true and correct to the best of my knowledge:

[Signature]
Signature

7/31/2017
Date

We hereby request approval from the Department of Finance & Administration / Local Government Division (DFA/LGD) to carryover the following balance from the Law Enforcement Protection Fund (LEPF) distribution:

Current Fiscal Year: FY 2016/2017
Total Distribution for Current FY: \$39,800.00
Balance on June 30th: \$187.00

If the carryover is approved, we will be expending the balance in the succeeding fiscal year for the following allowable uses:

Succeeding Fiscal Year: FY 2017/2018
(This is the fiscal year that balance will be carried over to)

Allowable Uses (pursuant to LEPF Rule, 2.110.3 NMAC) - please detail below:

The remaining funds will be used for small equipment purchases and/or supplies in FY2018.

*The June 30th balance should only be from the LEPF distribution and not include any other revenue sources. If the June 30th balance is greater than the total distribution amount for the current fiscal year, then the entity has a balance left over from a prior fiscal year's carryover. Balances can only be carried over for one subsequent year. Therefore, the balance calculated below that is from a prior fiscal year's carryover must be reverted to the State of New Mexico:

Calculated Reversion Amount

Balance on June 30th: \$187.00
LEPF Total Distribution for Current FY: \$39,800.00
Reversion Due to State: None

Reversion Instructions

A check made payable to the "State of New Mexico, Department of Finance & Administration" for the Reversion Due to State amount above should be mailed to the following address:

Brenda L. Suazo-Giles, Budget & Finance Bureau Chief
DFA / Local Government Division
Bataan Memorial Building, Suite 201
Santa Fe, NM 87501

If you have questions on this form, please call (505) 827-4964.

Pursuant to the LEPF Rule, 2.110.3.10C, New Mexico Administrative Code, "The distributions from the fund are to be used, not accumulated. Fund balances may be carried over to a succeeding fiscal year only with prior written approval from the local government division."

FOR DFA/LGD USE ONLY:

Approved: Yes No Approved Carryover Amount: \$187.00

APPROVED
LOCAL GOVERNMENT DIVISION

DATE: 8/24/17
BY: [Signature]
DEPARTMENT OF FINANCE AND ADMINISTRATION



County of Los Alamos

Staff Report

September 05, 2017

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.: C.

Index (Council Goals): * 2017 Council Goal – Quality Governance – Operational Excellence – Maintain Quality Essential Services and Supporting Infrastructure

Presenters: James Alarid, Deputy Utilities Manager - Engineering

Legislative File: 9836-17

Title

Grant of Utility Easement Within Tract A, a Subdivision of Quemazon Communities Phase 1

Recommended Action

I move that Council approve a grant of utility easement within Tract A, a subdivision of Quemazon Communities Phase 1.

Utilities Manager Recommendation

The Utilities Manager recommends that Council approve the motion as presented.

Body

The Department of Public Utilities has coordinated this grant of utility easement to accommodate construction of a second gas feed to the Quemazon community. The second gas feed will add increased reliability to all Quemazon customers. This easement will allow almost all of the new gas line and a new underground pressure regulating station to be constructed out of the road.

Alternatives

If the easement is not granted the gas line will be constructed in existing roads.

Fiscal and Staff Impact/Planned Item

None

Attachments

A - Easement and Letter to Quemazon Board of Directors

GRANT OF UTILITY EASEMENTS

OWNER: Quemazon Communities Master Homeowners Association

PROPERTY ADDRESS: 4650 Esperanza

TRACT A, SUBDIVISION Quemazon Communities Phase 1

The undersigned owner does hereby grant to the INCORPORATED COUNTY OF LOS ALAMOS, its successors and assigns, utility easements over, across, in and upon the land shown on Exhibit "A" attached hereto. Said easements lies within Tract A, Quemazon Communities Phase 1, Los Alamos County, New Mexico, the plat thereof being filed for record in the Office of the County Clerk in Plat Book 101, Page 607, on February 15, 2002.

UTILITY EASEMENTS

Utility easements as shown on Exhibit "A" attached hereto are hereby granted to the Incorporated County of Los Alamos for the purpose of installing, operating and maintaining the following utilities by the county or any company authorized to be in the county easement: electric, water, gas, sanitary sewer, telephone, cable television, street lights and any other similar utility service, together with the right of ingress and egress, both surface and subsurface, for crews and equipment and including the right to remove any obstruction in the easement which may or might interfere therewith without any liability to the owner or any other party for such removal. Exhibit "B" provides design and justification request from the Quemazon Communities Master Homeowners Association.

The undersigned owners, their successors and assigns, shall not construct or maintain any improvements, or other obstruction in or on the easement granted by this document, without the express written consent of the Incorporated County of Los Alamos. This grant of easement shall be binding upon the undersigned owners, theirs successors and assigns.

OWNER: TRACT A

SIGNATURE: Dwight Rickel

DATE: 8-14-2017

STATE OF NEW MEXICO)

) ss

COUNTY OF LOS ALAMOS)




The foregoing instrument was acknowledged before me this 14th day of August, 2017 by Dwight Rickel, Treasurer of the Quemazon Communities Master Homeowners Association.

[Signature]
Notary Public

9/21/2019
My Commission Expires:

ATTACHMENT A

THE GRANT OF EASEMENTS (as described in the previous page) HAS BEEN REVIEWED
BY ME AND IS ACCEPTABLE TO THE DEPARTMENT THAT I REPRESENT:

	8/15/17
COUNTY ENGINEER	DATE
	8/15/17
COUNTY SURVEYOR	DATE
	8/14/17
DEPARTMENT OF PUBLIC UTILITIES	DATE

THE EASEMENTS HEREIN DESCRIBED IS HEREBY ACCEPTED BY THE LOS
ALAMOS COUNTY COUNCIL.

ATTEST:
County Clerk

INCORPORATED COUNTY OF LOS ALAMOS

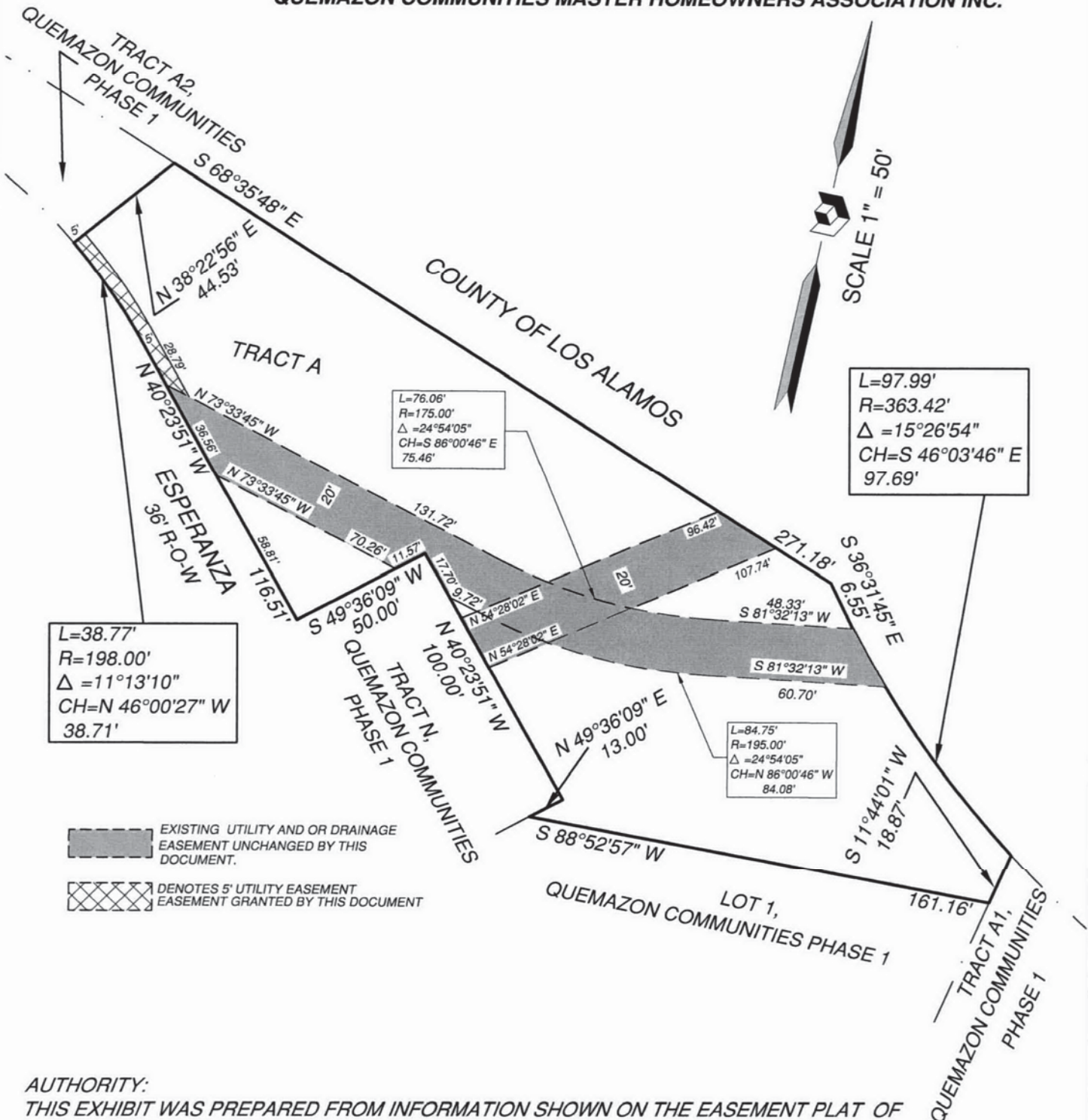
By: _____
County Clerk- Naomi Maestes

By: _____ Date
Name: _____
Title: _____

COUNCIL CHAIR DATE

**PLOT PLAN FOR
GRANT OF UTILITY EASEMENT
WITHIN
TRACT A,
QUEMAZON COMMUNITIES PHASE 1
LOS ALAMOS, NEW MEXICO
FOR**

QUEMAZON COMMUNITIES MASTER HOMEOWNERS ASSOCIATION INC.



AUTHORITY:

THIS EXHIBIT WAS PREPARED FROM INFORMATION SHOWN ON THE EASEMENT PLAT OF TRACTS A AND G, QUEMAZON COMMUNITIES PHASE 1, SAID PLAT BEING FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK OF LOS ALAMOS COUNTY, NEW MEXICO IN BOOK 101, PAGE 607 ON THE 15TH DAY OF FEBRUARY, 2002, FROM AN INSPECTION OF THIS TRACT DONE ON THE 10TH DAY OF AUGUST, 2002, AND FROM INSTRUCTION PROVIDED TO US BY THE LOS ALAMOS COUNTY UTILITIES DEPARTMENT.

ATTACHMENT A

EXHIBIT "B"

August 10, 2017

Quemazon Board of Directors

Dear Board Members,

Quemazon Gas Distribution Back Feed

BOARD OF PUBLIC UTILITIES

Jeff Johnson, Chair
Stephen McLin, Vice Chair
Andy Fraser
Paul Frederickson
Kathleen Taylor

EX OFFICIO MEMBERS

Timothy Glasco
Harry Burgess

In order to enhance the reliability of natural gas service to the residence of the Quemazon Subdivision the Department of Public Utilities (DPU) will be installing a second feed into the Quemazon Subdivision. Currently the community is feed from a single Pressure Reducing Station (PRV) located at the south end of the cul-de-sac on Solana. After conducting an analysis of the system, DPU has identified the best location for the second PRV station equipment. The location selected is on Esperanza between Quemazon and Bris Del Bosque. Here are the reasons why the location is the best fit.

- There is currently an existing 8" high pressure distribution main which operates at a pressure of 90 to 100 pound per square inch gauge (PSIG) in the area where the station would be located. The high pressure main is needed to supply gas to the new PRV, which reduces the pressure to (20 psig or less) which is the normal operating pressure for the system.
- New PRV would be close to the high housing density area of the subdivision, therefore, the gas source would be closer to the where the gas demand is on the system.
- There are currently two medium pressure gas mains (20 psig or less) coming from the south side of the subdivision where the current station is located and feeds the entire subdivision. Should service to either of the two mains be interrupted for any reason the new PRV would be a second source serving the north side of the community.
- PRV equipment would be placed in underground vaults instead of our conventional above ground installation. Therefore maintaining the integrity of the views for residents in the area.
- Vaults would be outside of the roadway and located behind the curb.

Administrative Offices
1000 Central Avenue, Suite 130
Los Alamos, NM 87544
P 505.662.8333 F 505.662.8005

dpu@lacnm.us
losalamosnm.us/government/departments/utilities

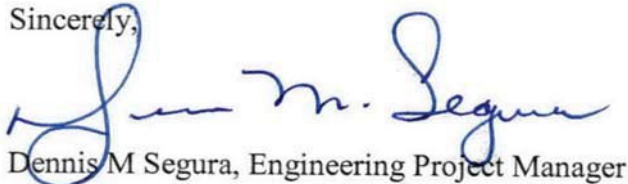
Benefits

- Redundant service to area, currently there is only a single feed into the subdivision.
- Either of the two stations will have the capability of feeding the subdivision under normal winter condition.
- Enhance capability under extreme winter conditions with two stations in operation.
- Back feed should one or more of the gas mains be taken out of service for any reason.

In order to construct the station DPU is planning on installing the station in two underground vaults, each vault is approximately 10' length X 7'in width and there would be separation of approximately 10-15' +- between the vaults. The proposed location would be behind the curb in an area which is currently unimproved and does not have any sidewalks. The County has limited right of way behind the curb approximately 5' +-. Here is where DPU needs the Board of Directors assistance. Our current right of way is not wide enough to accommodate the width of the vaults and the county is requesting that the Board of Directors approve a narrow easement along the southern boundaries of Lot QUE01A also known as 4650 Esperanza and is owned by the association. The total width is no wider than 5' and the total length is less than 70'. DPU could install the PRV equipment within the roadway where right of way already exist. However, when mandatory yearly inspections or other maintenance work is performed the driving area would be reduced while access to the vaults occurs. In addition access to the vaults could be restricted should someone park a vehicle(s) over the access doors. The number of times that the vaults are accessed is generally limited to several times per year but, need to be available in the event of any type of emergency.

I have attached several maps and photos to give you a better idea of the location and the terrain. I would like to meet with the Board to answer any questions about the station and the easement that we are requesting. Please contact me at dennis.segura@lacnm.us or 662-8123.

Sincerely,



Dennis M Segura, Engineering Project Manager

Department of Public Utilities



County of Los Alamos

Staff Report

September 05, 2017

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.: D.

Index (Council Goals): * 2017 Council Goal – Economic Vitality – Financial Sustainability – Significantly Improve the Quantity and Quality of Retail Business

Presenters: Kelly Stewart, Marketing Specialist and Lodgers' Tax Advisory Board

Legislative File: 9863-17

Title

Board/Commission Appointment - Lodgers' Tax Advisory Board (LTAB).

Recommended Action

I move that Council appoint Catherine Mockler to fill one of two lodging industry vacancies on the Lodgers' Tax Advisory Board, to complete a term beginning December 2, 2016 and ending on December 1, 2019; and appoint Elizabeth Allen to fill one of two lodging industry vacancies on the Lodgers' Tax Advisory Board, a term beginning December 2, 2014 and ending on December 1, 2017 and continue a term beginning December 2, 2017 and ending December 1, 2020.

Body

The purpose of this item is to fill two lodging industry positions on the Lodgers' Tax Advisory Board. Los Alamos County Code Chapter 8, Article 6, in accordance with the State statute NMSA 1978, 3-38-22, mandates that the Los Alamos Lodgers' Tax Advisory Board be comprised of five positions: one public at-large resident of Los Alamos County; two representatives from the tourism attraction industry; and two representatives from the lodging industry. Because of the code's required representation from persons with specific expertise, the board member recruitment process differs from that of other County Boards and Commissions.

The lodging industry representative board positions have been vacant for more than a year. This is despite the LTAB Chair's concerted efforts to fill these vacancies by building relationships with all Los Alamos lodging establishment proprietors. The LTAB Chair makes monthly contact with the general managers at all Los Alamos hotel properties, including the Comfort Inn & Suites, the Holiday Inn Express & Suites and the Hampton Inn & Suites to encourage them to attend meetings and apply for a position on the Lodgers' Tax Advisory Board. The LTAB Chair has also reached out, at least quarterly, to the owner/operators of the Los Alamos bed & breakfast (B&B) establishments, including the Canyon Inn, the North Road Inn and the Pueblo Canyon Inn & Garden, to encourage participation with and application to LTAB. These efforts have resulted in lodging representative attendance at LTAB meetings, participation in tourism events and packages, and applications from and interviews with the B&B proprietors named in this appointment. It is recommended that both nominees be appointed immediately so that LTAB may benefit from their experience and expertise.

One of the two vacancies represents an expired term vacated by Agatha Marquez [D] and ends on December 1, 2017. The applicant for this position is Catherine Mockler [I].

One of the two vacancies represents an expired term vacated by Jane Sizemore [N] and ends on December 1, 2019. The applicant for this position is Elizabeth Allen [D].

Party affiliations are noted as [D] Democrat, [R] Republican, [I] Independent, [G] Green, [L] Libertarian, [DTS] Declined to State, and [N] Not Registered to Vote.

This five (5) member board has three-year terms beginning December 2 and ending December 1. It is currently composed as follows:

Linda Deck (Vice Chair), Director, Bradbury Science Museum - tourism/attraction industry representative

Ryn Herrmann (Chair), resident - public at-large representative

Katie Bruell, Executive Director, Pajarito Environmental Education Center at The Los Alamos Nature Center - tourism/attraction industry representative

vacant - lodging industry representative

vacant - lodging industry representative

Appointing these nominees will not violate the County Charter restriction concerning political party majorities on Boards and Commissions.

Attachments

A - Board Member List

B - Application Packet for Catherine Mockler

C - Application Packet for Elizabeth Allen



LODGERS' TAX ADVISORY

BOARD ROSTER



KATHERINE BRUELL

1st Term Dec 02, 2015 - Dec 01, 2018

Office Member

Position LTA2

Category D

Appointed by County Council



LORYN HERRMANN

2nd Term Dec 02, 2015 - Dec 01, 2018

Office Chair

Position LTA3

Category D

Appointed by County Council



LINDA DECK

1st Term Dec 01, 2016 - Dec 01, 2019

Office Vice Chair

Position LTA1

Category I

Appointed by County Council



VACANCY



VACANCY

General Information

All County Board and Commission members must be residents of Los Alamos County.

Once a resident fills out and submits this application, an interview is scheduled with the B&C's County Council liaison, the relevant staff liaison, and the B&C Chair. After the interviews, the applicants' names are presented to the full Council during a regularly scheduled Council meeting, where a vote is taken regarding the appointment of each applicant. Each applicant will be notified if they are appointed or not.

Only on-line applications will be considered.

If you are interested in applying for the Board of Public Utilities, please contact Jamie Kephart at 505-662-8132.

If you are interested in applying for Labor Relations Board, please contact Denise Cassel at 505-662-8047.

Profile

Board and Commission Application

Note: Please be aware that as a public entity, the County of Los Alamos, is obligated to furnish this information to the public if requested. Note also that current LANL employees, if appointed to a Board or Commission, may be required by LANL to complete a 701 form.

Catherine

First Name

Mockler

Last Name

Middle Initial



Street Address



Suite or Apt



City

State



Postal Code



Email Address



Primary Phone



Alternate Phone

Party affiliation as registered: (Select one of the following) *

☒ Independent

Registered to vote in Los Alamos?

☒ Yes ☐ No

By attending a Commission
meeting

How did you learn of this Board/Commission vacancy?

Do you currently serve on any County Board or Commission?

☐ Yes ☒ No

If yes, which one? (Los Alamos County law prohibits residents from serving concurrently on more than one County board except as expressly approved in writing by the County Council before the appointment is made.)

Interests & Experiences

Which Boards would you like to apply for?

Lodgers' Tax Advisory: Submitted

Why would you like to serve on this particular Board or Commission?

I have been a Lodging Stake Holder in Los Alamos County for the past 24 years and feel tat I have a lot of insight into the tourist industry.

What volunteer or professional activities have you participated in that could apply to this appointment?

6 years on Planning and Zoning Commission in Los Alamos County

The time involved may be 10-15 hours per month or more. Are you able to serve the volunteer hours and attend training needed to perform your duties as an appointee?

Yes

**What would you like to accomplish during your tenure on this Board or Commission?
(Please identify any special interests you have that led you to become interested in serving
on this Board or Commission.)**

My goal is a diversified healthy functioning business community for both White Rock and Los Alamos and to retain quality of life for its residence.

**Have you had any direct or indirect involvement with this Board or Commission or with the
County staff supporting this Board or Commission or County Councilors? If so, please
explain.**

Yes, I was on this commission several years ago and still communicate with the chamber on issues pertaining to tourism.

**Are there any issue or matters, financial or otherwise, that you are now or might become
involved in that may come before the Board or Commission for which you seek
appointment?**

1. Public transportation from Los Alamos to Bandalier and Caldera. 2. Visitor Guide enhancement 3. Include small businesses as Stake Holders as to create cohesion in the business community

If you have any questions, please contact Libby Carlsten at 505-662-8261 or
libby.carlsten@lacnm.us



LOS ALAMOS COUNTY
COUNTY ADMINISTRATOR'S OFFICE
BOARD & COMMISSION INTERVIEW QUESTIONS

Catherine Mockler
Applicant's Name

LTAB
Board or Commission

Antonio Maggiora
Interviewer Name

7/19/17
Date/Time of Interview

Interview Conducted:
☒ Personally
☐ Telephone

NOTE TO INTERVIEW PANEL: Please remember to use this interview as an opportunity to share Council's directives and guidance for B&C's.

#	Question/Documented Response
1	Please tell us a little about yourself and then describe your experience, education, and training that qualify you for this Board or Commission. <i>Came in 1979 to town left lab in '93, been hotelier in in town 23 years Served on this board before</i>
2	What do you believe are the greatest issues facing the County? What do you believe are the greatest issues facing the Board/commission you applied for? [Note to interview panel: If the answer to this question appears to be off base with Council's position, please explore a little more.] <i>how do we make this a diversified business economy. for LTAB - "effective marketing" better visitor guides takes time to shift direction</i>
3	How do you perceive the role of County Boards and Commissions in local government? <i>extremely important. all realtors and lobbies does not make a town</i>
4	What specific skills do you feel are important for effective Board or Commission members? Which ones do you possess? <i>experience as a stakeholder.</i>
5	What could you do, specifically, to foster a collaborative relationship between staff and the Board or Commission on which you would like to serve? <i>Communication on key issues Marketing increasing visitors diversified business community</i>

6	<p>Have you served on any Boards, Commissions or Committees (not only County B&Cs – but also church groups, non-profit boards, school committees, etc.) within the last five years? What do you think was your greatest contribution during your tenure?</p> <p><i>P4Z</i> He - work sunrise to sunset was only business owner on planning & zoning - bringing perspective of business owners that was otherwise missing.</p>
7	<p>Are you familiar with the County Charter and County Code as they apply to the Board you are applying for?</p> <p><i>Somewhat.</i></p>
8	<p>Are you willing to take the time to attend training sessions to become more knowledgeable about your duties and responsibilities in an advisory capacity?</p> <p><i>Certainly</i></p>
9	<p>Are you aware that, as a member of a Los Alamos County Board or Commission, your written communications, including e-mails, are public records (even if produced on your personal computer), and as such are subject to the New Mexico Inspection of Public Records Act. If any of these public records are requested for review/inspection under the Act you may need to produce them. Is this a deterrent to your willingness to serve on this Board?</p> <p><i>Yes & Not at all</i></p>
10	<p>Currently, a few boards or commissions are “live streaming” their meetings (T-Board, Parks and Recreation Board, and the Planning and Zoning Commission.) In the future, this may be required of all boards. If you’re applying for one of the boards currently streaming or if it becomes a requirement for all B&Cs to stream, is this - or will this - be a deterrent to your willingness to serve?</p> <p><i>No</i></p>
11	<p>[Interview panel: Ask questions you think necessary for clarification of the written answers this applicant provided as part of their application.]</p> <p><i>Town will never be TAOS or Santa Fe will be <u>Los Alamos</u> We have to actually pursue the goals.</i></p>
12	<p>Do you have any questions for the interview panel?</p>

Notes:



LOS ALAMOS COUNTY
COUNTY ADMINISTRATOR'S OFFICE
BOARD & COMMISSION INTERVIEW QUESTIONS

Catherine Mockler

Applicant's Name

LTAB

Board or Commission

Ryan Herrmann

Interviewer Name

Wed - 7/19/17 / 11am

Date/Time of Interview

Interview Conducted:

☒ Personally

☐ Telephone

NOTE TO INTERVIEW PANEL: Please remember to use this interview as an opportunity to share Council's directives and guidance for B&C's.

#	Question/Documented Response
1	Please tell us a little about yourself and then describe your experience, education, and training that qualify you for this Board or Commission. <u>1979- Lab left 93 & started her BAB then.</u>
2	What do you believe are the greatest issues facing the County? What do you believe are the greatest issues facing the Board/commission you applied for? [Note to interview panel: If the answer to this question appears to be off base with Council's position, please explore a little more.] <u>Been on P&Z & LTAB before</u> <u>How to make a diversified business community</u> <u>Supports small businesses - Effective marketing</u>
3	How do you perceive the role of County Boards and Commissions in local government? <u>V. important. Needs diversification</u>
4	What specific skills do you feel are important for effective Board or Commission members? Which ones do you possess? <u>Experience, both as board member & stakeholder.</u>
5	What could you do, specifically, to foster a collaborative relationship between staff and the Board or Commission on which you would like to serve? <u>Communication. Key issues: marketing</u> <u>Bringing up ant. of tourist visits to LAC.</u> <u>Diversified business community.</u>

6	<p>Have you served on any Boards, Commissions or Committees (not only County B&Cs – but also church groups, non-profit boards, school committees, etc.) within the last five years? What do you think was your greatest contribution during your tenure?</p> <p><i>Pat Brought business owners perspective.</i></p>
7	<p>Are you familiar with the County Charter and County Code as they apply to the Board you are applying for?</p> <p><i>State Statute mandates</i></p>
8	<p>Are you willing to take the time to attend training sessions to become more knowledgeable about your duties and responsibilities in an advisory capacity?</p> <p><i>Yes.</i></p>
9	<p>Are you aware that, as a member of a Los Alamos County Board or Commission, your written communications, including e-mails, are public records (even if produced on your personal computer), and as such are subject to the New Mexico Inspection of Public Records Act. If any of these public records are requested for review/inspection under the Act you may need to produce them. Is this a deterrent to your willingness to serve on this Board?</p> <p><i>Not at all.</i></p>
10	<p>Currently, a few boards or commissions are “live streaming” their meetings (T-Board, Parks and Recreation Board, and the Planning and Zoning Commission.) In the future, this may be required of all boards. If you’re applying for one of the boards currently streaming or if it becomes a requirement for all B&Cs to stream, is this - or will this - be a deterrent to your willingness to serve?</p> <p><i>No.</i></p>
11	<p><i>[Interview panel: Ask questions you think necessary for clarification of the written answers this applicant provided as part of their application.]</i></p>
12	<p>Do you have any questions for the interview panel?</p>

Notes:



LOS ALAMOS COUNTY
COUNTY ADMINISTRATOR'S OFFICE
BOARD & COMMISSION INTERVIEW QUESTIONS

Cathy Mockler
Applicant's Name

LTAB
Board or Commission

Kelly Stewart
Interviewer Name

wed Jul 19 2017
Date/Time of Interview

Interview Conducted:
☒ Personally
☐ Telephone

NOTE TO INTERVIEW PANEL: Please remember to use this interview as an opportunity to share Council's directives and guidance for B&C's.

#	Question/Documented Response
1	Please tell us a little about yourself and then describe your experience, education, and training that qualify you for this Board or Commission. <u>1979 - Lab 1993 left Lab to care for son - age 9) 24 yrs operating continuously. the North Road Inn.</u>
2	What do you believe are the greatest issues facing the County? What do you believe are the greatest issues facing the Board/commission you applied for? [Note to interview panel: If the answer to this question appears to be off base with Council's position, please explore a little more.] <u>As former LTAB + P&Z board member. We must diversify the economy. must be a goal. Effective marketing - had a chance to hire consultant who put Taos on map; VG just</u>
3	How do you perceive the role of County Boards and Commissions in local government? <u>Extremely important; need diverse perspective of outside Lab employees & tourists. Great social media VG = dull.</u>
4	What specific skills do you feel are important for effective Board or Commission members? Which ones do you possess? <u>experience as a board member & a stakeholder County govt. takes time to move ship.</u>
5	What could you do, specifically, to foster a collaborative relationship between staff and the Board or Commission on which you would like to serve? <u>communication. about key issues: marketing; increase visitation; more biz friendly community and more diversified biz community plus easier signage.</u>

6	Have you served on any Boards, Commissions or Committees (not only County B&Cs – but also church groups, non-profit boards, school committees, etc.) within the last five years? What do you think was your greatest contribution during your tenure? <i>work serving to assist P&Z – only biz owner on the Bd; safe perspective that was appreciated. understand how it feels to have a biz close</i>
7	Are you familiar with the County Charter and County Code as they apply to the Board you are applying for? <i>Gave her Section of County Code/ State Statute re LTAB + activities funded by Lodges Tax Revenues.</i>
8	Are you willing to take the time to attend training sessions to become more knowledgeable about your duties and responsibilities in an advisory capacity? <i>yes. (certainly)</i>
9	Are you aware that, as a member of a Los Alamos County Board or Commission, your written communications, including e-mails, are public records (even if produced on your personal computer), and as such are subject to the New Mexico Inspection of Public Records Act. If any of these public records are requested for review/inspection under the Act you may need to produce them. Is this a deterrent to your willingness to serve on this Board? <i>Not at all.</i>
10	Currently, a few boards or commissions are “live streaming” their meetings (T-Board, Parks and Recreation Board, and the Planning and Zoning Commission.) In the future, this may be required of all boards. If you’re applying for one of the boards currently streaming or if it becomes a requirement for all B&Cs to stream, is this - or will this - be a deterrent to your willingness to serve? <i>Not at all.</i>
11	[Interview panel: Ask questions you think necessary for clarification of the written answers this applicant provided as part of their application.] <i>would Cathy be willing to submit ADR/OCC #1? Yes!</i>
12	Do you have any questions for the interview panel? <i>Is it possible to collect GRT info from restaurants.</i>

Notes: *Taos/Alabama Shakes concert, reported.
visitation, GRT, LTR
Mayor Thanked business community for their
support of Tourism.*

General Information

All County Board and Commission members must be residents of Los Alamos County.

Once a resident fills out and submits this application, an interview is scheduled with the B&C's County Council liaison, the relevant staff liaison, and the B&C Chair. After the interviews, the applicants' names are presented to the full Council during a regularly scheduled Council meeting, where a vote is taken regarding the appointment of each applicant. Each applicant will be notified if they are appointed or not.

Only on-line applications will be considered.

If you are interested in applying for the Board of Public Utilities, please contact Jamie Kephart at 505-662-8132.

If you are interested in applying for Labor Relations Board, please contact Denise Cassel at 505-662-8047.

Profile

Board and Commission Application

Note: Please be aware that as a public entity, the County of Los Alamos, is obligated to furnish this information to the public if requested. Note also that current LANL employees, if appointed to a Board or Commission, may be required by LANL to complete a 701 form.

Elizabeth

First Name

K

Middle Initial

Allen

Last Name

[REDACTED]

Street Address

[REDACTED]

City

[REDACTED]

Email Address

[REDACTED]

Primary Phone

[REDACTED]

Alternate Phone

[REDACTED]

Suite or Apt

State

[REDACTED]

Postal Code

Party affiliation as registered: (Select one of the following) *

☒ Democrat

Registered to vote in Los Alamos?

☒ Yes ☐ No

Internet

How did you learn of this Board/Commission vacancy?

Do you currently serve on any County Board or Commission?

☐ Yes ☒ No

If yes, which one? (Los Alamos County law prohibits residents from serving concurrently on more than one County board except as expressly approved in writing by the County Council before the appointment is made.)

Interests & Experiences

Which Boards would you like to apply for?

Lodgers' Tax Advisory: Submitted

Why would you like to serve on this particular Board or Commission?

We opened a Bed and Breakfast last October of 2016. We pay Lodgers tax monthly and have a vested interest in the board and the funds used.

What volunteer or professional activities have you participated in that could apply to this appointment?

I have worked in the past with several boards - including JJAB (Juvenile Justice Advisory Board) and DWI Board. I am also working with the Tourism Workgroup.

The time involved may be 10-15 hours per month or more. Are you able to serve the volunteer hours and attend training needed to perform your duties as an appointee?

Yes.

**What would you like to accomplish during your tenure on this Board or Commission?
(Please identify any special interests you have that led you to become interested in serving
on this Board or Commission.)**

Increase tourism and advance the needs of Lodgers tax.

**Have you had any direct or indirect involvement with this Board or Commission or with the
County staff supporting this Board or Commission or County Councilors? If so, please
explain.**

I have worked with staff members in paying Lodgers tax and getting information regarding hotels in Los Alamos.

**Are there any issue or matters, financial or otherwise, that you are now or might become
involved in that may come before the Board or Commission for which you seek
appointment?**

Other than that I currently pay into Lodgers tax, no.

If you have any questions, please contact Libby Carlsten at 505-662-8261 or
libby.carlsten@lacnm.us



LOS ALAMOS COUNTY
COUNTY ADMINISTRATOR'S OFFICE
BOARD & COMMISSION INTERVIEW QUESTIONS

Elizabeth Allen
Applicant's Name

LTAB
Board or Commission

Antonio MAGGIORE
Interviewer Name

11:11:45 am Aug 22, 2017
Date/Time of Interview

Interview Conducted:
☐ Personally
☒ Telephone

NOTE TO INTERVIEW PANEL: Please remember to use this interview as an opportunity to share Council's directives and guidance for B&C's.

#	Question/Documented Response
1	Please tell us a little about yourself and then describe your experience, education, and training that qualify you for this Board or Commission. <u>3 yr resident, attorney owns Pueblo Canyon Inn</u> <u>#bought Inn as way to afford housing prices</u>
2	What do you believe are the greatest issues facing the County? What do you believe are the greatest issues facing the Board/commission you applied for? [Note to interview panel: If the answer to this question appears to be off base with Council's position, please explore a little more.] <u>desire to help the community grow.</u> <u>frustrated by ambivalence of community towards growth & change</u> <u>way to affirm need for expanded sources of GRT</u>
3	How do you perceive the role of County Boards and Commissions in local government? <u>Boards are voice of people</u> <u>Council has to have the long term vision.</u>
4	What specific skills do you feel are important for effective Board or Commission members? Which ones do you possess? <u>Ability to communicate and problem solve</u> <u>Also willingness to work.</u>
5	What could you do, specifically, to foster a collaborative relationship between staff and the Board or Commission on which you would like to serve? <u>Staff often ends up doing most of the work</u> <u>because they are getting paid, but she's been on both sides between</u> <u>DWI & JTAB and is willing to roll up sleeves and get to work.</u>

6	Have you served on any Boards, Commissions or Committees (not only County B&Cs – but also church groups, non-profit boards, school committees, etc.) within the last five years? What do you think was your greatest contribution during your tenure? Tourism Work group, DWI, JSAB, Community Health Council Involved in Church? TEEN CENTER (mentor/advisor) Great at implementation
7	Are you familiar with the County Charter and County Code as they apply to the Board you are applying for? Yes & State Statutes
8	Are you willing to take the time to attend training sessions to become more knowledgeable about your duties and responsibilities in an advisory capacity? Yes
9	Are you aware that, as a member of a Los Alamos County Board or Commission, your written communications, including e-mails, are public records (even if produced on your personal computer), and as such are subject to the New Mexico Inspection of Public Records Act. If any of these public records are requested for review/inspection under the Act you may need to produce them. Is this a deterrent to your willingness to serve on this Board? YES
10	Currently, a few boards or commissions are “live streaming” their meetings (T-Board, Parks and Recreation Board, and the Planning and Zoning Commission.) In the future, this may be required of all boards. If you’re applying for one of the boards currently streaming or if it becomes a requirement for all B&Cs to stream, is this - or will this - be a deterrent to your willingness to serve? NOT a PROBLEM
11	[Interview panel: Ask questions you think necessary for clarification of the written answers this applicant provided as part of their application.] STAR REPORTS ? YES Is primary focus growing your business? or classes of Businesses in town? Can only grow so much so more interested in helping community improve Booked at capacity 25 nights a month.
12	Do you have any questions for the interview panel? Doublechecked mtg times.

Notes:
 Good comments on difficulties/problems w/ using Expedia and how those companies can hurt local businesses as well as help.
 will be good will provide good input as we look to address AIRBNB & VROB in town -



LOS ALAMOS COUNTY

COUNTY ADMINISTRATOR'S OFFICE

BOARD & COMMISSION INTERVIEW QUESTIONS

Elizabeth Allen

Applicant's Name

LTAB

Board or Commission

Ryut Hermann

Interviewer Name

Tues 8/22/17 11Am.

Date/Time of Interview

Interview Conducted:

☒ Personally

☐ Telephone

NOTE TO INTERVIEW PANEL: Please remember to use this interview as an opportunity to share Council's directives and guidance for B&C's.

#	Question/Documented Response
1	<p>Please tell us a little about yourself and then describe your experience, education, and training that qualify you for this Board or Commission.</p> <p>Lived in LA 3 yrs. Attorney Back ground: law degree & runs B+B in town. Pays Lodgers Tax. Enjoys running biz in LA.</p>
2	<p>What do you believe are the greatest issues facing the County? What do you believe are the greatest issues facing the Board/commission you applied for? [Note to interview panel: If the answer to this question appears to be off base with Council's position, please explore a little more.]</p> <p>Frustration w/ LAC. Seems like many residents are difficult. Don't want change but then complain about prop tax. Lots of room to improve. Need more</p>
3	<p>How do you perceive the role of County Boards and Commissions in local government?</p> <p>Voice of the people. Their role is to develop a roll for the county. A vision for future.</p> <p style="text-align: right;">sources of GRI.</p>
4	<p>What specific skills do you feel are important for effective Board or Commission members? Which ones do you possess?</p> <p>Has been on lots of boards - JTAB. DWI, CTK, Always same 10-15 people. County needs more involved citizens.</p>
5	<p>What could you do, specifically, to foster a collaborative relationship between staff and the Board or Commission on which you would like to serve?</p> <p>To be part of a board you need to be available for more than 1 or 2 hrs. Has been coordinator & board member before & understands needs.</p>

6	<p>Have you served on any Boards, Commissions or Committees (not only County B&Cs – but also church groups, non-profit boards, school committees, etc.) within the last five years? What do you think was your greatest contribution during your tenure?</p> <p>JJAB, DWI, CHC, Tourism Work Group & involved w youth @ church & Teen Center, Leadership LA. She gets things done. Can implement ideas.</p>
7	<p>Are you familiar with the County Charter and County Code as they apply to the Board you are applying for?</p> <p>Yes</p>
8	<p>Are you willing to take the time to attend training sessions to become more knowledgeable about your duties and responsibilities in an advisory capacity?</p> <p>Sure.</p>
9	<p>Are you aware that, as a member of a Los Alamos County Board or Commission, your written communications, including e-mails, are public records (even if produced on your personal computer), and as such are subject to the New Mexico Inspection of Public Records Act. If any of these public records are requested for review/inspection under the Act you may need to produce them. Is this a deterrent to your willingness to serve on this Board?</p> <p>Is aware & is fine w/ it.</p>
10	<p>Currently, a few boards or commissions are “live streaming” their meetings (T-Board, Parks and Recreation Board, and the Planning and Zoning Commission.) In the future, this may be required of all boards. If you’re applying for one of the boards currently streaming or if it becomes a requirement for all B&Cs to stream, is this - or will this - be a deterrent to your willingness to serve?</p> <p>Fine.</p>
11	<p>[Interview panel: Ask questions you think necessary for clarification of the written answers this applicant provided as part of their application.]</p>
12	<p>Do you have any questions for the interview panel?</p> <p>Schedule. Barbara - can you email schedule to Elizabeth?</p>

Notes:



LOS ALAMOS COUNTY
COUNTY ADMINISTRATOR'S OFFICE
BOARD & COMMISSION INTERVIEW QUESTIONS

Elizabeth Allen

Applicant's Name

LTAB

Board or Commission

Kelly Stewart

Interviewer Name

11-11:45am Aug. 22, 2017

Date/Time of Interview

Interview Conducted:

X Personally

____ Telephone

NOTE TO INTERVIEW PANEL: Please remember to use this interview as an opportunity to share Council's directives and guidance for B&C's.

#	Question/Documented Response
1	Please tell us a little about yourself and then describe your experience, education, and training that qualify you for this Board or Commission. <u>Lived in LA 3 years. An attorney. Running a Bed+B. Have to pay LTAx. Wanted to buy an income property. Other jobs, but seek a creative outlet. A way to live in LA & afford it.</u>
2	What do you believe are the greatest issues facing the County? What do you believe are the greatest issues facing the Board/commission you applied for? [Note to interview panel: If the answer to this question appears to be off base with Council's position, please explore a little more.] <u>Frustrated with people that don't want anything to change, but complain about empty buildings. LTAB LTAB and Tourism Plan workgroup - affirm need for economic diversification and more sources of tax.</u>
3	How do you perceive the role of County Boards and Commissions in local government? <u>Help develop a vision for the community - create road map or guide for efforts into the future.</u>
4	What specific skills do you feel are important for effective Board or Commission members? Which ones do you possess? <u>JTAB, DWI, Tourism Strategic Plan workgroup. Same 10-15 people in room, overworked. Actually need to do some of the work. Has not applied to LTAB until now -</u>
5	What could you do, specifically, to foster a collaborative relationship between staff and the Board or Commission on which you would like to serve? <u>Staff are only ones who show up and do work because they are being paid. Submit ideas & get push-back from board members. Need to have some give & take. It seems to motivate</u>

6	Have you served on any Boards, Commissions or Committees (not only County B&Cs – but also church groups, non-profit boards, school committees, etc.) within the last five years? What do you think was your greatest contribution during your tenure? <i>JTAB, DWI, Comm Health Council (attended), Tourism Work group; church youth group, Teen Center mentor/advisor, LLA. Contribution – reliable; get things done; implement ideas.</i>
7	Are you familiar with the County Charter and County Code as they apply to the Board you are applying for? <i>Yes.</i>
8	Are you willing to take the time to attend training sessions to become more knowledgeable about your duties and responsibilities in an advisory capacity? <i>Sure!</i>
9	Are you aware that, as a member of a Los Alamos County Board or Commission, your written communications, including e-mails, are public records (even if produced on your personal computer), and as such are subject to the New Mexico Inspection of Public Records Act. If any of these public records are requested for review/inspection under the Act you may need to produce them. Is this a deterrent to your willingness to serve on this Board? <i>No!</i>
10	Currently, a few boards or commissions are “live streaming” their meetings (T-Board, Parks and Recreation Board, and the Planning and Zoning Commission.) In the future, this may be required of all boards. If you’re applying for one of the boards currently streaming or if it becomes a requirement for all B&Cs to stream, is this - or will this - be a deterrent to your willingness to serve? <i>No!</i>
11	[Interview panel: Ask questions you think necessary for clarification of the written answers this applicant provided as part of their application.] <i>Comfortable in changing providing ADR/occupancy data. – Govt rate impact.</i>
12	Do you have any questions for the interview panel? <i>Confirmed meeting dates/time & location.</i>

Notes:

*Set rates at gov't rate – long-term considerate guests.
 Night - to - nightest – not so much!*

Revised 10/1/2014

Will send her link to NM Hospitality Association for events.



County of Los Alamos

Staff Report

September 05, 2017

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.: A.

Index (Council Goals):

Presenters: County Council - Regular Session

Legislative File: 9786-17

Title

Transfer of Ownership Only of Ownership of Liquor License No. 1319, submitted by Suncoast, LLC.

Recommended Action

I move that Council approve the Transfer of Ownership Only of Liquor License No. 1319, for Suncoast, LLC, to be operated at 614 Trinity Drive, Los Alamos, New Mexico 87544.

Body

Suncoast, LLC has applied for a Transfer of Ownership Only of Liquor License No. 1319. The license is currently held by Bliss on Tap, Inc. and is leased by Pajarito Group, dba Pajarito Brewpub and Grill, located at 614 Trinity Drive, Los Alamos, NM. The request is for a transfer of Ownership Only, so location and use will remain the same.

The County is required to hold a public hearing on this matter, and notify the State Alcohol and Gaming Division within 30 days after the public hearing, of the Council's approval or disapproval of this application. Due to local publishing deadlines, this hearing falls short of the State's publication requirements, however Attachment E demonstrates that a waiver of this requirement has been obtained.

Attachments

- A - Publication Form
- B - PD Memo
- C - CDD Memo
- D - Suncoast, LLC_Liquor License Application
- E - 30 Day Waiver Granted

NOTICE OF PUBLIC HEARING**LIQUOR LICENSE NO. 1319**

Notice is hereby given that the Council, Incorporated County of Los Alamos, State of New Mexico, has scheduled a Public Hearing on Liquor License No. 1319, at 6:00 p.m. on Tuesday, September 5, 2017, in the Council Chambers of the Los Alamos County Municipal Building, located at 1000 Central Ave, Los Alamos, New Mexico. Name and Address of Applicant: Suncoast LLC., leasing to Pajarito Group d/b/a Pajarito Brewpub and Grill, 223 N Guadalupe St #229, Santa Fe, NM, 87501. Proposed Location: 614 Trinity Drive, Los Alamos, NM, 87544. The Applicant is seeking a transfer of ownership and location of canopy license no. 1319, with on premises consumption, package sales and patio service.

COUNTY CLERK

/s/ Naomi D. Maestas

CHIEF DEPUTY CLERK

/s/ Adrianna Ortiz

Publication Dates: August 10, 2017 and August 17, 2017



Los Alamos Police Department

MEMORANDUM

DATE: August 8, 2017
TO: CHIEF SGAMBELLONE
FROM: Commander Ballew
RE: Liquor License App #1319

Chief Sgambellone:

I have reviewed the application and conducted research on the premises in question (614 Trinity Dr). I did not discover any incidents reported at this location in reference to any alcohol related offenses.

The distance to the nearest school (Children's Montessori School, 1060 Nuggett) is approximately 3537.6 feet. The distance to the nearest church (Crossroads Church) is approximately 1,900.8 feet. The distance to the nearest military installation (Kirtland Air Force Base, Albuquerque) is approximately 100 miles.

Due to the information listed above, the Los Alamos Police Department does not have any issues with this application.

Sincerely,

A handwritten signature in blue ink, appearing to read "P. Ballew", with a stylized flourish at the end.

Commander Preston Ballew

MEMORANDUM



Planning

1000 Central Avenue, Suite 150

Los Alamos, NM 87544

P 505.662.8120

losalamosnm.us

DATE: August 4, 2017
TO: Harry Burgess, County Manager
FROM: Tamara Baer, Planning Manager
RE: Public Hearing on Application for Transfer of Ownership and Location of Canopy License for **Suncoast, LLC., leasing to Pajarito Group, dba Pajarito Brewpub and Grill**, 614 Trinity Drive, Los Alamos, New Mexico. Application No. 1319

Regarding Application No. 1319, submitted by Suncoast, LLC., and leasing to Pajarito Group, dba Pajarito Brewpub and Grill, for a Transfer of Ownership and Location of Canopy License, for on-premise consumption, package sales, and patio service, please be advised of the following Development Code provisions:

The referenced property is located at 614 Trinity Drive, Los Alamos, New Mexico, in a DT-NCO (Downtown – Neighborhood Center Overlay) district. The Los Alamos County Code of Ordinances, Chapter 16 -Development Code, Section 16-287, Use Index Table, allows restaurants serving alcoholic beverages, and retail sales, including sales of packaged alcohol, as Permitted Uses in this district.



New Mexico Regulation and Licensing Department
ALCOHOL AND GAMING DIVISION

P.O. Box 25101 ▪ Santa Fe, New Mexico 87504-5101
(505) 476-4875 ▪ Fax (505) 476-4595 ▪ www.rld.state.nm.us/alcoholandgaming

June 26, 2017

Certified Mail No.: 9171 9690 0935 0078 6779 96

Susana Martinez
Governor

Robert "Mike" Unthank
Superintendent

Alex Sanchez
Deputy Superintendent

Claudia Armijo
Deputy General Counsel

Mary Kay Root
Director

Los Alamos County
Clerk: Sharon Stover
1000 Central Avenue, Suite 240
Los Alamos, NM 87544

Re: Lic. No. /Appl. No.: License No. 1319
Name of Applicant: Suncoast, LLC
Doing Business As: Leasing to: Pajarito Group, LLC dba Pajarito Brewpub and Grill
Proposed Location: 614 Trinity Drive, Los Alamos, NM 87544

Greetings:

The Director of the Alcohol and Gaming Division has reviewed the referenced Application and granted **Preliminary Approval**. It is being forwarded to you for Local Option District approval or disapproval of the Liquor License Application.

While the law states that "within forty-five (45) days after receipt of a Notice from the Alcohol and Gaming Division, the governing body shall hold a Public Hearing in the question of whether the department should approve the proposed issuance or transfer", we recognize the potential for conflict between the requirement for publication of 30 day notice and the 45 day hearing requirement. Should the Local Governing Body be unable to meet one of these requirements, please send a Request for Waiver/Extension by email to the assigned AGD Hearing Officer listed on page 2.

Notice of the Public Hearing required by the Liquor Control Act shall be given by the governing body by publishing a notice of the date, time, and place of the hearing twice during the 30 days prior to the hearing in a newspaper of general circulation within the territorial limits of the governing body. The first notice must be published at least thirty (30) days before the hearing. Both publications must occur before a hearing can be conducted. The notice shall include:

- (A) Name and address of the Applicant/Licensee;
- (B) The action proposed to be taken by the Alcohol & Gaming Division;
- (C) The location of the licensed premises.

In addition, if the Local Option District has a website, the Notice shall also be published on the website.

The governing body is required to send notice by certified mail to the Applicant of the date, time, and place of the Public Hearing. The governing body may designate a Hearing Officer to conduct the hearing. A record shall be made of the hearing.

THE APPLICANT IS SEEKING A TRANSFER OF OWNERSHIP AND LOCATION OF CANOPY LICENSE NO. 1319, WITH ON PREMISES CONSUMPTION, PACKAGE SALES AND PATIO SERVICE.

Alcohol and Gaming Division
(505) 476-4875

Boards and Commissions Division
(505) 476-4600

Construction Industries Division
(505) 476-4700

Financial Institutions Division
(505) 476-4885

Manufactured Housing Division
(505) 476-4770

Securities Division
(505) 476-4580

Administrative Services Division
(505) 476-4800

LA Clerk AUG 2 17 AM 11:26

Within thirty (30) days after the Public Hearing, the governing body shall notify the Alcohol and Gaming Division of their decision to approve or disapprove the issuance or transfer of the license by signing the enclosed original Page 1 of the Application. The original Page 1 of the Application must be returned together with the notices of publication. **If the Governing Body fails to either approve or disapprove the issuance or transfer of the license within thirty days after the Public Hearing, the Director may issue the license.**

If the Governing Body disapproves the issuance or transfer of the license, it shall notify the Alcohol and Gaming Division within thirty (30) days setting forth the reasons for the disapproval. A copy of the Minutes of the Public Hearing shall be submitted to the Alcohol and Gaming Division with the Notice of Disapproval (*Page 1 of the Application, noting disapproval*).

Respectfully,



Beverly Kennedy, Hearing Officer
NM Regulation & Licensing Dept. | Alcohol & Gaming Division
Phone: (505) 476-4548 Fax: (505) 476-4595
Email: beverly.kennedy@state.nm.us

Enclosures:

1. Original Page 1 of the Application (*must be signed and returned w/notices of publication*)
2. Copy of Page 2 of the Application
3. Copy of Zoning Statement



RECEIVED

PREMISES LOCATION, OWNERSHIP, AND DESCRIPTION

NMSA §60-6B-10

MAY 28 2017

1. The land and building which is proposed to be the licensed premises is: (check one)

- ☐ Owned by Applicant, copy of deed/document attached ☐ Leased by Applicant, copy of lease/document attached
☒ Other (provide details): Leased by Pajarito Group, LLC DBA Pajarito Brewpub and Grill

2. If the land and building are not owned by Applicant, indicate the following:

A. Owner(s): Smith's Food & Drug Centers, Inc

B. Date and Term of Lease: 4/20/2012 120 Months

3. Premises location is Zoned (example C-1, see Zoning Statement): DT-NCO

☒ **Zoning Statement attached**, which must be obtained from the Local Government, listing the proposed location by address, Type of Zone, state whether alcoholic beverages are allowed at proposed location, and if applicable, whether packaged sales, patio service and/or manufacturing is allowable. If there is no zoning in the proposed location, attach Statement from the local government, indicating there is no zoning.

4. Distance* from nearest Church: (Property line of church to closest point of licensed premises—shortest distance)

Name of Church: Crossroads Bible Church Miles/feet: 1584 Ft

Address/location of Church: 97 E Rd, Los Alamos, NM 87544

5. Distance* from nearest School: (Property line of school to closest point of licensed premises—shortest distance)

Name of School: Childrens Montessori Preschool Miles/feet: 2640 Ft

Address/location of School: 1060 Nugget St, Los Alamos, NM 87544

6. Distance from military installation *(Property line of military installation to closest point of licensed premises—shortest distance.)

Name of Military Installation, circle one: Kirtland Air Force Base (Albuquerque), White Sands Missile Range (Las Cruces),
Miles: 106 Miles Holloman Air Force Base (Alamogordo), Cannon Air Force Base (Clovis)

7. Attach Detailed Floor Plan, must include the Total Square Footage of premises; List nearest cross street; Show which direction is North; Show each level (floor) where alcoholic beverages will be sold or consumed, exterior walls, doors, and interior walls; Patio Area with type of barrier used; Highlight Bonded Areas. The floor plan should be no larger than 8½ x 11 inches and **must be labeled** with designated areas highlighted, which will reflect the proposed Licensed Premises.

8. Type of Operation: ☐ Hotel ☐ Lounge ☐ Package Grocery ☒ Restaurant ☐ Racetrack

☐ Small Brewer ☐ Craft Distiller ☐ Winery ☐ Wholesaler

☐ Other (specify): _____

*NOTE: If the distance is beyond 300 feet, but less than 400 feet, a Registered Engineer or Licensed Surveyor must complete a Survey Certificate showing the exact distance.

ATTACHMENT D

COPY

New Mexico Regulation and Licensing Department
Alcohol and Gaming Division
PO Box 25101
Santa Fe, New Mexico 87505

May 23, 2017

Re: Zoning Statement; Pajarito Brew Pub, 614 Trinity Drive, Los Alamos, New Mexico 87544

COUNTY COUNCIL

David Izraelevitz
Council Chair

Susan O'Leary
Council Vice-Chair

COUNCILORS

Chris Chandler
James A. Chrobocinski
Antonio Maggiore
Rick Reiss
Pete Sheehy

COUNTY MANAGER

Harry Burgess

To Whom It May Concern:

Please be advised that above referenced property is zoned DT-NCO (Downtown District—Neighborhood Center Overlay).

The DT-NCO district is intended to accommodate mixed-use development combining residential, office, retail/commercial, restaurant, and civic uses at high density. The use of the property for the purpose of a restaurant with liquor sales would be an allowed use within the provisions of the Incorporated County of Los Alamos Development Code.

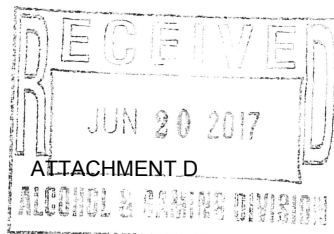
A complete listing of allowable uses for this property can be found in the Los Alamos County, New Mexico, Code of Ordinances, Chapter 16, Article VII—Use Regulations.

Please feel free to contact me directly if you require additional information, or I can be of further assistance.

Very Truly,

Anita Barela, Assistant Planner

COPY



1000 Central Avenue, Suite 150
Los Alamos, NM 87544
P 505.662.8120 F 505.662.8363
losalamosnm.us



New Mexico Regulation and Licensing Department | Alcohol and Gaming Division
PO Box 25101 Santa Fe, NM 87504-5101 | Phone: (505) 476-4875 Fax: (505) 476-4595

RECEIVED

Page 1 Revised 5/16

MAJ 26 2017

AGD USE ONLY: Payment Application Fee \$ 200

Received on: 5/26/17

Receipt No. 1957366
ALCOHOL & GAMING DIVISION

Application Number: _____ Local Option District: _____

TRANSFER OF DISPENSER-TYPE LIQUOR LICENSE APPLICATION

\$200.00 Application Fee, non-refundable.

License No. 1319

Type of License: Canopy

Check appropriate boxes:

Application is for: ☐ Transfer of Ownership ☒ Transfer of Ownership and Location ☐ Transfer of Location Only

Record Owner of Existing License: Bliss on Tap, Inc.

Current D/B/A Name: Trinity Beverage Company

Current Premises Address: 118 Balboa Drive White Rock 87547

Current LOD: Los Alamos County Is License moving out of Local Option District? ☐ Yes ☒ No

APPLICANT IS: ☐ Individual ☒ Limited Liability Company ☐ Corporation ☐ Partnership (General/Limited)

NAME of Individual/Company:

ADDRESS (including city, state, zip)

Suncoast, LLC

223 N Guadalupe St. #229 Santa Fe, NM 87501

D/B/A Name to be used: _____ Business Phone #: (580)916-1235

Email Address (required): patrickmockler-wood@hotmail.com

Physical location where license is to be used: (Include Street # / Highway # / State Road, City, State, and Zip Code)

614 Trinity Drive Los Alamos, NM 87544

County of: Los Alamos

Mailing Address: 614 Trinity Drive Los Alamos, NM 87544

Are alcoholic beverages currently being dispensed at the proposed location? ☒ Yes ☐ No If Yes, License # / Type: 2634 inter-local

Agent/Contact Person: Patrick Mockler-Wood Phone#: (580)916-1235 Email: patrickmockler-wood@hotmail.com

I, (print name) Patrick Mockler-Wood, as (title) Chief Executive Manager

being first duly sworn upon oath deposes and says: that he/she is the applicant or is authorized by the applicant to make this application; that he/she has read the same; knows the contents therein contained are true. Applicant(s) agree(s) that if any statements or representations herein are found to be false, the Director may refuse to issue or renew the license or may cause the license to be revoked at any time.

Sign before a Notary Public:

Signature of Applicant: Patrick Mockler-Wood

Date: 5/26/17

NOTARY PUBLIC USE ONLY: (State of New Mexico, County of Los Alamos)

SUBSCRIBED AND SWORN TO before me this 26 day of May, 2017

By: Patrick Mockler-Wood

Notary Public: [Signature]

My Commission Expires: 12/7/2020

FOR LOCAL OPTION DISTRICT USE ONLY: Local Governing Body of: _____ City, County, Village

Public Hearing held on _____, 20____. Check one: ☐ Approved ☐ Disapproved

Signature and Title of City/County Official: _____

FOR ALCOHOL AND GAMING DIVISION USE ONLY:

☐ Approved

☐ Disapproved

Signed by Director: _____

ATTACHMENT D

Date: _____

LA Clerk AUG 2 17 AM 11:27

STATE OF NEW MEXICO
REGULATION & LICENSING DEI
ALCOHOL AND GAMING DIVISION
P.O. Box 25101
SANTA FE, NEW MEXICO 87504-5101

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Hasler

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011E12650291

LA Clerk AUG 2 '17 AM 11:25

POSTAGE DUE 3³⁸

PAID 8/2/17 by LA CLERKS PCARD

8754434058 0002



Salazar, Jacqueline

From: Lopez, Debra, RLD <Debra.Lopez@state.nm.us>
Sent: Monday, August 07, 2017 10:25 AM
To: Kennedy, Beverly, RLD
Cc: Root, MaryKay, RLD; Salazar, Jacqueline
Subject: RE: REQUEST TO WAIVE 30 DAY PUBLICATION RE: Liquor License No. 1319

The request for a waiver of the 30 day publication requirement is granted. The September 5th hearing date is approved.

Debra A. Lopez, Deputy Director
Alcohol and Gaming Division
2550 Cerrillos Road
PO Box 25101
Santa Fe, NM 87505
(505) 476-4551
(505) 476-4595 Fax

Report suspected child abuse or neglect by calling **#SAFE** (#7233) from a cell phone or **1-855-333-SAFE**.

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From: Kennedy, Beverly, RLD
Sent: Monday, August 07, 2017 10:01 AM
To: Lopez, Debra, RLD
Cc: Root, MaryKay, RLD; Salazar, Jacqueline
Subject: FW: REQUEST TO WAIVE 30 DAY PUBLICATION RE: Liquor License No. 1319
Importance: High

Good morning Deputy Director Lopez,

Below is a Request from the Local Option District of Los Alamos, asking for a Waiver of the 30 day rule, as they will fall just short of that in publishing notice of the hearing that has been scheduled for the first week of September. I don't believe this request was addressed prior to the Director's departure on Friday.

Thank you in advance for your consideration. The LOD is awaiting email confirmation of approval for their records.

Respectfully,

Beverly Kennedy

Beverly Kennedy, Hearing Officer

NM Regulation and Licensing Department | Alcohol & Gaming Division

(505) 476-4548 Fax: (505) 476-4595 Email: beverly.kennedy@state.nm.us Website:

www.rld.state.nm.us/alcoholandgaming

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From: Kennedy, Beverly, RLD
Sent: Thursday, August 03, 2017 9:47 AM
To: 'Salazar, Jacqueline'
Cc: Root, MaryKay, RLD
Subject: REQUEST TO WAIVE 30 DAY PUBLICATION RE: Liquor License No. 1319

Good morning,

Re: Transfer of Ownership and Location of Canopy License No. 1319 to Suncoast, LLC Leasing to Pajarito Group, LLC dba Pajarito Brewpub and Grill

The Request from the Local Option District of Los Alamos for Waiver of the 30 Day Publication has been received and forwarded to Director Root for her approval. She will forward her decision by email. As relayed by telephone this morning, the Applicant is scheduled for the September 5th, 2017 Public Hearing and the soonest you could place the first Notice of Publication will be next week, which will fall just short of the 30 day requirement.

Thanks for your time. Should you have any questions, please phone or email.

Respectfully,

Beverly Kennedy

Beverly Kennedy, Hearing Officer

NM Regulation and Licensing Department | Alcohol & Gaming Division

(505) 476-4548 Fax: (505) 476-4595 Email: beverly.kennedy@state.nm.us Website:

www.rld.state.nm.us/alcoholandgaming

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From: Salazar, Jacqueline [<mailto:jacqueline.salazar@lacnm.us>]

Sent: Thursday, August 03, 2017 9:28 AM

To: Kennedy, Beverly, RLD

Subject: Liquor License No. 1319

Good Morning Beverly,

I just spoke to you about Liquor License No. 1319, Suncoast, LLC, can you please send me an email confirming that we spoke, and that it is ok for us to publishing the license within the less than 30 days but more 21 day notice.

Thank you
Jackie

Jacqueline D. Salazar

Senior Office Specialist

Office of the County Manager

1000 Central Avenue, Suite 350

jacqueline.salazar@lacnm.us (505) 662-8017 (ph) 505-662-8079 (fax)

All our Dreams can come true if we have the courage to pursue them - WALT DISNEY



County of Los Alamos

Staff Report

September 05, 2017

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.:	A.
Index (Council Goals):	* 2017 Council Goal – Quality of Life – Housing – Promote the Creation of a Variety of Housing Options for all Segments of the Los Alamos Community, including infill Opportunities as Appropriate
Presenters:	Paul Andrus, Community Development Director and Andrew Harnden, Housing Programs Manager
Legislative File:	9758-17

Title

Homebuyer Assistance Program Policies & Procedures

Recommended Action

I move that Council approve the Homebuyer Assistance Program Policies and Procedures.

County Manager's Recommendation

The County Manager recommends that Council approve the Policies and Procedures

Body

The Homebuyer Assistance Program is authorized under County Municipal Code Chapter 14, Article VII which allows the County to fund and implement a Homebuyer Assistance Program for low income homeowners (households with incomes below 80% of Los Alamos County Area Median Income). The program purpose is to assist income eligible households to purchase a home in Los Alamos County by providing non-amortizing deferred down payment loans. In order to formally move toward implementation of the program, Council must review and approve the program policies and procedures. Los Alamos Housing Partnership, Inc. (LAHP) has been contracted to administer the program and provide complete homebuyer services on behalf of the County under General Services Agreement AGR18-702 as approved at the July 25 Council public meeting.

The Homebuyer Assistance Program Policies and Procedures (Attachment A) was developed by LAHP and County staff as stipulated by the vendor contract. It is anticipated that the Policies and Procedures document will need periodic updates as program issues arise or identified that are not addressed in them.

The Homebuyer Assistance Program Policies and Procedures provide a framework for program activities and outline the various roles and responsibilities for County staff and any entities involved in implementing the program. The document is essentially structured into two sections, wherein the Policies state the overall program purpose and principles that guide decisions, and the Procedures explain the step-by-step tasks and workflows which are required to be performed for each major program stage. In general, Program aspects included in the Policies and Procedures are: loan limits and servicing; affordability controls; applicant eligibility, eligibility of

home and eligible costs; application and evaluation process; County Loan Review Committee; underwriting criteria; foreclosure notices; bankruptcy notices; loan subordination; core program rules; financial assistance; establishment of a project file for each applicant; homebuyer education and counseling; home inspection process; loan determination and approval; loan closing preparation; loan closing with homebuyer; loan payoff and options for transferring to heirs; reporting; and annual verification of occupancy.

The minimum allowed down payment loan will be \$8,000, with a program maximum of \$25,000. It is anticipated that the average down payment loan will be approximately \$15,000. The actual number of projects funded each year will partly depend on the local housing market and the availability of for-sale housing units that are affordable to program participants. LAHP will identify and pursue other funding sources in addition to County funding for the down payment loan so that more homebuyers can be assisted.

All program forms, including the application and supporting documents have been drafted. These forms will be reviewed as needed by the County Attorney. After approval of these Policies and Procedures, the next steps will be to finalize the drafting of the essential program documents and forms, which should be completed by mid-October, 2017. Initial program outreach and marketing will take place between mid-October to early November with the application period commencing mid-November and remaining open throughout the year as funds are available.

Alternatives

Council could choose not to approve this Homebuyer Assistance Program Policies and Procedures document version and instead instruct staff to make changes to the Policies and Procedures.

Attachments

A - Homebuyer Assistance Program Draft Policies & Procedures

Homebuyer Assistance Program
Policies and Procedures
of the
Incorporated County of Los Alamos



LOS ALAMOS COUNTY
HOMEBUYER
ASSISTANCE PROGRAM

Administered by Los Alamos Housing Partnership, Inc

**Approved by Los Alamos
County Council <insert date>**



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Program Contact Information:

Housing Program

Community Development Department

Incorporated County of Los Alamos

1000 Central Avenue, Suite 150

Los Alamos, New Mexico 87544

Telephone: (505) 662-8120

Fax: (505) 662-8363

www.losalamosnm.us/government/departments/community_development

Incorporated County of Los Alamos

Homebuyer Assistance Program

Policies and Procedures

Version 1.1

(Approved September XX, 2017)

Los Alamos County
Homebuyer Assistance Program
Policies and Procedures

Approved by Los Alamos
County Council <September XX, 2017>

I. Introduction

On February 28, 2017, the County Council of the Incorporated County of Los Alamos (County) established a County-wide Homebuyer Assistance Program through the adoption of Ordinance number 02-270. This Ordinance, attached hereto as Attachment 1, authorizes the County Community Development Department (CDD), to develop and implement a County Homebuyer Assistance Program, or “Program.” This Program, as provided in Attachment 2, has been reviewed by the New Mexico Mortgage Finance Authority (MFA) and has been found to generally comply with MFA and State Affordable Housing Act (NMSA 1978, §§ 6-27-1 *et seq.*) requirements and regulations.

II. Purpose of the Incorporated County of Los Alamos Homebuyer Assistance Program

This document sets forth policies and procedures for the Los Alamos County Homebuyer Assistance Program. The purpose of the Los Alamos County Homebuyer Assistance Program is to assist income eligible selected households in purchasing a home by providing non-amortizing down payment deferred loans with County funds and by providing homebuyer education and counseling. The program will lend to the individual applicant of the eligible selected household and will not lend to a trust, a company, corporation, LLC, non-profit, religious groups or similar. The Program contributes to the County's housing goals to promote the creation of a variety of housing options for all segments of the Los Alamos community, including infill opportunities as appropriate, and support development of affordable workforce housing.

Ordinance No. 02-270 (Ordinance) authorizes the establishment of a Homebuyer Assistance Program and outlines the framework for the program including eligible loans, loan terms, and applicant eligibility. The policies and procedures contained in this document, and subsequent amendments, (Policies and Procedures) provide a framework for Program activities and define the various roles for County staff, any vendor contracted to deliver and administer the program, Program applicants, and a Loan Review Committee (LRC) appointed by the County Manager.

It should be noted that these Policies and Procedures will be updated as necessary, particularly as Program and/or Community conditions change or situations arise which highlight the need to make necessary changes that ensure that the County, its program partners and participating homebuyers are appropriately served and protected. Additionally, the Program Policies and Procedures may be amended from time to time as local, State, and federal statutory lending program requirements change.

III. General Program Description

The Homebuyer Assistance Program provides deferred payment loans to selected eligible low income households for down payment and closing cost assistance towards purchase of a home within the County. The County will provide financial assistance to qualified individuals, depending on funding availability, through its funding partners and offer non-amortizing deferred payment loans at below market interest rates. In general, upon receipt of an application, the County or designated contractor (Program Staff) will determine the applicant's household eligibility for the County homebuyer assistance program and will then review the financial assistance programs available to an eligible homebuyer, based on household income and Program parameters. Program Staff will work with the homebuyer and first mortgage lender to determine the maximum amount which the homebuyer can borrow and required down payment, based on program interest rates, loan terms, Loan-to-Value (LTV) ratios and other underwriting criteria being used. Program Staff will review the home inspection report by a certified home inspector prior to closing, the successful outcome of which will be a prerequisite for the release of funds for the County's homebuyer loan assistance.

One of the primary elements of the Program is to lend Program funds to qualified individuals or households. The primary measure is the household's income level. Only individuals or households with *very low income* or *low income*, as defined in the Ordinance, may receive Program funding. *Very Low income households* are defined as those earning between 30 and 49.9% of the Area Median Income (AMI). *Low income households* are those households earning between 50% and 80% of AMI. Both are adjusted by the size of the household as defined by the Department of Housing and Urban Development. Those households with annual income between 30 and 49.9% AMI can qualify for a 0% deferred payment loan; 50%-59.9% of AMI qualify for a 1% deferred payment loan from the Program; those households with annual income between 60%-69.9% of AMI qualify for a 1.5% deferred payment loan from the Program; and those households with annual income between 70%-79.9% of AMI qualify for a 2% deferred payment loan from the Program. Interest charged is simple interest. **Procedure #5** provides a more detailed description regarding income eligibility determination.

Program applicants must occupy the property as a principal residence and must remain the owner of record. An applicant who has previously received a loan from the Los Alamos County Homebuyer Assistance Program may not re-apply. An applicant who has not previously received a loan from the County's Homebuyer Assistance Program and whose application was rejected may re-apply for the program after one year.

IV. Loan Limits and Servicing

The maximum loan that may be provided to any applicant in the form of a deferred payment loan or low interest amortizing loan is \$25,000, or 10% of the purchase price of the home, whichever is lower. The minimum loan amount is set at \$8,000. County Program loans cannot be used to increase the applicant's down payment contribution over 20% LTV, or beyond the point where Private Mortgage Insurance is no longer required on the first mortgage loan.

The County has entered into a contract with the Los Alamos Housing Partnership, Inc. to originate and service the non-amortizing, deferred payment loans.

V. Affordability Controls

Those applicants who receive financial assistance in the form of a deferred payment loan from the Program shall execute at closing, a Promissory Note (Note) in the amount of the loaned funds and a mortgage which secures the Note and restricts the use of the property to that which is contemplated under the Program. The Note and mortgage will be subordinate to the first mortgage on the property, provided that cumulative loan to value does not exceed 100%.

Recipients of Program assistance must agree that they shall reside at and hold title to the property for as long as the loan funds are unpaid and outstanding. Simple interest on the loans shall accrue over the length of the affordability period, after which time no additional interest shall be charged. For funded Program loans under \$15,000, the affordability period is ten (10) years and for loans from \$15,000 to \$25,000 the affordability period is fifteen (15) years.

VI. Applicant Eligibility

Applicants will be evaluated for Program income eligibility utilizing criteria consistent with MFA guidelines. The procedure outlining the steps and methodology for determining income eligibility is contained in **Procedure 2: Determination of Applicant Eligibility**.

In general, an applicant's *annual income* is defined as the gross amount of all adult household members anticipated to be received during the coming twelve-month period. To accomplish this, a "snapshot" of the household's current income can be used to project future income, unless documentation is available or provided that indicates that current circumstances are about to change. Income from the following sources are counted: wages, salaries and tips, commissions and bonuses; net income from operation of a business; interest, dividends, net income from real or personal property; social security, annuities, pensions, disability or death benefits; unemployment and disability compensation; welfare assistance; court-ordered alimony and child support; regular contributions or gifts; and armed forces income.

An applicant does not have to be a first-time homebuyer. The Program may assist an applicant that owns a primary residential property at the time of application, provided that the subject home is sold prior to the purchase of a home within the County.

Closing on the down payment assistance loan from the County is subject to Program Staff verification that the sale of the existing home has been closed and the proceeds from sale do not cause the applicant's assets to exceed Program limits.

An applicant shall not have total assets greater than \$50,000. *Aggregate assets* include the following: 1) Cash held in savings and checking accounts, safe deposit boxes, homes, etc.; 2) Cash value of any revocable trust available to the applicant; 3) Notes, mortgage or deed of trust held by the applicant; 4) Stocks, bonds, Treasury bills, certificates of deposit, mutual funds and money market accounts; 5) Cash value of life insurance policies available to

individual before death; 6) Personal property held as an investment including gems, jewelry, coin collections and art; 7) Lump sum receipts or one-time receipts from inheritance, lottery winnings, insurance settlement, etc. Retirement and education accounts that cannot be accessed without penalty are not included in assets.

The applicant must be prepared to contribute their own funds for a down payment. The greater of following two sums must be contributed by the applicant: 1) \$1,500; 2) cost of the lender's appraisal plus the cost of the required earnest money deposit and home inspection by a certified home inspector. In addition, the applicant may be required, as a condition of assistance, to contribute a greater down payment if they have greater than \$25,000 in liquid assets, defined as assets that can be converted to cash without payment of a penalty or sales commission, with no impact on the value of the asset.

Eligibility of Home

Primarily, any home purchased under this program must be located within the legal jurisdiction of Los Alamos County. The Program considers all types of homes as eligible, with the exception of a manufactured home which is not on a permanent foundation, or a manufactured home which is on leased land. However, down payment assistance funds may be used for acquisition of the land under which an applicant-owned manufactured home is set on a permanent foundation. As part of the evaluation of an application, a home inspection by a certified home inspector will be required by the County or its designated agent to determine whether the home is adequate in terms of number of rooms, bedrooms and overall home square footage per person per program standards. In addition, a home inspection will identify if there are existing inadequate conditions which represent an immediate threat to occupants' health, safety and welfare and which would have to be corrected prior to move-in.

Program staff will review the home inspection report and perform an assessment of the applicant's ability to pay for improvements required for safe occupancy of the premises. This information will be included in the loan application package for the Loan Review Committee.

The Program will also consider whether the price of the home, mortgage loan amount, interest rate and terms allow the household to meet required housing to income ratios and total debt to income ratios that are set forth in the underwriting criteria. In addition, the proposed PITI payment will be evaluated against the applicant's current mortgage or rent payment to determine any "payment shock" from the proposed purchase. Maximum allowable home purchase price for the Program follows the MFA "First Home" and "Next Home" current program limits for Los Alamos County, which is \$350,471.

The home to be purchased cannot be part of an owner-built project.

Eligible Costs

The down payment assistance loan, in addition to providing funds for a down payment, can be used to pay the following costs: title insurance policy, survey cost, fees to the title company, and recording fees. This assistance cannot be used for buyer loan costs, home inspection, HOA fees, pre-pays, initial escrow payments, home warranty, real estate broker commissions, delinquent taxes, liens, or charges levied against the home to be purchased. County funds cannot be used to reimburse funds already paid by applicant.

VII. Application and Evaluation Process

The County or designated partners will initiate the Program by announcing funding availability in the newspaper, radio and on its websites. The County or designated partner website will include a brochure with Program overview, application form and applicant checklist, program policies and procedures, and standard affordability agreement, mortgage agreement, and promissory note. Prospective Los Alamos homebuyers will be invited to submit completed application forms for assistance to the County or designated partner, on a first-come, first-serve basis for as long as funds are available. Program Staff will meet with the applicant upon receipt of the application, verify the applicant's eligibility for the program and explain how the Program and process works. For applicants who are determined ineligible for the Program, Program Staff will provide a letter explaining the applicant is ineligible and the evaluation criteria that were not met. For applicants who have already identified a home they wish to purchase a home inspection by a certified home inspector will be performed to determine whether the home is in adequate condition and suitable for the applicant's housing needs. The home inspection will also be used to determine whether renovations may be required to bring the unit up to habitable condition and if the scale of needed improvements would be affordable to the applicant. This information will be considered in the Loan Review Committee's review of the loan application.

The loan application to be provided to the Loan Review Committee will include information required to verify income, assets, household size, and itemization of all outstanding debts and monthly payments, among other items.

Upon receipt and review of all required information Program Staff will confirm applicant and Project eligibility, the percentage of Los Alamos County Area Median Income within which the applicant household falls and the alternatives for financial assistance which are available under the program, if available. Program Staff will then meet with the applicant to inform them of the options for financial assistance and will, submit the application for recommendation of approval of a maximum funding amount from the County Loan Review Committee. This recommendation will then be forwarded to the County Manager for final approval. The Loan Review Committee will evaluate the request according to underwriting criteria, including, but not limited to the following: housing to income ratio, debt to income ratio, credit score, loan to value, appraised value, and proposed change in housing expense.

If the loan application requires conditional approval, it will require approval from the Loan Review Committee and County Manager. Subsequently, if program staff determines loan conditions have been met, program staff will inform the LRC, and a second LRC meeting will not be held unless requested by the LRC for the LRC to also determine loan conditions have been met. If a second LRC meeting is held, program staff will contact the County Manager to ask if the County Manager wishes to review the loan application a second time for approval. Procedures for Loan Determination & Approval are explained under Procedure 6 below.

The application period for assistance will be conducted year-round while funds are available in the fiscal year. Applications will be processed on a first come-first served basis, according to the date when the final applications are determined to be complete by staff and logged in to the system.

VIII. County Loan Review Committee

A County Loan Review Committee shall serve as an advisory/review committee to the County and to make recommendations to the County Manager on all loan approvals. Unless the County delegates the authority to make loans with County money to another organization, the County Manager will need to approve all loans, after reviewing the recommendations of the County Loan Review Committee. This County Loan Review Committee will consist of five members with knowledge of finance, construction, property management, and real estate sales.

IX. Underwriting Criteria

Underwriting consists of an objective analysis of the risks associated with a loan, as well as conformity to Program parameters. The application, credit report, verifications and all requested documentation shall be reviewed by Program Staff and/or authorized Program partners. Underwriting shall be performed by the County or by a partner designee, utilizing Program-approved underwriting criteria. In the instances where loans are to be provided by a bank under a program partnership agreement, the underwriting shall be performed by the bank which is originating and servicing the loan, under contract to the Program, using underwriting criteria that has been developed jointly between the bank and the County.

For the non-amortizing deferred payment loans, the primary underwriting criteria will include the following: Maximum cumulative loan-to-value is 100%; minimum credit score is 600; with Loan Review Committee empowered to make positive recommendation below this level under extenuating circumstances; front end ratio must be below 33%; back end ratio must be at or below 45%; purchase price of home must be at or below appraised; home must have clear title and be code compliant. Applicant must receive prime fixed rate first mortgage financing before down payment assistance funds are released. If the home is a manufactured home it must be on a permanent foundation.

X. Foreclosure Notices

All foreclosure notices for homes which are in the program will be reviewed by program staff to determine action to be taken. Action to be taken can include allowing the foreclosure to proceed without a Right to Redeem if the County determines the property is not feasible to redeem through the foreclosure process. Program staff will document when the property went to public sale and process the loan write off in accordance with local and/or State write off procedures.

If the outstanding loan amount has been determined feasible to redeem, Program Staff may also forward the foreclosure notice to the County Attorney requesting the Right to Redeem be processed. The County Attorney will process the legal documentation to purchase the property from the foreclosure following State and Local laws or suggest other possible loan redemption options. Procedures for foreclosure notices are explained under Procedure 9.

XI. Borrower Bankruptcy Notices

In the case of receipt of a borrower bankruptcy notice, Program Staff shall review the notice and forward the notice to the County Attorney's office for additional assistance.

XII. Loan Subordination

Program Staff shall process any subordination requests from the borrower. The County will consider Subordination requests only for refinance of the borrower's first mortgage and under these circumstances: Refinance of the borrower's first mortgage is to a lower rate or to a different term (combination of a second mortgage into a new 1st refinance may be considered on a case by case basis); Applicant is not taking any cash out of the home; Total loan-to-value (LTV) will not exceed 100% per program eligibility requirements.

Staff will forward to the Lender the Subordination Policy for down payment assistance mortgage loans. The Lender will be instructed to provide all information required to satisfy the subordination requirements detailed in the mortgage. Program Staff shall, upon receipt of the Subordination Package from the Lender, review and analyze the documentation to determine if the request meets the subordination requirements of the mortgage. If it does, County staff will sign the prepared subordination agreement. The approved Subordination Agreement, will be forwarded to the Lender and the original Subordination Agreement will be delivered to the Lender for the signature from the Owner, and the Lender will be responsible for the recording of such document. A copy of the subordination agreement will be attached to and filed with the recorded mortgage until a recorded copy is received. The recorded copy will eventually be attached to the recorded mortgage. Procedures for loan subordination are explained under Procedure 12 below.

XIII. Core Program Rules

1. Property owners must occupy the property as their principal residence and qualify as low and/ or very low – income at the time the income certification is prepared. The Program has an aggregate asset limitation of \$50,000, although liquid assets in excess of \$25,000 may trigger a requirement for an additional down payment from the applicant, in excess of the minimum otherwise required. There is no first time homebuyer requirement; applicant may have an existing improved residential property at the time of application, provided that the property is sold prior to closing of the down payment assistance loan, as set forth in Section VI above.
2. The subject property must be located within Los Alamos County. The home can be detached, a duplex, triplex, quadraplex, townhome, condominium or manufactured home on a permanent foundation.
3. The subject property value must be below the MFA current program limits for the First Home or Next Home program.
4. Applicants may receive financial assistance one time only from the Homebuyer Assistance Program.

5. Applicants must meet the definition of an *Eligible Buyer* per Ordinance No. 02-270. This means a household earning less than eighty (80) percent of the Los Alamos County Area Median Income as calculated by the United States Department of Housing and Urban Development (HUD), prior to its downward cap adjustment to the national low income limit.
6. Income qualifications must be completed before program assistance is provided. Income verifications are good for six months from date of initial income approval. Commitments for down payment assistance are good for 6 months from the date of initial commitment. After that time, the commitment would expire and a new application must be submitted.
7. The minimum level of program financial assistance is \$8,000.
8. Homebuyers must contribute the greater of: a down payment from their own sources in an amount of \$1,500 or the cost of appraisal, plus required earnest money deposit, plus cost of home inspection by a certified home inspector. In addition, the applicant may be required, as a condition of assistance, to contribute a greater down payment if they have greater than \$25,000 in liquid assets, defined as assets that can be converted to cash without payment of a penalty or sales commission, with no impact on the value of the asset.
9. The applicant must obtain a Homeowner's Property Insurance policy at the time of loan closing. Los Alamos County shall be named as additional insurer (2nd Mortgagee). The Homeowner Property Insurance Policy shall remain active until the loan has been repaid and/or forgiven. Homebuyer shall maintain insurance at all times to the specified limits while loan remains outstanding.
10. The down payment assistance loan, in addition to providing funds for a down payment, can be used to pay for certain closing costs being title insurance policy (not including title commitment to be paid for by the seller), survey cost, fees to the title company, and recording fees. This assistance cannot be used to pay for buyer loan costs, home inspection, HOA fees, pre-pays, initial escrow payments, home warranty, real estate broker commissions, delinquent taxes, liens, or charges levied against the home. County funds cannot be used to reimburse funds already paid by applicant, as described in Section VI above.
11. Homebuyers who have filed for bankruptcy or has had eligible property foreclosure must wait one year from the bankruptcy dismissal date or from the foreclosure completion date to apply for the Homebuyer Assistance Program.
12. If after the Affordability Period homebuyers choose to sell the home, they are responsible for repayment of the loan and any accumulated interest to the County. Also, if the homeowner dies, the successors, Trust or other legal entity that is in possession of the home is responsible for repayment of the loan and any accumulated interest to the County. A successor who is income qualified and meets all program eligibility criteria may submit a standard application for the homebuyer assistance program to purchase and reside in the home. The application will be evaluated by program staff and require

approval of the Loan Committee and County Manager. If the successor is selected for the Program, the successor will be required to complete any or all necessary forms and applications, and complete the Homebuyer Training Program Counseling. If qualified, a new mortgage, Promissory Note, and affordability agreement documents will be issued and recorded.

XIV. Homebuyer Education & Counseling

All qualified homebuyers in the Program will be required to take an approved homebuyer training and counseling course such as the *E-Home America* online training or another course provided by a qualified provider. Homebuyer training and counseling will also include 1 to 2 hours of in-person training in Los Alamos. The counseling will ensure the selected household gain a strong understanding of Program. Homebuyers counseling will help guide the approved applicant so they understand the end-to-end process for home purchase including assembling needed documentation, applying for the loan, home inspection, closing the purchase, issuance and recording of final documents, and complying with the terms of any mortgage and promissory note which mortgage shall include any other agreement(s) which the County may require. As part of the counseling services, homebuyers will gain basic financial training to help them establish a monthly household budget. Counseling will also advise homebuyers that mortgage loans should be of an amount, interest rate, and terms which they can comfortably afford, pay back, and avoid foreclosure; the maximum amount loan offered to them may not necessarily be financially suitable for them; and that private mortgage insurance should be avoided where possible.

XV. Financial Assistance

Very Low income households are defined as those earning between 30 and 49.9% of Area Median Income (AMI), and *Low income households* as those earning between 50% and 80% of AMI, as adjusted by size of household and as defined by the Department of Housing and Urban Development. Those households with annual income between 30 and 49.9% AMI qualify for a 0% deferred payment loan; 50%-59.9% of AMI qualify for a 1% deferred payment loan from the Program; those households with annual income between 60%-69.9% of AMI qualify for a 1.5% deferred payment loan from the Program; and those households with annual income between 70%-79.9% of AMI qualify for a 2% deferred payment loan from the Program. Interest charged is simple interest.

Program funds applied to down payment assistance shall be as follows:

A. Loans:

1. Must meet the very low to low income eligibility requirements
2. Must own and occupy the property as long as the debt is outstanding

Terms: 0% to 2% interest depending on annual income category.

Repayment is due in full whenever one or more of the following occurs:

- The borrower(s) sell the property;
- The property is subject to transfer via successorship and the successor qualifies for the program, agrees to reside in the property, meets all program criteria;
- The borrower(s) no longer occupy the property due to the following situations:
 - The borrower moves out of the subject property, continues to own the subject property and rents the property to a tenant
 - The borrower moves out of the subject property, continues to own the subject property and someone other than the owner of record occupies the property

3. If the borrower(s) wishes to add another household member entity to the property title other than which was originally on title at the time the down payment assistance loan was signed, then new information about household income and other information necessary for meeting program preliminary eligibility criteria will need to be provided to Program Staff. If all criteria are met for preliminary eligibility, the borrower and additional household member information will be presented to the Loan Review Committee and County Manager for preliminary approval to add the household member. Program Staff will request additional information from the borrower as determined necessary by Program Staff, Loan Review Committee and County Manager and a full application to the Program may be required.

B. Program Limits and Restrictions:

Minimum loan amount shall be no less than \$8,000.

The costs of the required primary lender appraisal must be paid for by the applicant.

PROCEDURES

The Homebuyer Assistance Program Procedures below explain the step by step tasks and method which are required to be performed for each major stage of the Program by County staff or Program Representative. The Program procedures will ensure the Program is administered consistent with the Program Policies and in a clear and efficient manner.

In the case that the Program is being administered by the County and not by an external entity, any contractor services anticipated to be required on a recurring basis will be acquired through the County's procurement process. Such services include and are not limited to credit reporting agency services, inspections, titling, etc.

PROCEDURE 1: Submission of Application

Summary

Application procedure for the Homebuyer Assistance Program. In general, application packets will be made available on a first come, first serve basis at the CDD offices and also through designated Program partners if applicable

Position

Program Specialist, Housing Manager or other Program Official/Designee

Action

1. Applicant contacts the CDD or Program partner and requests information on the Homebuyer Assistance Program.
2. Program Representative provides the applicant with the descriptive information (eligibility requirements, etc.) of the Program by one the following:
 - a. Application packet is available for pick up by applicant.
 - b. Mail application packet to applicant.
 - c. Direct applicant to website to download application materials.
3. Program Representative explains to all persons interested in applying for the Program that they must meet with Program Staff before they begin filling out the application. The Program Representative will also explain that program records are subject to the State Inspection of Public Records Act (IPRA) and that certain information submitted by applicants may be also be subject to disclosure. The following documentation must be submitted by the applicant in order to be considered for the program:
 - a. Program Application filled out and signed by all parties that are to be on title to the property.
 - b. Applicant(s) shall provide *Proof of Household Income* to include but not be limited to the following:

- i) Copy of two (2) most current pay stubs from all household members 18 years of age or older;
 - ii) Copy of current years Social Security Benefit Statement, Disability Benefit Statement, Retirement/annuity Benefit Statement, Child Support, Alimony and Divorce Decree or other supplemental income;
 - iii) Copy of two (2) most current Federal Tax Returns for all household members 18 years of age or older;
 - iv) Copy of two (2) most current bank statements for all household members 18 years of age or older;
 - v) Copy of two (2) most current financial statements which include all other assets owned by the applicant including checking, savings, Certificates of Deposit, stocks, bonds, retirement accounts, trust accounts or any other assets from which the applicant may derive income;
 - vi) Purchase agreement, if one has already been executed;
 - vii) Prequalification letter from lender and/or lender package including underwriting analysis if applicable and/or credit report;
 - viii) Any other information that program staff determines necessary or relevant to the processing of the application.
4. An applicant who has not previously received a loan from the County's Homebuyer Assistance Program and whose application was rejected may re-apply for the program after one year.
 5. If the applicant is an employee of the County, of one of the LRC members, or of a non-County entity administering the program:
 - a. All LRC members and any non-County entity administering the program and attending the loan review meeting for the application will be read a statement by the LRC Chair or Acting Chair that they are subject to the Code of Ethics as found in the County Code of Ordinances.
 - b. Any LRC member or non-County entity administering the program and attending the loan review meeting for the application who employs the applicant or who believes they may have a conflict of interest will recuse themselves from voting on the application.

PROCEDURE 2: Determination of Applicant Eligibility

Summary:

Procedures used to review the application and applicant's eligibility for participation in the Program

Position:

Program Specialist, Housing Manager or other Program Official/Designee

Action:

1. Review application and attached documentation for eligibility based on household income, assets, and other program parameters.
2. Program staff will meet with the applicant upon receipt of the application, verify the applicant's eligibility for the program and explain how the Program and process works. For applicants who are determined ineligible for the Program, program staff will provide a letter explaining the applicant is eligible and the evaluation criteria that were not met.
3. Verify that the applicant has provided copies of all required documentation pertaining to ownership and income as identified in the Program's Policies and Procedures.
4. Complete the Income Certification Form based on the submitted documentation for income and assets to determine the total anticipated annual household income and percentage of Los Alamos County median income.
5. Annual income will be estimated using current income information from paystubs, benefit statements, etc. If future raises or increases in income are known in fact, they will be applied to current income, in order to estimate future income. Any current overtime or compensation pay will be projected forward assuming the same proportional rates. Interest and dividend income from checking and savings accounts, stocks, bonds, and Certificates of Deposit, will be applied to income, along with any self-employment income, and net earnings from business. Interest or dividend income re-invested in any retirement accounts will not be considered as income.
6. Re-qualification prior to closing is required under the following circumstances:
 - Material changes to household size
 - Material changes to income
 - Six month expiration of initial qualification
 - As required by Program Staff
7. An applicant who received a letter they do not meet eligibility criteria may request a meeting with program staff for staff to explain in person why the applicant was determined not eligible. The applicant will be permitted to submit any required

information that was not provided in the applicants' initial application. Program staff will review the application again and issue a second letter to applicant explaining whether or not they meet the preliminary eligibility criteria.

8. Where program staff can prove in the application review process there has been falsification or inaccurate data or information provided, there is grounds for immediate disqualification of the application.

PROCEDURE 3: Establishing Project File for Each Applicant

Summary:

Procedure for beginning a new project file for qualified applicant

Position:

Program Specialist, Housing Manager or other Program Official/Designee

Action:

1. Staff receives the approved application and documentation from applicant. Staff creates an applicant file utilizing the appropriate check list, labels, section and title as established for the program.
2. Staff verifies that the applicant(s) have given written permission to secure a credit report and other required verification (signature on second page of application).
3. Review the title commitment provided by the title company.
4. A Credit Report is requested for all applicant household member age 18 and older using the name, address and social security number(s) listed on the application and/or on their individual tax returns. Credit reports will be obtained using data from Trans Union, Experian and Equifax. A copy of the credit report will be placed in the project file.
5. Program Staff will conduct a review of title report to check for any recorded liens against the property. If a recorded lien is discovered, program staff will determine what appropriate action to be taken, if any.
6. Program Staff will conduct a review of all information on the credit report to determine applicant's existing debt and applicant's payment history. The credit report will be used to verify the following minimum information.
 - Information regarding judgements against the applicant
 - Bankruptcy information, if any
 - Ownership of any properties

Any credit concerns shall be analyzed by Program Staff and used to evaluate the application and will be disclosed by the Loan Review Committee. Program Staff review any potential problems/ issues pertaining to the applicant's credit report and/or title commitment for the property the applicant proposes to purchase. Information obtained from these reports and income and asset certification, etc. shall be used to determine eligibility of the applicant and advise County staff to proceed to the next step in the application process or advise the applicant in writing of their ineligibility.

7. Obtain the appraisal required by the lender for the proposed purchase of the property and use this appraisal to determine if the property is eligible and if underwriting criteria are satisfied. A copy of the appraisal will be placed in the applicant file.
8. Input the application relevant information into the established program tracking database, put applicant file together and assign file number.

PROCEDURE 4: Homebuyer Education and Counseling

Summary:

Procedure for Homebuyer Education and Counseling

Position:

Program Specialist, Housing Manager or other Program Official/Designee

Action:

1. Homebuyer training packet prepared including necessary informational and instructional materials. Homebuyer training will be arranged and will include a training such as E-Home America online training or another suitable provider. Homebuyer training will also include 1 - 2 hours of in-person training in Los Alamos.
2. Training is effectively designed and conducted to ensure that homebuyers:
 - a. Understand the end-to-end process for home purchase including assembling needed documentation, applying for a loan, home inspection, closing the purchase, issuance and recording of final documents, and complying with the terms of any mortgage and promissory note, which mortgage shall include any other agreement(s) which the County may require.
 - b. Establish a monthly household budget and manage the budget.
 - c. Understand that mortgage loans taken should be of an amount, interest rate and terms which they can comfortably afford, pay back, and avoid foreclosure; the maximum amount loan offered to them may not necessarily be financially suitable for them.
 - d. Understand basic home maintenance and repair and responsibilities of a homeowner.
3. Course must be completed prior to closing. If more than 12 months have passed since the Homebuyer attended a homebuyer training course, the Homebuyer must take the course again.
4. Homebuyers are provided a test to complete which they must pass to be eligible for the program. Those who pass are awarded a printed certificate. The test will be provided in English. If an applicant with a disability or medical issues requires specific arrangements or services to be able to take the test, these arrangements or services will be provided in compliance with the Americans with Disabilities Act (ADA).

PROCEDURE 5: Home Inspection Process

Summary:

Procedure for initiating the Home Inspection to determine property eligibility

Position:

Program Specialist, Housing Manager or other Program Official/Designee

Action:

1. Contact the applicant/owner to schedule the home inspection.

For any proposed homes for purchase:

2. A home inspection by a certified home inspector will be required as a condition of financing.
3. The home inspection report will be reviewed by Program staff. The review will determine if the home is adequate in terms of number of rooms, bedrooms, and overall square footage per person per program standards. In addition, the review of the report will enable program staff to identify if there are existing inadequate conditions which represent an immediate threat to occupant's health, safety and welfare. A qualitative assessment will be made by Program Staff of the homeowner's ability to afford to pay for the needed improvements identified in the home inspection report.

The review of the home inspection report and the qualitative assessment will be used by Program Staff and the Loan Review Committee as part of the evaluation of the application.

Home inspections by Program Staff are not intended to replace a separate home inspection by a licensed and bonded Home Inspector by the Applicant. **The inspection by Program Staff is not a guarantee or warranty of the Property's condition, functionality, habitability, workmanship, roof, structure, mechanical systems, sewer and water systems, foundation, location, or environmental condition.** All home inspections and forms will contain a similar statement to this disclaimer.

PROCEDURE 6: Loan Determination & Approval

Summary:

Procedure for Loan Determination & Approval

Position:

Program Specialist, Housing Manager or other Program Official/Designee, County Manager

Action:

1. a. Perform household budgeting exercise with prospective homeowners and translate into an affordable mortgage amount based on current rates and terms.
b. Review the application for preliminary determination of the financial assistance needed for the down payment based on the information obtained from the applicant file and down payment amount needed based on mortgage lender requirements.
2. Program staff shall review the application and recommend to the Loan Review Committee (LRC) that the application be approved or denied.
3. The LRC shall meet to review the loan application, consider the recommendation of staff and the LRC and will vote and issue its decision at the meeting. Staff will record the LRC decision in writing and forward a summary of the applicant's loan application and the LRC recommendations by email to the County Manager.
4. The County Manager will review the Loan Review Committee' recommendation and reply to Program Staff with County Manager's recommendation.
5. Program Staff shall input the applicant information into program tracking database, notating the decision of the County Manger as approved or denied. Any additional conditions placed on the loan as agreed upon by LRC and County Manager will be placed in the case file. Examples of conditions of loan approval would be applicant agreement to consolidate existing credit card debt and to achieve a repayment plan with the IRS for overdue income taxes. Other conditions may be required on a case-by-case situation.
6. Program Staff shall issue an approval or rejection letter to applicant based on Loan Review Committee recommendation and final decision from County Manager.
7. If the loan application requires conditional approval, it will require approval from the Loan Review Committee and County Manager. Subsequently, if program staff determines loan conditions have been met, program staff will inform the LRC, and a second LRC meeting will not be held unless requested by the LRC for the LRC to also determine loan conditions have been met. If a second LRC meeting is held, program staff will contact the County Manager to ask if the County Manager wishes to review the loan application and second time. If the County Manager wishes to review the loan

application a second time, program staff will forward a summary of the applicant's loan application and the LRC recommendation to the County Manager for the County Manager to review and provide a recommendation.

8. An applicant may appeal an adverse decision by the LRC to reject a loan application on the grounds that the LRC did not review all required application information or review and/or analyze the application information correctly. The appeal must be submitted within 30 days of the date the rejection letter was received by the applicant. Review of the appeal will be based on the 'denied' loan file and whether the review and denial was somehow not in accordance with Program Policies and Procedures. The appeal will be accepted by Program Staff and then presented to the LRC for review within 30 days from the receipt of the applicant's appeal. The LRC will issue a letter of its decision to approve or deny the appeal and underlying application. Program Staff will then forward that decision to the applicant and emailed to the County Manager. The LRC decision letter will explain the reasons to deny or approve the application including such as, for example, whether an applicant had falsified documents or records, whether the applicant failed to provide necessary/required documents, etc.

PROCEDURE 7: Loan Closing Preparation

Summary:

Procedure for Loan Closing Preparation

Position:

Program Specialist, Housing Manager or other Program Official/Designee

Action:

1. Meet with first mortgage lender upon approval of down payment assistance loan and prior to loan closing, to coordinate funding timing and closing requirements, including acceptable funds transfer methods.
2. Prepare the following loan documents, based on the approved loan determination:
 - a. Down payment Assistance Mortgage
 - b. Closing Disclosure
 - c. Promissory Note
 - d. Loan Set-up formCounty Attorney will review Closing Disclosure form, Mortgage documents and Promissory note prior to end of Program design phase.
3. Coordinate the loan closing with the homebuyer, lender, and title company. Prior to the loan closing taking place, Program Staff shall obtain the certificate of Homeowner Property Insurance which names the County (as the project lender) as the second mortgagee or additional insured on the actual policy.

PROCEDURE 8: Loan Closing with Homebuyer

Summary:

Procedure for Loan Closing with Homebuyer

Position:

Program Specialist, Housing Manager or other Program Official/Designee

Action:

1. Staff shall explain the following closing documents with the borrower(s), answer any questions and obtain required signatures:
 - a. Down payment Assistance Loan Mortgage
 - b. Closing Disclosure
 - c. Promissory Note

Obtain a copy of the borrower(s) current identification for the homebuyer file (may be obtained at application submittal). Note: Program Representative must be absolutely clear in explaining that the mortgage and note is a recordable instrument and will result in a recorded lien against the property and that the lien will remain on record until such time as the loan is paid in full.

County Attorney will review Closing Disclosure form, Mortgage documents and Promissory note prior to end of program design phase.

2. Program Representative shall summarize the Los Alamos County Mortgage and Promissory Note with the borrower(s), answer any questions and obtain required signatures on the document.

Note: Staff shall be thorough in describing and explaining the mortgage and note which secures the down payment assistance to ensure that the borrower(s) is confident and knowledgeable relating to all of the loan documents and their obligations to which he/she/they are agreeing to. Program Representative shall explain the terms of the loan, when the loan is due and payable, and applicable interest, if any. Program Representative shall address each document, answer any questions and ensure that all applicable documents are properly executed, witnessed and notarized as required.

3. Make copies of all documents. Provide the borrower(s) with a complete set of executed loan closing documents. All original documents with the exception of the Promissory Note and the Mortgage shall be placed in the homebuyer file. Copies of the Promissory Note and Mortgage will be placed in the Program file in a secure location administered by the Program Representative.

4. After closing, the title company shall record the mortgage and note originals. Copies of the recorded mortgage and note shall be placed in the Program file. If a non-County entity is contracted to administer the Program, then two sets of recorded mortgage and note shall be made and one set placed in each of non-County entity and County Program file.
5. Coordinate transfer of down payment assistance funds to title company. Ensure that any funds remaining after the sale is completed are transferred from the title company to the County.

PROCEDURE 9: Foreclosure Notices

Summary:

Procedure for Foreclosure Notices

Position:

Program Specialist, Housing Manager or other Program Official/Designee, County Attorney

Action:

1. Staff shall review all foreclosure notices to determine action to be taken. Action to be taken will be to contact the County Attorney's office for further processing.

PROCEDURE 10: Bankruptcy Notices

Summary:

Procedure for Bankruptcy Notices

Position:

Program Representative, County Attorney

Action:

1. Program staff shall, upon receipt of a Bankruptcy Notice contact the County Attorney's Office. Program Staff will review the type of bankruptcy and determine if it includes the down payment assistance loan. Regardless of whether the bankruptcy includes the down payment assistance loan, the County will file a claim to preserve County rights.

PROCEDURE 11: Loan Payoff

Summary:

Procedure for the processing of Loan Payoff on Down Payment Assistance Loans

Position:

Program Representative, County Attorney

Action:

1. Staff, upon receipt of a request for Loan Payoff, provide the Lender and/or Owner of the property with the requested pay off information using email or U.S. Mail.
2. Staff shall address the actual Loan Payoff receipts in accordance with the Loans and Underwriting Policies and Procedures as previously approved.

PROCEDURE 12: Loan Subordinations

Summary:

Procedure for the processing of Loan Subordinations

Position:

County Staff

Action:

1. Staff shall address all Subordination Requests pertaining to County-financed Down payment Assistance Loans. All requests will be forwarded to the Housing and Special Projects Manager. The County will consider subordination requests only for refinance of the borrower's first mortgage and under these circumstances:
 - The refinance is to a lower rate or to a different term (combination of a second mortgage into a new 1st refinance may be considered on a case by case basis).
 - The applicant is not taking any cash out of the home
 - Total loan-to-value (LTV) will not exceed 100% per program eligibility requirements.
2. Staff will email and/or fax the Lender the Subordination Policy for down payment assistance mortgage loans. The Lender will be instructed to provide all information required to satisfy the subordination requirements detailed in the mortgage.
3. Staff shall, upon receipt of the Subordination Package from the Lender, review and analyze the documentation to determine if the request meets the subordination requirements of the mortgage. If it does, County staff will sign the prepared subordination agreement.

Approved Subordination Agreement, shall be email/faxed to the Lender and the original Subordination Agreement will be delivered (as specified by the Lender) to the Lender for the signature from the Owner and the Lender will be responsible for the recording of such document. A copy of the subordination agreement will be attached to the recorded mortgage until a recorded copy is received. The recorded copy will eventually be attached to the recorded mortgage.

PROCEDURE 13: Reporting

Summary:

Procedure for reporting on each application for down payment assistance

Position:

Program Representative

Action:

1. Provide a post-closing loan report for each home and deliver by email to County's Program Manager.
2. Provide project status updates both verbal and written on a monthly basis, or as requested by County.
3. Coordinate reporting, scheduling, and assignments between stakeholders to ensure each project remains on schedule.
4. Produce annual statements for homeowners from master spreadsheet including amount of principal and accrued interest, to be mailed out by County.

All reporting documentation provided by the Program Representative to the County will be in a format agreed upon by the County and Program Representative.

PROCEDURE 14: Annual Verification of Occupancy

Summary:

Procedure for verifying occupancy of homes purchased with assistance under this program. This will be completed on an annual basis.

Position:

Program Specialist, Housing Manager and/or County Staff from other departments

Action:

1. To verify whether the program participant homebuyer is occupying the purchased home as a primary residence (per program affordability controls i.e. for as long as the loan funds are unpaid and outstanding, or the “affordability period” for the property, whichever is longer) County staff will perform an annual check of information sources. If another entity is contracted by the County to administer the program, the entity will assist staff with this annual check.
2. Staff annual check of information sources may include, and will not necessary be limited to, tax assessor records, utility bills, and staff site visit verifications if needed. Staff will, if needed, explain to home owner or occupant that the annual check of information sources is described in the recorded down payment assistance loan mortgage documents.