



County of Los Alamos

Los Alamos, NM 87544
www.losalamosnm.us

Agenda - Final - Revised County Council - Regular Session

*Sara Scott, Council Chair; Pete Sheehey, Vice-Chair; David
Izraelevitz; Antonio Maggiore; James Robinson; Randall Ryti;
and Katrina Schmidt, Councilors*

Tuesday, May 7, 2019

6:00 PM

Council Chambers - 1000 Central Avenue
TELEVISED

1. **OPENING/ROLL CALL**
2. **PLEDGE OF ALLEGIANCE**
3. **PUBLIC COMMENT**
4. **APPROVAL OF AGENDA**
5. **PRESENTATIONS, PROCLAMATIONS AND RECOGNITIONS**
 - A. [11688-19](#) Proclamation declaring Saturday, May 11, 2019 as "Clean Up Los Alamos Day" in Los Alamos County (accepted by Angelica Gurule, Environmental Services Manager)

Presenters: County Council - Regular Session
 - B. [11791-19](#) Proclamation declaring the Month of May as "Motorcycle Awareness Month" in Los Alamos County (accepted by Richard Sturgeon)

Presenters: County Council - Regular Session
 - C. [11820-19](#) Proclamation declaring the Week of May 13 - 17, 2019 as "Police Week" and Wednesday, May 15, 2019 as "Peace Officers' Memorial Day" in Los Alamos County (accepted by LAPD Chief Dino Sgambellone)

Presenters: County Council - Regular Session
 - D. [11849-19](#) Proclamation declaring the Month of May 2019 as "Bike Month" and the Week of May 13-17, 2019 as "Bike to Work Week" (accepted by Philo Shelton, Public Works Director)

Presenters: County Council - Regular Session
6. **PUBLIC COMMENT FOR ITEMS ON CONSENT AGENDA**

7. CONSENT AGENDA

May 7, 2019 Consent Motion:

Consent Motion -

- A.** [AGR0628-19](#) Approval of Services Agreement AGR18-39 with FBT Architects in the Amount of \$448,637.00, plus Applicable Gross Receipts Tax, for the Purpose of Designing the Kiddie Pool Addition to the Los Alamos County Aquatics Center.
- Presenters:** Philo Shelton, Public Works Director
- Attachments:** [A - AGR18-39 FBT Architects](#)
- B.** [AGR0630-19](#) Contract for General Services, Agreement No. AGR 19-35 with Las Clinicas del Norte, Inc., in the Amount of \$1,050,000.00, plus Applicable Gross Receipts Tax, for the Purpose of providing health care, behavioral health and family planning services in Los Alamos County.
- Presenters:** Donna Casados, Social Services Division Manager
 and Brian Brogan, Community Services Director
- Attachments:** [A - AGR 19-35 Las Clinicas del Norte Contract Agreement.PDF](#)
- C.** [RE0402-19](#) Incorporated County of Los Alamos Resolution No.19-05; A Resolution Relating to the Natural Gas Supply Agreement Between the Incorporated County of Los Alamos and the New Mexico Municipal Energy Acquisition Authority, As Amended by a First Amendment; Authorizing Action Necessary or Advisable to Obtain a Gas Discount Pursuant to the Supply Agreement, As Amended, Including the Execution and Delivery of Certificates and Agreements Relating to the Foregoing; Ratifying, Approving and Confirming Prior Action Taken Related to the Foregoing; and Repealing Action Inconsistent Herewith
- Presenters:** Bob Westervelt, Deputy Utilities Manager -
 Finance/Admin
- Attachments:** [A - Resolution 19-05 Relating to the NMMEA Gas Supply Agreement](#)
 [B - Life to date savings derived from the prepay agreement](#)
- D.** [11754-19](#) Consideration of the Jim Billen Trail Naming Committee's recommendation regarding a petition to name a segment of the Pueblo Canyon Rim Trail as the Jim Billen Trail
- Presenters:** Harry Burgess

Attachments: [A - Background Document Distributed at the April 25, 2019 Public Hearing.pdf](#)
[B - Written Public Comments Rec'd Prior to Public Hearing.pdf](#)
[C - Map Showing the Propsed Jim Billen Trail Segment of the Pueblo Canyon Rim Trail.pdf](#)
[D - Minutes of the April 25, 2019 Public Hearing.pdf](#)

- E. [11885-19](#) Consideration of Budget Revision 2019-35 (Fire Hazardous Materials Public Sector Training and Planning Grant & Assessor Labor)

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

Attachments: [A - Budget Revision 2019-35](#)

- F. [11911-19](#) Vacation of Easement Within Lot 390, a Subdivision of Western Area No. 1

Presenters: James Alarid, Deputy Utilities Manager - Engineering

Attachments: [A - Vacation of Easement](#)

- G. [11934-19](#) County Council Minutes for FY2020 Budget Meetings of April 15, April 16 and April 22, 2018.

Presenters: Naomi Maestas, County Clerk

Attachments: [A-County Council Minutes FY2020 Budget](#)

8. **COUNCIL BUSINESS**

A. ***Appointments***

- 1) [11850-19](#) Council Appointment of Probate Judge to Fill Term Until Term Expiration of December 31, 2022.

Presenters: County Council - Regular Session

Attachments: [A - Probate Judge Letters of Interest.pdf](#)
[B - Appointment Process](#)

B. ***Board, Commission and Committee Liaison Reports***

C. ***County Manager's Report***

- 1) [11837-19](#) County Manager's Report for April 2019

Presenters: Harry Burgess, County Manager

Attachments: [A - April County Manager's Update.pdf](#)

D. Council Chair Report**E. General Council Business**

- 1) [11851-19](#) Approval of the 2019 Federal Agenda

Presenters: County Council - Regular Session

Attachments: [A - 2019 Proposed LAC Federal Priorities](#)

F. Approval of Councilor Expenses**G. Preview of Upcoming Agenda Items****9. COUNCILOR COMMENTS****10. PUBLIC COMMENT****11. 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

May 07, 2019

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.: A.

Index (Council Goals):

Presenters: County Council - Regular Session

Legislative File: 11688-19

Title

Proclamation declaring Saturday, May 11, 2019 as "Clean Up Los Alamos Day" in Los Alamos County (accepted by Angelica Gurule, Environmental Services Manager)

Body

- WHEREAS:** Communities nationwide celebrated Earth Day on April 22nd, with activities and educational opportunities to encourage residents to renew their commitment to preserving our valuable resources here on Earth; and
- WHEREAS:** At home and in school, parents and teachers educated children about the benefits of protecting our resources and the importance of caring for our environment; and
- WHEREAS:** At work, Los Alamos County's Green Team educated employees about how to recycle at work; employees pledged to pack a zero waste lunch; and
- WHEREAS:** Los Alamos County, Los Alamos National Bank, Metzger's Do it Best and Coca-Cola will sponsor the 16th annual "Clean Up Los Alamos Day" on Saturday, May 11th for volunteers to clean up neighborhoods, parks and businesses; and
- WHEREAS:** "Clean Up Los Alamos Day" will improve the appearance of our community by engaging residents and asking them to take personal responsibility for their community and environment; the County will provide residents with free tipping disposal at the Eco Station; and
- WHEREAS:** When we participate in activities such as "Clean Up Los Alamos Day," we set a good example for our children, showing them we care about protecting our land and open spaces, which in turn strengthens our economy and improves our environment;

NOW, THEREFORE, on behalf of the Council of the Incorporated County of Los Alamos, I do hereby designate Saturday, May 11th as

"CLEAN UP LOS ALAMOS DAY"

and urge our community, organizations and businesses to participate; and

FURTHERMORE, I ask our residents to re-dedicate themselves to finding ways to protect and preserve our environment, such as packing a zero waste lunch, reusing and recycling materials.



County of Los Alamos
Staff Report
May 07, 2019

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.: B.
Index (Council Goals):
Presenters: County Council - Regular Session
Legislative File: 11791-19

Title

Proclamation declaring the Month of May as "Motorcycle Awareness Month" in Los Alamos County (accepted by Richard Sturgeon)

Body

WHEREAS: Motorcycles are used as a regular means of transportation for commuting, touring and recreational use in and around Los Alamos County; and

WHEREAS: Our scenic roadways make Los Alamos a very popular destination for motorcyclists from around the country; and

WHEREAS: The safe operation of a motorcycle requires the use of acquired skills developed through a combination of training and experience, the use of good judgment, and thorough knowledge of traffic laws and licensing requirements; and

WHEREAS: It is imperative that our residents be aware, show consideration and share the road with motorcycles on our streets and state highways, and recognize the importance of motorcycle safety; and

WHEREAS: The National Highway Traffic Safety Administration (NHTSA) has declared the month of May as "Motorcycle Awareness Month" and the Council wishes to join them in educating residents about the growing number of motorcyclists on Los Alamos County's roadways - working together, we can prevent accidents and most importantly, save lives;

NOW, THEREFORE, on behalf of the Council of the Incorporated County of Los Alamos, I do hereby proclaim the Month of May 2019 as

"MOTORCYCLE AWARENESS MONTH"

in Los Alamos County, and urge our citizens to be observant, courteous and knowledgeable about motorcycle usage in our community.



County of Los Alamos

Staff Report

May 07, 2019

Los Alamos, NM 87544
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Agenda No.: C.

Index (Council Goals):

Presenters: County Council - Regular Session

Legislative File: 11820-19

Title

Proclamation declaring the Week of May 13 - 17, 2019 as "Police Week" and Wednesday, May 15, 2019 as "Peace Officers' Memorial Day" in Los Alamos County (accepted by LAPD Chief Dino Sgambellone)

Body

WHEREAS: the Congress of the United States has designated May 15th of each year to be Peace Officers' Memorial Day, in honor of all fallen Officers and their families, and U.S. flags should be flown at half staff; and

WHEREAS: it is important that all citizens know and understand the challenges, duties and responsibilities of their police department, and that members of our police department recognize their duty to serve the people by safeguarding life and property, by protecting them against violence or disorder, and by protecting the innocent against deception and the weak against oppression or intimidation; and

WHEREAS: nearly 60,000 assaults against law enforcement Officers are reported each year, resulting in approximately 16,000 injuries, and since the first recorded death in 1791, over 20,000 law enforcement Officers have been killed in the line of duty, including over 600 Corrections Officers; In 2018, 150 Officers were killed in the line of duty, and another 29 Officers have lost their lives while serving in just the first three months of this year; and

WHEREAS, it is important that we pay tribute to the Officers who have fallen in the line of duty and recognize the sacrifices made by the families of those Officers, as well as the families of those who continue to protect and serve our communities; and

WHEREAS, it is critical that we acknowledge the dedication of those that continue to serve and who are willing to undertake the crucial roles and responsibilities of law enforcement and corrections Officers within our communities, and commemorate and honor the dedicated service of Officers past and present;

NOW, THEREFORE, on behalf of the Council of the Incorporated County of Los Alamos, I do hereby proclaim the Week of May 13 - 17, 2019 as

“POLICE WEEK”

AND FURTHERMORE, declare Wednesday, May 15, 2019 as

“PEACE OFFICERS’ MEMORIAL DAY”

in Los Alamos County, and call upon our citizens to publicly join in commemorating law enforcement Officers, past and present, who, by their faithful and loyal devotion to their duty, have rendered a dedicated service to their communities and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.



County of Los Alamos
Staff Report
May 07, 2019

Los Alamos, NM 87544
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Agenda No.: D.
Index (Council Goals):
Presenters: County Council - Regular Session
Legislative File: 11849-19

Title

Proclamation declaring the Month of May 2019 as "Bike Month" and the Week of May 13-17, 2019 as "Bike to Work Week" (accepted by Philo Shelton, Public Works Director)

Body

WHEREAS: On November 30, 2017, Los Alamos was designated as a Bronze status "Bicycle Friendly Community" by the League of American Bicyclists, and Los Alamos makes every effort to maintain this status; and

WHEREAS: The bicycle is a viable and environmentally sound form of transportation and excellent form of recreation; May has been named *National Bike Month* for the past 56 years, celebrated by offering educational programs, races, commuting events, trail work days, helmet promotion, or encouraging individuals to "go for a ride"; and

WHEREAS: Los Alamos' trail network attracts hundreds of bicyclists each year, providing economic, health and scenic benefits to our community and the world; bicycling activities and attractions have great potential to impact our economy and tourism industry and stimulate economic development by making Los Alamos attractive to businesses and citizens who enjoy the outdoors and healthy lifestyles; and

WHEREAS: Creating bicycle-friendly communities can improve citizen's health, well-being and quality of life - it can boost community spirit, improve traffic safety and reduce pollution and congestion - and education is key in providing a quality experience for everyone involved;

NOW, THEREFORE, on behalf of the Council of the Incorporated County of Los Alamos, I do hereby proclaim the Month of May 2019 as

"BIKE MONTH"

in Los Alamos County, and the week of May 13-17, 2019 as

"BIKE TO WORK WEEK"

We encourage our citizens to participate in planned events, and to share the road safely.



County of Los Alamos

Staff Report

May 07, 2019

Los Alamos, NM 87544
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Agenda No.:

Index (Council Goals):

Presenters:

Title

May 7, 2019 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

May 07, 2019

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.: A.

Index (Council Goals): * 2019 Council Goal - Planning for Appropriate Levels of County Services

Presenters: Philo Shelton, Public Works Director

Legislative File: AGR0628-19

Title

Approval of Services Agreement AGR18-39 with FBT Architects in the Amount of \$448,637.00, plus Applicable Gross Receipts Tax, for the Purpose of Designing the Kiddie Pool Addition to the Los Alamos County Aquatics Center.

..Recommended Motion

I move that Council Approve Services Agreement AGR18-39 with FBT Architects in the Amount of \$448,637.00, plus Applicable Gross Receipts Tax, for the Purpose of Designing the Kiddie Pool Addition to the Los Alamos County Aquatics Center.

County Manager's Recommendation

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

Body

On December 5, 2017, Council approved up to \$6,500,000 in Capital Improvement Program funds for the Kiddie Pool addition to the Larry R. Walkup Aquatics Center. It was further required by Council that construction of the Kiddie Pool not be contracted until the Los Alamos National Lab contract is awarded to ensure sufficient revenues will be available.

On February 25, 2018, the County advertised a formal multi-source competitive solicitation for design services through Request for Proposal No. 18-39. Five responses were received and the evaluation committee is recommending award to FBT Architects. The contract is attached for reference as Attachment A.

On May 1, 2018 this contract was presented to County Council where Council requested this item be deferred to the June 12, 2018 Council meeting. Subsequently, on June 12, 2018, Council unanimously approved to postpone consideration of this agreement until such time the taxable status of the new LANL contract is clarified. With the passage of SB11 this past legislative session, that issue is now clarified.

The design of the Kiddie Pool addition features will include a zero-entry pool with water spray features and mini slide for toddlers, a shallow pool for swim lessons and programming, a lazy river, and a water slide with a total of 2,000 square feet of pool area. The plan is to also include three family locker rooms, pool deck, chemical storage, and mechanical rooms to support the addition. Site work will require relocation of a gas and sanitary sewer lines.

Council should note other issues with the Aquatics Center will be also addressed as additional

design tasks. Funding for construction of these additional tasks is proposed separately through the Major Facility Maintenance Fund programmed for FY 2020. Acquiring these additional design tasks collectively through this contract will provide the best value as opposed to addressing them individually. Additionally, this will allow for plan preparation in anticipation of FY 2020 funds. These additional tasks include:

1. Provide recommendations and construction documents for improving the existing entrance to the Aquatics Center to address strong winds and cold outside air entering the lobby area, ADA accessibility of the service counter, and the aged flooring of the lobby and hallways. This will be particularly important since visitation to the center is expected to increase with the Kiddie Pool addition.
2. Provide recommendations and construction documents for replacing the Olympic Pool filters which are at the end of their life expectancy. Replace the filters with current filtration technology.

Under the June 12, 2018 Council request, a third additional task was recommended to provide design solutions and construction documents to correct corrosion and roof issues. However, given recent Council approval of the Major Facilities Maintenance budget that included funds for roof repairs, the numerous roof leaks currently being experienced in the Aquatic Center from the last winter storms, and the critical nature of this work, staff has accelerated corrective action efforts separate from this agreement and is no longer part of this request.

The architecture firm will provide design services that include Schematic Design, Design Development, and Construction Documents. The architect will work with stakeholders for operational details to incorporate into the design. Three public involvement meetings are planned in conjunction with Parks and Recreation Board meetings at each of the three design phases. The architect is also tasked to provide options for the HVAC system with life cycle costs for the County to select a system with the best long term value. Council should note that Phase IV Construction Administration services are contingent upon the County's approval to move forward with construction of the Project.

Since natatoriums create demanding environments, the design this project will incorporate a peer review of the design to minimize the effects of a hot and humid environment on the building envelope. This peer review will be conducted by a commissioning agent under a separate County contract. The architect also is tasked to find areas of cost savings to bring the project in under the \$6.5M budget. The design is planned to start immediately after contract execution and the bid for construction is planned for February 2020.

Alternatives

Council could choose to not approve the agreement and postpone or cancel the project.

Fiscal and Staff Impact/Planned Item

Funding for the project is comprised CIP funds in the amount of \$650,000 for design and \$5,850,000 for construction for a total project budget of \$6,500,000.

Attachments

A - AGR 18-39 FBT Architects



INCORPORATED COUNTY OF LOS ALAMOS SERVICES AGREEMENT

This **SERVICES AGREEMENT** ("Agreement") is entered into by and between the **Incorporated County of Los Alamos**, an incorporated county of the State of New Mexico ("County"), and **FBT Architects**, a New Mexico corporation ("Consultant"), to be effective for all purposes May 8, 2019.

WHEREAS, the County Purchasing Agent determined in writing that the use of competitive sealed bidding was either not practical or not advantageous to County for procurement of the Services and County issued Request for Proposals No. 18-39 (the "RFP") on February 25, 2018, requesting proposals for Design Services for a "Kiddie" Pool Addition to the LAC Aquatic Center, as described in the RFP; and

WHEREAS, Consultant timely responded to the RFP by submitting a response dated March 21, 2018 ("Consultant's Response"); and

WHEREAS, based on the evaluation factors set out in the RFP, Consultant was the successful Offeror for the services listed in the RFP; and

WHEREAS, the County Council approved this Agreement at a public meeting held on May 7, 2019; and

WHEREAS, Consultant shall provide the Services, as described below, to County.

NOW, THEREFORE, for and in consideration of the premises and the covenants contained herein, County and Consultant agree as follows:

SECTION A. SERVICES: Consultant shall provide Design Services for the Kiddie Pool addition to the Los Alamos County Aquatics Center located at 2760 Canyon Road, Los Alamos, New Mexico, as follows:

1. **Design Phases:** Each design phase shall occur only after County's design review and comment periods, and written approval to proceed to the next phase. Consultant shall maintain the project goals as detailed in Exhibit "A." Design services shall include the following:

- a. **Phase I – Schematic Design**

- (1) Consultant shall develop a Preliminary Design including a programming document with stakeholders for review and approval. Stakeholders include the Parks and Recreation Board, Aquatic Center Advisory Subcommittee, Art in Public Places Board along with County operations and maintenance staff.
- (2) Consultant shall perform a geo-technical survey of the building site including borings and shall deliver a report of those findings and recommendations to County.
- (3) Consultant shall present to and obtain approval from the Planning & Zoning Commission and Los Alamos County Inter Departmental Review Committee

- (IDRC) that includes the Planning and Zoning, Community Development, Traffic, Utilities, Environmental Services, Engineering, and Fire Departments.
- (4) Consultant shall provide design specialty services including civil engineering, grading and drainage, landscape design, telecommunications design, security and access control design.
 - (5) Consultant shall provide design solutions for snow and ice dams as well as storm water drainage from existing building's sloped roof that will drain onto the roof of the addition.
 - (6) Consultant shall conduct one (1) public information meeting as part of a regularly scheduled Parks and Recreation Board meeting reflecting the Schematic Design with a presentation of simple floor plans and perspective sketches.
 - (7) Consultant shall present two (2) options for the heating, ventilation and air conditioning system (HVAC) which shall include:
 - (a) a simple life cycle cost analysis; and
 - (b) upon County selected system, provide a basis of design.
 - (8) Consultant shall present to County best value design options considering initial costs and lifecycle costs for the building and the systems consistent with the Leadership in Energy and Environmental Design ("LEED") process.
 - (9) On or before August 20, 2019, Consultant shall develop and deliver the final Schematic Design documents as per the Project Schedule set out in Exhibit "C," attached hereto and made a part hereof for all purposes.
 - (10) The Final Schematic Design deliverables shall include at a minimum:
 - (a) Preliminary Design including a programming document. Final conceptual design developed from the County stakeholder meetings.
 - (b) A geo-technical survey report with findings and recommendations.
 - (c) Schematic Design Documents including drawings and other documents including a site plan, preliminary building plans, sections and elevations that may include a combination of study models and perspective sketches. Preliminary selection of major building systems, and construction materials shall be noted on the drawings or described in writing.
 - (d) Estimate of probable construction cost.
 - (e) A comparison of simple life cycle costs for two (2) HVAC systems, as required in Section A(1)(a)(8) above, and provide a basis of design for County's selected HVAC system.
 - (f) Submittal to County IDRC.
 - (g) Presentation materials for the public information meeting required in A.1.a.(6) above, including simple floor plans and perspective sketches.

b. Phase II – Design Development

- (1) In accordance with Exhibit "C," Consultant shall produce 60% and 90% Design Plans and specifications to County.
- (2) Consultant shall submit plans and conduct design plan reviews with County engineering, operations and maintenance staff including the Building Official and Fire Marshal for the 60% and 90% phases of design plan development.
- (3) Consultant shall conduct one (1) public information meeting during this Phase II, with a presentation reflecting the current design features with simple floor plans and perspective sketches.

- (4) Consultant shall conduct planning meetings for the building envelope design to include County engaged commissioning agent and County staff. Careful attention must be made to the envelope design to meet project goals.
- (5) From Design Development forward, Consultant shall participate in a peer review of Consultant's design. Peer reviews shall be conducted by the commissioning agent hired by County. This is planned to be performed as part of the commissioning process.
- (6) Consultant shall provide an estimate of probable construction cost from a professional estimator that includes input to reflect current market pricing at 60% and 90% phases of design plan development.
- (7) On or before October 29, 2019, Consultant shall develop and deliver the final Design Development documents as per the Project Schedule set out in Exhibit "C," attached hereto and made a part hereof for all purposes.
- (8) Design Development deliverables shall include as a minimum:
 - (a) 60% Design Plans shall consist of drawings and other documents including plans, sections, elevations, typical construction details, and layouts of the building systems. The plans shall establish the size and character of the Project as to architectural, structural, mechanical and electrical systems, and other elements. The Design Development Documents shall also include outline specifications for major materials and systems and establish in general their quality.
 - (b) 90% Design Plans shall consist of drawings and specifications setting in detail the quality levels and performance criteria of materials and systems and other requirements for the construction.
 - (c) Presentation materials for a public information meeting including simple floor plans and perspective sketches.
 - (d) Estimate of probable construction cost from a professional estimator that includes input to reflect current market pricing at 60% and 90% design plan phases.

c. Phase III – Construction Documents

- (1) On or before February 4, 2020, Consultant shall provide to County the final Construction Documents, 100% plans and specifications for bid, construction and permitting that incorporate the County's comments to accommodate a Spring/Summer 2020 construction start date. County requires at least ten (10) weeks for the bidding and award process to award the construction contract.
- (2) Consultant shall conduct one (1) public information meeting during this Phase III, with a presentation of simple floor plans and renderings reflecting the final design.
- (3) Construction Documents deliverable shall include as a minimum:
 - (a) Final documents for bid and permit that incorporate County comments.
 - (b) Construction Documents shall consist of drawings and specifications establishing in detail the quality levels and performance criteria of materials and systems and other requirements for the construction.
 - (c) A final estimate of probable construction cost from a professional estimator that includes input to reflect current market pricing.

d. Phase IV – Construction Administration. Solely contingent upon County’s prior written approval to move forward with the Phase IV of the Project and only upon such approval, Consultant shall provide Construction Administration as follows:

- (1) Timely review and certify pay application amounts due the Contractor and make recommendations to County for payment.
- (2) Timely review and approve or take other appropriate action on the Contractors submittals.
- (3) Timely, review and respond to Requests for Information (“RFI”) about the Contract Documents. If requested by County, Consultant shall prepare and issue supplemental drawings and specifications in response to requests for information.
- (4) Recommend minor changes in the Construction Work that are consistent with the intent of the Construction Contract Documents and do not involve an adjustment in the Construction Contract sum or an extension of the Construction Contract time. As requested by County, Prepare change orders and construction change directives for the County’s approval and execution.
- (5) Support and attend weekly Owner (County), Architect, and Construction Contractor (“OAC”) meetings.
- (6) Provide monthly observation and inspection reports of the Construction Work.
- (7) Commissioning
 - (a) Consultant shall work with a County engaged commissioning agent providing written responses to County’s and agent’s comments.
 - (b) Consultant shall support functional testing lead by the commissioning agent.
 - (c) In addition to the functional testing, Consultant shall provide a mechanical engineer up to three (3) days of on-site support to adjust and fine tune the HVAC system, working with the controls contractor and commissioning agent.
- (8) Project Completion
 - (a) Consultant shall conduct inspections with the County to check conformance of the Construction Work with the Construction Contract Documents and verify the accuracy and completeness of the Construction Contractor’s list of work to be completed or corrected.
 - (b) Consultant shall prepare the Certificate of Substantial Completion and Final Completion.
 - (c) Consultant shall provide to the County the following within 90 calendar days of project final completion: record/as-built drawings in dwg and pdf computer file formats, and two (2) paper copies; all other project documentation in pdf computer file format and two (2) paper copies.

2. Additional Project Requirement No. 1: Consultant shall design an improvement to the existing entrance to the Aquatics Center by addressing outside air entering the lobby through the entry door which makes the lobby and hallways cold during the winter. Design shall include ADA accessibility of the service counter and the aged flooring of the lobby and halls. Consultant shall provide Schematic Design and Construction Documents for the approved corrective action in conjunction with the appropriate phase of the main project design.

- 3. Additional Project Requirement No. 2:** Consultant shall make recommendations for a replacement filtration system for the Olympic Pool within the Aquatic Center for County selection and approval. Consultant shall provide Schematic Design and Construction Documents for the approved corrective action in conjunction with the appropriate phase of the main project design.

SECTION B. TERM: The term of this Agreement shall commence May 8, 2019 and shall continue through May 7, 2023, unless sooner terminated, as provided herein. At County's sole option the Agreement may be renewed for up to three (3) consecutive one-year periods, unless sooner terminated, as provided therein.

SECTION C. COMPENSATION:

- 1. Amount of Compensation.** County shall, during the initial term of this Agreement and any extensions, pay compensation for performance of the Services in an amount not to exceed FOUR HUNDRED FORTY EIGHT THOUSAND SIX HUNDRED THIRTY SEVEN DOLLARS (\$448,637.00), which amount does not include applicable New Mexico gross receipts taxes ("NMGRT"). Compensation shall be paid as follows:
- a. For services described in Sections A.1.a., b., and c. (Phases I-III) County shall pay compensation for performance of the Services in an amount not to exceed THREE HUNDRED THIRTY ONE THOUSAND SEVENTY THREE DOLLARS (\$331,073.00), which amount does not include applicable NMGRT and in accordance with the rate schedule set out in Exhibit "B," attached hereto and made a part here of for all purposes.
 - b. For services described in Section A.1.d. (Phase IV), solely contingent on County's prior written approval to move forward with construction of Project and upon such approval, County shall pay compensation for performance of the Services in an amount not to exceed NINETY THOUSAND FIFTY DOLLARS (\$90,050.00), which amount does not include applicable NMGRT and in accordance with the rate schedule set out in Exhibit "B," attached hereto and made a part here of for all purposes.
 - c. For services described in Section A.2., and 3. County shall pay compensation for performance of the Services in an amount not to exceed TWENTY SEVEN THOUSAND FIVE HUNDRED FOURTEEN DOLLARS (\$27,514.00), which amount does not include applicable NMGRT and in accordance with the rate schedule set out in Exhibit "B," attached hereto and made a part here of for all purposes
- 2. Monthly Invoices.** Consultant shall submit itemized monthly invoices to County's Project Manager showing amount of compensation due, amount of any NMGRT, and total amount payable. Payment of undisputed amounts shall be due and payable thirty (30) days after County's receipt of the invoice.

SECTION D. TAXES: Consultant shall be solely responsible for timely and correctly billing, collecting and remitting all NMGRT levied on the amounts payable under this Agreement.

SECTION E. STATUS OF CONSULTANT, STAFF, AND PERSONNEL: This Agreement calls for the performance of services by Consultant as an independent contractor. Consultant is not an agent or employee of County and will not be considered an employee of County for any purpose. Consultant, its agents or employees shall make no representation that they are County employees, nor shall they create the appearance of being employees by using a job or position title on a name plate, business cards, or in any other manner, bearing the County's name or logo. Neither Consultant nor any employee of Consultant shall be entitled to any benefits or compensation other than the compensation specified herein. Consultant shall have no authority

to bind County to any agreement, contract, duty or obligation. Consultant shall make no representations that are intended to, or create the appearance of, binding County to any agreement, contract, duty, or obligation. Consultant shall have full power to continue any outside employment or business, to employ and discharge its employees or associates as it deems appropriate without interference from County; provided, however, that Consultant shall at all times during the term of this Agreement maintain the ability to perform the obligations in a professional, timely and reliable manner.

SECTION F. STANDARD OF PERFORMANCE: Consultant agrees and represents that it has and will maintain the personnel, experience and knowledge necessary to qualify it for the particular duties to be performed under this Agreement. Consultant shall perform the Services described herein in accordance with a standard that meets the industry standard of care for performance of the Services.

SECTION G. DELIVERABLES AND USE OF DOCUMENTS: All deliverables required under this Agreement, including material, products, reports, policies, procedures, software improvements, databases, and any other products and processes, whether in written or electronic form, shall remain the exclusive property of and shall inure to the benefit of County as works for hire; Consultant shall not use, sell, disclose, or obtain any other compensation for such works for hire. In addition, Consultant may not, with regard to all work, work product, deliverables or works for hire required by this Agreement, apply for, in its name or otherwise, any copyright, patent or other property right and acknowledges that any such property right created or developed remains the exclusive right of County. Consultant shall not use deliverables in any manner for any other purpose without the express written consent of the County.

SECTION H. EMPLOYEES AND SUB-CONTRACTORS: Consultant shall be solely responsible for payment of wages, salary or benefits to any and all employees or contractors retained by Consultant in the performance of the Services. Consultant agrees to indemnify, defend and hold harmless County for any and all claims that may arise from Consultant's relationship to its employees and subcontractors.

SECTION I. INSURANCE: Consultant shall obtain and maintain insurance of the types and in the amounts set out below throughout the term of this Agreement with an insurer acceptable to County. Consultant shall assure that all subcontractors maintain like insurance. Compliance with the terms and conditions of this Section is a condition precedent to County's obligation to pay compensation for the Services and Consultant shall not provide any Services under this Agreement unless and until Consultant has met the requirements of this Section. County requires Certificates of Insurance or other evidence acceptable to County that Consultant has met its obligation to obtain and maintain insurance and to assure that subcontractors maintain like insurance. Should any of the policies described below be cancelled before the expiration date thereof, notice will be delivered in accordance with the policy provisions. General Liability Insurance and Automobile Liability Insurance shall name County as an additional insured.

1. **General Liability Insurance:** ONE MILLION DOLLARS (\$1,000,000.00) per occurrence; TWO MILLION DOLLARS (\$2,000,000.00) aggregate.
2. **Workers' Compensation:** In an amount as may be required by law. County may immediately terminate this Agreement if Consultant fails to comply with the Worker's Compensation Act and applicable rules when required to do so.
3. **Automobile Liability Insurance for Consultant and its Employees:** ONE MILLION DOLLARS (\$1,000,000.00) combined single limit per occurrence; TWO MILLION DOLLARS

(\$2,000,000.00) aggregate on any owned, and/or non-owned motor vehicles used in performing Services under this Agreement.

- 4. Errors And Omissions/Professional Liability Insurance:** Whichever is applicable to the particular profession or service to be provided, with a limit of not less than ONE MILLION DOLLARS (\$1,000,000.00) each Claim, with a TWO MILLION DOLLARS (\$2,000,000.00) annual aggregate, without any restrictive “negligent act, negligent error, or negligent omission” clause, and sufficient to protect the Consultant, the Board, and the City, for a five (5) year period from completion of this contract, against any and all claims which may arise from the Consultant’s negligent performance of work described herein.

SECTION J. RECORDS: Consultant shall maintain, throughout the term of this Agreement and for a period of six (6) years thereafter, records that indicate the date, time, and nature of the services rendered. Consultant shall make available, for inspection by County, all records, books of account, memoranda, and other documents pertaining to County at any reasonable time upon request.

SECTION K. APPLICABLE LAW: Consultant shall abide by all applicable federal, state and local laws, regulations, and policies and shall perform the Services in accordance with all applicable laws, regulations, and policies during the term of this Agreement. In any lawsuit or legal dispute arising from the operation of this Agreement, Consultant agrees that the laws of the State of New Mexico shall govern. Venue shall be in the First Judicial District Court of New Mexico in Los Alamos County, New Mexico.

SECTION L. NON-DISCRIMINATION: During the term of this Agreement, Consultant shall not discriminate against any employee or applicant for an employment position to be used in the performance of the obligations of Consultant under this Agreement, with regard to race, color, religion, sex, age, ethnicity, national origin, sexual orientation or gender identity, disability or veteran status.

SECTION M. INDEMNITY: Consultant shall indemnify, hold harmless and defend County, its Council members, employees, agents and representatives, from and against all liabilities, damages, claims, demands, actions (legal or equitable), and costs and expenses, including without limitation attorneys’ fees, of any kind or nature, arising from Consultant’s performance hereunder or breach hereof and the performance of Consultant’s employees, agents, representatives and subcontractors.

SECTION N. FORCE MAJEURE: Neither County nor Consultant shall be liable for any delay in the performance of this Agreement, nor for any other breach, nor for any loss or damage arising from uncontrollable forces such as fire, theft, storm, war, or any other force majeure that could not have been reasonably avoided by exercise of due diligence.

SECTION O. NON-ASSIGNMENT: Consultant may not assign this Agreement or any privileges or obligations herein without the prior written consent of County.

SECTION P. LICENSES: Consultant shall maintain all required licenses including, without limitation, all necessary professional and business licenses, throughout the term of this Agreement. Consultant shall require and shall assure that all of Consultant’s employees and subcontractors maintain all required licenses including, without limitation, all necessary professional and business licenses.

SECTION Q. PROHIBITED INTERESTS: Consultant agrees that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of its services hereunder. Consultant further agrees that it will not employ any person having such an interest to perform services under this Agreement. No County Council member or other elected official of County, or manager or employee of County shall solicit, demand, accept or agree to accept a gratuity or offer of employment contrary to Section 31-282 of the Los Alamos County Code.

SECTION R. TERMINATION:

1. **Generally.** County may terminate this Agreement with or without cause upon ten (10) days prior written notice to Consultant. Upon such termination, Consultant shall be paid for Services actually completed to the satisfaction of County at the rate set out in Section C. Consultant shall render a final report of the Services performed to the date of termination and shall turn over to County originals of all materials prepared pursuant to this Agreement.
2. **Funding.** This Agreement shall terminate without further action by County on the first day of any County fiscal year for which funds to pay compensation hereunder are not appropriated by the County Council. County shall make reasonable efforts to give Consultant at least ninety (90) days advance notice that funds have not been and are not expected to be appropriated for that purpose.

SECTION S. NOTICE: Any notices required under this Agreement shall be made in writing, postage prepaid to the following addresses, and shall be deemed given upon hand delivery, verified delivery by telecopy (followed by copy sent by United States Mail), or three (3) days after deposit in the United States Mail:

County:

Engineering & Project Management Division
Incorporated County of Los Alamos
1000 Central Avenue, Suite 160
Los Alamos, New Mexico 87544

Consultant:

Sanjay Engineer, Vice President
FBT Architects
6501 Americas Pkwy NE, Suite 300
Albuquerque, New Mexico 87110

SECTION T. INVALIDITY OF PRIOR AGREEMENTS: This Agreement supersedes all prior contracts or agreements, either oral or written, that may exist between the parties with reference to the services described herein and expresses the entire agreement and understanding between the parties with reference to said services. It cannot be modified or changed by any oral promise made by any person, officer, or employee, nor shall any written modification of it be binding on County until approved in writing by both County and Consultant.

SECTION U. CAMPAIGN CONTRIBUTION DISCLOSURE FORM: A Campaign Contribution Disclosure Form was submitted as part of Consultant's Response and is incorporated herein by reference for all purposes. This Section acknowledges compliance with Chapter 81 of the Laws of 2006 of the State of New Mexico.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date(s) set forth opposite the signatures of their authorized representatives to be effective for all purposes on the date first written above.

ATTEST

INCORPORATED COUNTY OF LOS ALAMOS

NAOMI D. MAESTAS
COUNTY CLERK

BY: _____
HARRY BURGESS **DATE**
COUNTY MANAGER

Approved as to form:

J. ALVIN LEAPHART
COUNTY ATTORNEY

FBT ARCHITECTS, A NEW MEXICO CORPORATION

BY: _____
SANJAY ENGINEER **DATE**
VICE PRESIDENT

Exhibit "A"
Project Requirements
AGR 18-39

The Kiddie Pool addition project shall be performed by Consultant as follows:

1. Features shall include a zero-entry pool with water spray features and mini slide for toddlers, a shallow pool for swim lessons and programming, a lazy river, and a water slide with a total of 2,000 square feet of pool area, as shown in preliminary study drawing, Figure 1. The conceptual design shall have three (3) family locker rooms, pool deck, chemical storage, and mechanical rooms to support the Kiddie Pool addition. Figure 2 shows a section of the addition. Please note that Figure 2 was generated before the addition of the lazy river and water slide. Figure 3 shows the site with utilities and the gas service line to the building that will need to be relocated as well.
2. The project total budget is \$6.5M which is to cover all project related expenditures. This budget shall cover design, construction, commissioning, Fixtures, Furniture and Equipment ("FF&E"), public information costs, Art in Public Places at 1%, NMGR and contingency. The County desires to realize some cost savings and complete the project under the \$6.5M budget.
3. Start of construction is planned for Spring/Summer 2020.
4. Meet the Los Alamos County specific building specifications provided in RFP18-39 Design Services for a "Kiddie" Pool Addition to the LAC Aquatic Center in draft form, Attachment A. An updated specification will be provided by County to the Consultant at the start of the design.
5. All design work and specifications of the boiler systems shall take into account the building's 7,250 ft. elevation and local climate.
6. Design and build a building envelope that is energy efficient, resistant to weather and controls moisture.
7. Include in the pool equipment the following:
 - a. Separate flow zone controls so that the lazy river operates independently of other water feature flows.
 - b. Have additional water flow connections for future water features.
 - c. Select pool treatment equipment and chemicals that are compatible with existing pool systems for ease of maintenance.
8. The County does not intend to have the existing Aquatics Center be updated to meet a LEEDTM rating, but intends to follow LEED tenants in the addition. The County is interested in incorporating the County High Performance Green Building Standards into the Kiddie Pool. Consultant will advise the County, and upon approval, incorporate into the design the intent of the County Standards. No submittal to or certification by USGBC is desired.

The Los Alamos County High Performance Green Building Standards for new buildings are:

- a. All Los Alamos County funded new construction of public buildings in excess of 5,000 square feet shall be designed and built to a minimum rating of "LEEDTM Silver" using the U.S. Green Building Council's LEED-NCTM rating system.
- b. If another agency is funding part of a construction project, the project is not required to be LEED certified unless mutually agreed to by the agency and Los Alamos County.
- c. In achieving its LEEDTM rating, each project shall earn at least five (5) points under "Energy Atmosphere Credit 1 – Optimize Energy Performance" by achieving at least 25% better energy performance than the baseline standard.
- d. In achieving its LEEDTM rating, projects shall earn at least three (3) points in Water Efficiency.

ADDITIONAL PROJECT REQUIREMENT No. 1.

Improve the existing entrance to the Aquatics Center by addressing outside air entering the lobby through the entry door which makes the lobby and hallways cold during the winter, ADA accessibility of the service counter, and the aged flooring of the lobby and halls.

ADDITIONAL PROJECT REQUIREMENT No. 2.

The filters for the Olympic Pool are at the end of their life expectancy. Replace the filters with current technology filtration either during the Kiddie Pool construction or within a couple of years after this project.

Figure 1 – Concept Layout Plan View

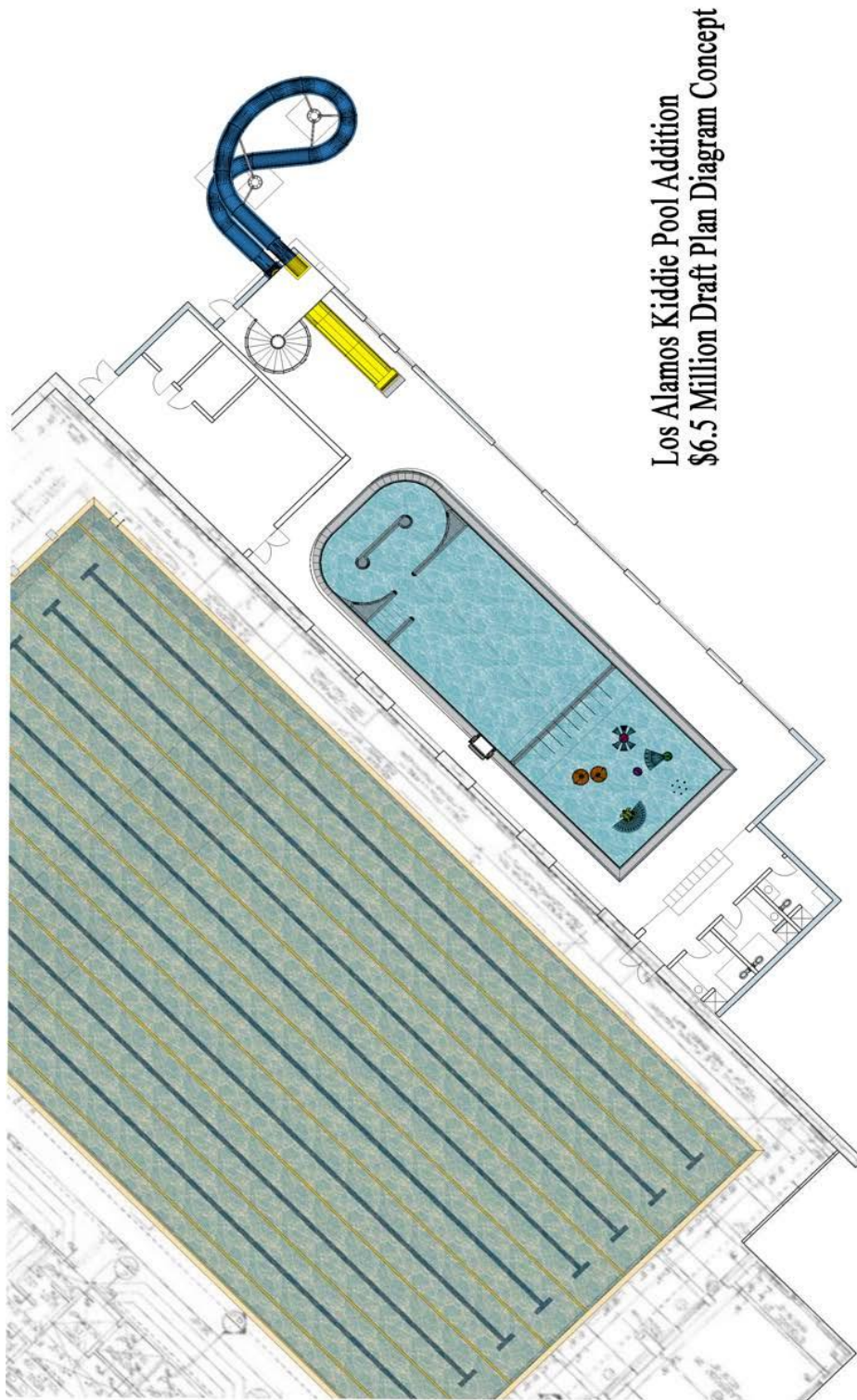


Figure 2 – Concept Layout Cross Section

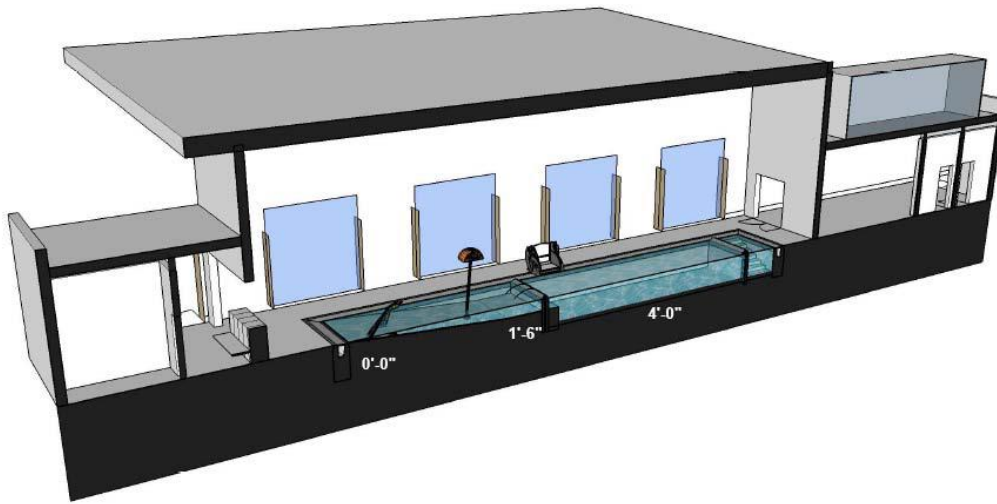


Figure 3 – GIS Utility Features Map

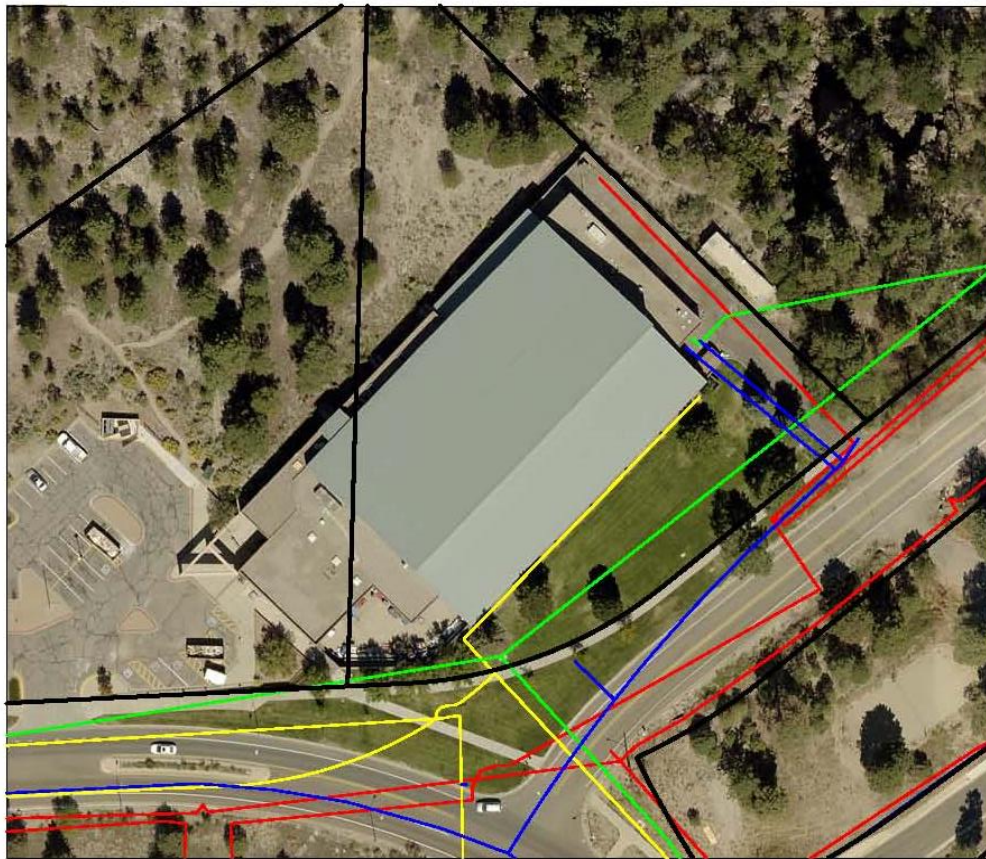


Exhibit "B"
Compensation Rate Schedule
AGR18-39

Kiddie Pool Addition (as per cost summaries):

Phase I – Schematic Design	\$66,192.00	
Phase II –Design Development	\$100,906.00	
Phase III – Construction Documents	<u>\$163,975.00</u>	
<i>Subtotal of Above Phases</i>		<i>\$331,073.00</i>
*Phase IV - Construction Administration	\$90,050.00	
<i>Total Phases I-IV</i>		<i>\$421,123.00</i>

Additional Project Requirements (as per cost summaries):

1. Entry Vestibule/ADA	8,792.00	
2. Filtration System Replacement	<u>18,722.00</u>	
<i>Subtotal of Above Phases</i>		<i>\$27,514.00</i>
<i>Project Total not to exceed (exclusive of NMGRT)</i>		<i>\$448,637.00</i>

*Solely contingent upon County's prior written approval to move forward with the Project and upon such approval, Consultant shall provide Construction Administration in accordance with Section A(1)(d) Phase IV – Construction Administration of the Agreement.

COST SUMMARY SHEETS

COST SUMMARY – PHASE I SCHEMATIC DESIGN				
DIRECT LABOR (specify categories)	ESTIMATED HOURS	HOURLY RATE	ESTIMATED COST	TOTALS
Principal	40	\$155.00	\$2,066.40	
Project Manager	127	\$98.00	\$4,148.00	
Intern Architect	251	\$81.00	\$6,777.00	
DIRECT LABOR TOTAL:				\$33,977.00
SUPPLEMENTAL SERVICES				
SUBCONTRACTS (Identify & purpose)			ESTIMATED COST	
Civil Engineer – Miller			\$2,325.00	
Landscape Architect – Groundworks Studio			\$1,163.00	
Estimating – Balis			\$1,744.00	
Structural – Walla Engineering			\$2,906.00	
Pool Designer – Counsilman Hunsaker (CHH2o)			\$5,813.00	
ME - Bridgers and Paxton			\$4,650.00	
Building Envelope – Armstrong Group (AGI)			\$581.00	
SUBCONTRACTOR TOTAL:				\$19,181.00
TRAVEL			ESTIMATED COST	
Mileage/Transportation (0.46/mile x 2 trips)			\$184.00	
Per Diem: (Ref. LAC per diem policy)			-0-	
Pool Consultant (airfare/per diem)			\$850.00	
TRAVEL TOTAL:				\$1,034.00
OTHER REIMBURSABLE COSTS			ESTIMATED COST	
Presentation Graphic Boards Allowance			\$1,000.00	
Geotechnical Services			\$6,000.00	
OTHER REIMBURSABLE TOTAL:				\$7,000.00
SUBTOTAL ITEMS				\$66,192.00
GROSS RECEIPTS (7.5%)				\$4,964.00
TOTAL PRICE				\$71,157.00

COST SUMMARY – PHASE II Design Development				
DIRECT LABOR (specify categories)	ESTIMATED HOURS	HOURLY RATE	ESTIMATED COST	TOTALS
Principal	64	\$155.00	\$9,920.00	
Project Manager	223	\$98.00	\$21,854.22	
Intern Architect	40	\$81.00	\$33,129.00	
DIRECT LABOR TOTAL:				\$64,903.00
SUPPLEMENTAL SERVICES				
SUBCONTRACTS (Identify & purpose)			ESTIMATED COST	
Civil Engineer – Miller			\$3,875.00	
Landscape Architect – Groundworks Studio			\$1,938.00	
Estimating – Balis			\$2,906.00	
Structural – Walla Engineering			\$4,844.00	

Pool Designer – Counsilman Hunsaker (CHH2o)	\$9,688.00	
MEP - Bridgers and Paxton	\$7,750.00	
Building Envelope – Armstrong Group (AGI)	\$969.00	
SUBCONTRACTOR TOTAL:		\$31,969.00
TRAVEL	ESTIMATED COST	
Mileage/Transportation (0.46/mile x 2 trips)	\$184.00	
Per Diem: (Ref. LAC per diem policy)	\$-0-	
Pool Consultant (airfare/per diem)	\$850.00	
TRAVEL TOTAL:		\$1,034.00
OTHER REIMBURSABLE COSTS	ESTIMATED COST	
Presentation Graphic Boards Allowance, document reproductions costs	\$3,000.00	
Geotechnical Services		
OTHER REIMBURSABLE TOTAL:		\$3,000.00
SUBTOTAL ITEMS		\$100,906.00
GROSS RECEIPTS (7.5%)		\$7,568.00
TOTAL PRICE		\$108,474.00

COST SUMMARY – PHASE III Construction Documents				
DIRECT LABOR (specify categories)	ESTIMATED HOURS	HOURLY RATE	ESTIMATED COST	TOTALS
Principal	104	\$155.00	\$16,120.00	
Project Manager	340	\$98.00	\$33,320.00	
Intern Architect	671	\$81.00	\$54,351.00	
DIRECT LABOR TOTAL:				\$103,791.00
SUPPLEMENTAL SERVICES				
SUBCONTRACTS (Identify & purpose)			ESTIMATED COST	
Civil Engineer – Miller			\$6,200.00	
Landscape Architect – Groundworks Studio			\$3,100.00	
Estimating – Balis			\$4,650.00	
Structural – Walla Engineering			\$7,750.00	
Pool Designer – Counsilman Hunsaker (CHH2o)			\$15,500.00	
MEP - Bridgers and Paxton			\$12,400.00	
Building Envelope – Armstrong Group (AGI)			\$1,550.00	
SUBCONTRACTOR TOTAL:				\$51,150.00
TRAVEL			ESTIMATED COST	
Mileage/Transportation (0.46/mile x 2 trips)			\$184.00	
Per Diem: (Ref. LAC per diem policy)			\$-0-	
Pool Consultant (airfare/per diem)			\$850.00	
TRAVEL TOTAL:				\$1,034.00
OTHER REIMBURSABLE COSTS			ESTIMATED COST	
Presentation Graphic Boards Allowance, document reproductions costs			\$8,000.00	
Geotechnical Services			\$	
OTHER REIMBURSABLE TOTAL:				\$8,000.00
SUBTOTAL ITEMS				\$163,975.00
GROSS RECEIPTS (7.5%)				\$12,298.00
TOTAL PRICE				\$176,273.00

COST SUMMARY – PHASE IV CONSTRUCTION ADMINISTRATION				
DIRECT LABOR (specify categories)	ESTIMATED HOURS	HOURLY RATE	ESTIMATED COST	TOTALS
Principal	52	\$155.00	\$8,060.00	
Project Manager	169	\$98.00	\$16,562.00	
Intern Architect	337	\$81.00	\$27,297.00	
DIRECT LABOR TOTAL:				\$51,919.00
SUPPLEMENTAL SERVICES				
SUBCONTRACTS (Identify & purpose)			ESTIMATED COST	
Civil Engineer – Miller			\$3,100.00	
Landscape Architect – Groundworks Studio			\$1,550.00	
Estimating – Balis			\$2,325.00	
Structural – Walla Engineering			\$3,875.00	
Pool Designer – Counsilman Hunsaker (CHH2o)			\$7,750.00	
ME - Bridgers and Paxton			\$6,200.00	
Building Envelope – Armstrong Group (AGI)			\$775.00	
SUBCONTRACTOR TOTAL:				\$25,575.00
TRAVEL			ESTIMATED COST	
Mileage/Transportation (0.46/mile x 40 trips)			\$3,606.00	
Per Diem: (Ref. LAC per diem policy)			-0-	
Pool Consultant (airfare/per diem)			\$5,950.00	
TRAVEL TOTAL:				\$9,556.00
OTHER REIMBURSABLE COSTS			ESTIMATED COST	
Document reproduction costs allowance			\$3,000.00	
OTHER REIMBURSABLE TOTAL:				\$3,000.00
SUBTOTAL ITEMS				\$90,050.00
GROSS RECEIPTS (7.5%)				\$6,754.00
TOTAL PRICE				\$96,804.00

SUBCONTRACTOR TOTAL:			\$5,250.00
TRAVEL		ESTIMATED COST	
Mileage/Transportation (0.46/mile x 2 trips)		\$-0-	
Per Diem: (Ref. LAC per diem policy)		\$-0-	
Pool Consultant (airfare/per diem)		\$-0-	
TRAVEL TOTAL:			\$-0-
OTHER REIMBURSABLE COSTS		ESTIMATED COST	
Document reproduction costs allowance		\$-0-	
Geotechnical Services		\$-0-	
OTHER REIMBURSABLE TOTAL:			\$-0-
SUBTOTAL ITEMS			\$10,678.00
GROSS RECEIPTS (7.5%)			\$800.85
TOTAL PRICE			\$11,478.85

COST SUMMARY – Additional Project Requirement No. 1 - Entry Vestibule/ADA				
DIRECT LABOR (specify categories)	ESTIMATED HOURS	HOURLY RATE	ESTIMATED COST	TOTALS
Principal	8	\$155.00	\$1,240.00	
Project Manager	20	\$98.00	\$1,960.00	
Intern Architect	32	\$81.00	\$2,592.00	
DIRECT LABOR TOTAL:				\$5,792.00
SUPPLEMENTAL SERVICES				
SUBCONTRACTS (Identify & purpose)			ESTIMATED COST	
Estimating – Balis			\$750.00	
MEP - Bridgers and Paxton			\$1,150.00	
Building Envelope – Armstrong Group (AGI)			\$750.00	
SUBCONTRACTOR TOTAL:				\$3,000.00
TRAVEL			ESTIMATED COST	
Mileage/Transportation (0.46/mile x 2 trips)			\$-0-	
Per Diem: (Ref. LAC per diem policy)			\$-0-	
Pool Consultant (airfare/per diem)			\$-0-	
TRAVEL TOTAL:				\$-0-
OTHER REIMBURSABLE COSTS			ESTIMATED COST	
Document reproduction costs allowance			\$-0-	
Geotechnical Services			\$-0-	
OTHER REIMBURSABLE TOTAL:				\$-0-
SUBTOTAL ITEMS				\$8,792.00
GROSS RECEIPTS (7.5%)				\$659.40
TOTAL PRICE				\$9,451.40

COST SUMMARY – Additional Project Requirement No. 2 - Lap Pool Filtration System				
DIRECT LABOR (specify categories)	ESTIMATED HOURS	HOURLY RATE	ESTIMATED COST	TOTALS
Principal	4	\$155.00	\$620.00	
Project Manager	10	\$98.00	\$980.00	
Intern Architect	12	\$81.00	\$972.00	
DIRECT LABOR TOTAL:				\$2,572.00
SUPPLEMENTAL SERVICES				
SUBCONTRACTS (Identify & purpose)			ESTIMATED COST	
Structural – Walla Engineering			\$14,950.00	
MEP - Bridgers and Paxton			\$1,250.00	
SUBCONTRACTOR TOTAL:				\$16,150.00
TRAVEL			ESTIMATED COST	
Mileage/Transportation (0.46/mile x 2 trips)			\$-0-	
Per Diem: (Ref. LAC per diem policy)			\$-0-	
Pool Consultant (airfare/per diem)			\$-0-	
TRAVEL TOTAL:				\$-0-

OTHER REIMBURSABLE COSTS	ESTIMATED COST	
Document reproduction costs allowance	\$-0-	
Geotechnical Services	\$-0-	
OTHER REIMBURSABLE TOTAL:		\$-0-
SUBTOTAL ITEMS		\$18,722.00
GROSS RECEIPTS (7.5%)		\$1,404.15
TOTAL PRICE		\$20,126.15

CORPORATE OFFICE:
MAIL One Park Square
6501 Americas Pkwy NE, Ste. 300
Albuquerque, NM 87110
PHO 505.883.5200
WEB fbtarch.com

FARMINGTON OFFICE:
MAIL 108 N. Orchard Ave., Suite 202
Farmington, NM 871401
PHO 505.278.7271
WEB fbtarch.com

LUBBOCK OFFICE:
MAIL 500 East 50th Street, Ste. C-2
Lubbock, TX 79404
PHO 806.747.2244



April 24, 2019

EXHIBIT "C"
AGR 18-19
LAC Kiddie Pool Addition - Project Schedule (revised)

PHASE	REVISED DATES
Project Award	June 3, 2019
Project Kick-off	June 11, 2019
Schematic Design Phase	August 6, 2019
Schematic Design Phase Review	August 20, 2019
Design Development Phase	October 15, 2019
Design Development Phase Review	October 29, 2019
Construction Documents Phase	January 21, 2020
Construction Documents Phase Review	February 4, 2020
Bidding Phase	
Advertise Invitation for Bid	February 17, 2020
Bid Opening	March 19, 2020
Council Award (Tentative)	April 2, 2020
Construction Start (Notice to Proceed – Tentative)	May 4, 2020
Substantial Completion (12 months – Tentative)	May 4, 2021
Final Completion (1 month - Tentative)	June 4, 2021
11-Month Warranty - Tentative	May 4, 2022



County of Los Alamos

Staff Report

May 07, 2019

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.: B.

Index (Council Goals): * 2019 Council Goal - Supporting Social Services Improvement

Presenters: Donna Casados, Social Services Division Manager and Brian Brogan, Community Services Director

Legislative File: AGR0630-19

Title

Contract for General Services, Agreement No. AGR 19-35 with Las Clinicas del Norte, Inc., in the Amount of \$1,050,000.00, plus Applicable Gross Receipts Tax, for the Purpose of providing health care, behavioral health and family planning services in Los Alamos County.

Recommended Action

I move that Council approve Contract for General Services, Agreement No. AGR 19-35 with Las Clinicas del Norte, Inc. in the Amount of \$1,050,000.00, plus Applicable Gross Receipts Tax, for the Purpose of providing health care, behavioral health, and family planning services in Los Alamos County.

County Manager's Recommendation

The County Manager recommends that Council approve this Contract for General Services as requested.

Body

In December of 2016, the Department of Health cut back hours of operation and services at the Los Alamos Public Health Office (PHO). This change in service level created a void for Los Alamos residents, especially youth needing behavioral health and family planning services. In 2019, the Social Services Division of Los Alamos County solicited requests for proposal for gaps in services from the existing PHO, to include: health care, behavioral health, and family planning services in Los Alamos County. Las Clinicas del Norte was the selected respondent for these services.

Anticipated High Level Timeline for Las Clinicas del Norte (LCDN)

5/7/2019	Present health center contract with LCDN to County Council for approval
5/8/2019	Contract signed by legal and CMO
5/15/2019	Contract signed by LCDN
5/22/2019	Construction work begins to prepare building for PHO and LCDN
7/1/2019	All permits completed to operate from LCDN
8/1/2019	First day of operation for LCDN

The agreement provides for two full days of service (7am-5pm, Tuesday and Thursday). The services include family planning, sexually transmitted infection services, behavioral health, and primary care. The agreement also provides for coordination and sharing of space with the State

PHO as they are expected to be providing services the other three weekdays.

Alternatives

Council could choose to not approve the agreement and postpone or cancel the services with the consequence that the existing PHO would be our only option.

Fiscal and Staff Impact/Planned Item

As part of FY2020 Budget approved by Council, \$160,000 is available for the operations service costs in the Social Services Division. There is also FY2019 budget available for minor construction and startup costs.

Attachments

A - AGR 19-35 Las Clinicas del Norte Contract Agreement



INCORPORATED COUNTY OF LOS ALAMOS SERVICES AGREEMENT

This **SERVICES AGREEMENT** (this "Agreement") is entered into by and between the **Incorporated County of Los Alamos**, an incorporated county of the State of New Mexico ("County"), and Las Clinicas del Norte, Inc., a New Mexico non-profit corporation ("Contractor"), to be effective for all purposes May 8, 2019.

WHEREAS, the County Purchasing Agent determined in writing that the use of competitive sealed bidding was either not practical or not advantageous to County for procurement of the Services and County issued Request for Proposals No. 19-35 (the "RFP") on December 30, 2018, requesting proposals for Health Commons Services, as described in the RFP; and

WHEREAS, Contractor timely responded to the RFP by submitting a response dated January 31, 2019 ("Contractor's Response"); and

WHEREAS, based on the evaluation factors set out in the RFP, Contractor was the successful Offeror for the services listed in the RFP; and

WHEREAS, the County Council approved this Agreement at a public meeting held on May 7, 2019; and

WHEREAS, Contractor shall provide the Services, as described below, to County.

NOW, THEREFORE, for and in consideration of the premises and the covenants contained herein, County and Contractor agree as follows:

SECTION A. SERVICES:

1. Contractor shall provide all Services listed herein at the Health Commons, which is shared space with the Public Health Office located at 1183 Diamond Drive, Unit D, Los Alamos NM 87544 on Tuesdays and Thursdays from 7:00 a.m. to 5:00 p.m. ("Operating Hours".)
2. Contractor shall provide, at minimum, the following staff during all Operating Hours:
 - a. One (1) New Mexico Licensed Certified Nurse Practitioner;
 - b. One (1) New Mexico Licensed Behavioral Health Provider;
 - c. One (1) Medical Assistant; and
 - d. One (1) Receptionist
3. **Family Planning Services**: Contractor shall provide Family Planning Services which include, but is not limited to, licensed certified nurse practitioner consultation, examination, prescriptions, laboratory services (urinalysis, hematology/coagulation, and chemistry), and contraceptive supplies (such as IUDs, Depo shots, birth control pills, condoms), necessary referrals to other medical facilities when medically indicated, and provide advice for the effective usage of contraceptives and practices. Confidential Family Planning Services for teens shall follow the Federal Title X regulations for services as per 42 CFR 59.5 regarding confidentiality and parental consent, while in compliance with all applicable mandatory reporting laws regarding abuse, rape, sexual abuse/molestation, (see New Mexico Children's Code, NMSA 1978 § 32A-4-3).

4. **Sexually Transmitted Infections (“STI”) Services:** Contractor shall provide Sexually Transmitted Infections (“STI”) Services which shall include STI screenings, examinations, laboratory services (urine samples, oral or genital swabs, blood work for analysis), treatment for infection within Contractor’s ability or referral to an appropriate provider for high level disease, and partner services.
5. **Behavioral Health Services:** Contractor shall provide Behavioral Health Services, which shall include, but not be limited to, individual, group and family therapy, and assessments to comprehensively meet the complex individual needs of each patient utilizing evidence-based best practice models.
6. **Primary Care Services:** Contractor shall provide Primary Care Services that include immunization, annual physicals, diagnosis and treatment of acute and chronic conditions and commensurate follow up care, health education, screenings and referrals, healthcare planning and education. Behavioral Health Services and assessments to patients are integrated into Primary Care Services.
7. Contractor shall provide Services in a manner which protect the dignity and confidentiality of the patient.
8. Contractor shall provide Services without regard to religion, race, color, national origin, disability, age, sex, number of pregnancies, marital status, or other protected status.
9. Contractor shall provide for coordination and use of referral arrangements with other providers of health care services, local health and welfare departments, hospitals, and health services projects supported by other federal programs.
10. Contractor shall provide all services at a sliding scale to low-income, indigent, or non-insured patients. All services shall be provided at no-cost for teens (13 to 18 years of age) and at a sliding scale fee based upon patient income for all adults of reproductive age (18+ years of age).
11. Contractor shall provide patient education about common mental health and substance abuse disorders and the available treatment options.
12. Contractor shall provide referrals to County’s Social Services Division for assistance with HCAP (indigent) applications, affordable care act applications, case coordination, basic need services, housing assistance, and utility assistance applications.
13. Contractor shall manage care coordination for at-risk youth and families, including the development of client-centered goals and plans, evaluating progress.
14. Contractor shall maintain patient files and record keeping in accordance with applicable laws including HIPAA regulations and guidelines.
15. Contractor shall interact regularly with other organizations and individuals that also provide services to at-risk youth and families within Los Alamos County to improve upon continuum of care services.
16. Contractor shall be responsible for and provide some custodial services and supplies, in coordination with the Public Health Office since this is a shared space. These supplies shall include, but not be limited to, paper products (such as toilet paper, paper towels, feminine hygiene products, and toilet seat covers), trash can liners, hand soap, and all cleaning products.

SECTION B. DELIVERABLES:

1. Provide quarterly progress reports to the Community Services Department regarding the Services provided to County within thirty (30) days from the end of each quarter beginning January 1, April 1, July 1, and October 1. The reports shall include:
 - a. Evidence of efforts to develop and market events, programs, and Services throughout the quarter;

- b. A description of the programs and Services that have been provided, the number of patients, and how patients believe they have been assisted in the development of skills and experiences;
 - c. The level of programs and Services, plus the participation and attendance levels for the programs and Services;
 - d. The level and results of the collaboration and coordination of effort with other community service providers and volunteers, including a description of the collaboration or coordination efforts;
 - e. Measurements and results of programs and Services, as well as how data was gathered, monitored and evaluated for performance and effectiveness;
 - f. Opportunities provided for patient input and feedback, as well as a summary of the feedback;
 - g. A description of how feedback shall be incorporated into the design and implementation of new and existing programs and services;
 - h. Contractor's policies, operations and procedures manuals, as well as any guidelines for the operation of programs or facilities associated with the scope of Services, including any amendments made to such documents during the term of this Agreement.
2. Provide annual comprehensive report to the County by the end of the Fiscal Year to identify usage, revenues and community outreach

SECTION C. FACILITY

1. County shall provide Contractor with a shared space located at 1183 Diamond Drive, Suite 200, Los Alamos, New Mexico 87544 ("Facility"), for purposes of providing the services during the term of this Agreement and for the uses indicated herein, as shown in the diagram attached as Exhibit "B", attached hereto and made a part hereof for purposes.
2. County shall withdraw, at its sole discretion, the use of the Facility from Contractor with ninety (90) days advance written notice. At its sole discretion, County may designate, in writing additional substitution of space for Contractor's use subject to the same right of withdrawal with notice. Any additional or substitute space assigned to Contractor shall be included in the term "Facility" for purposes of this agreement.
3. Contractor shall not engage in, nor permit participants to engage in, activities for which the Facility are not designed.
4. Unless County notifies Contractor in writing otherwise, Contractor, its employee, and employee's patients are granted non-exclusive rights to use, in common with others, the parking spaces, drives, walks, and entrance ways located on property where the Facility is located.
5. Contractor shall provide security and supervision of the Facility
6. Contractor shall be responsible for and pay any and all telecommunication charges and equipment, including installation, monthly charges or fees, cost of lines, phones, facsimile machines, cable TV, internet services, computers, and all other related telecommunications equipment. Contractor shall not make arrangements for the installation of any telecommunications services, lines, or equipment without prior written consent from County.
7. The Facility may be altered, modified, or improved from time to time by County or its agents, at the sole discretion of County.
8. Contractor shall not make any alterations, additions or improvements to the Facility without the prior written consent of County and the Landlord.
9. To protect the health and safety of the public or any person or persons using or occupying the Facility, and to minimize danger from all hazards to life and property, Contractor shall take all reasonable precautions in connection with its use of the Facility, and shall comply

with all health, safety and fire protection rules, laws, regulations and requirements of County, and any other pertinent regulatory body.

10. Smoking and use of electronic cigarettes in the Facility is prohibited. It shall be the responsibility of Contractor to enforce this prohibition within the enclosed or public premises used or occupied by Contractor during the performance of this Agreement in accordance with the provisions of the Code of the Incorporated County of Los Alamos.
11. County is the "Lease Owner" of all keys to the Facility or other space on County property, and shall have the right to inspect the work and activities of Contractor in connection with its use of the Facility at such times and in such a manner as County deems reasonably appropriate. No keys to the Facility shall be provided by Contractor, or at the request of Contractor, to any other party and any individual authorized to have a key to the Facility shall maintain the key within his or her control at all times. Contractor is prohibited from copying keys to the Facility, and a violation of this provision shall constitute grounds for immediate termination of this Agreement. Contractor may request from County keys to the Facility and provide those keys to individuals authorized to receive them in accordance with County's approved Key Policy (the "Key Policy"). Contractor shall assure that all individuals responsible for keys issued to them fully comply with the Key Policy.
12. County shall provide space for one trifold brochure or third-cut cardstock (a "rack card") for Contractor in its designated brochure rack in the west vestibule of the Municipal Building located at 1000 Central Avenue, so that Contractor may promote its services or events. If Contractor wishes to utilize this option, a request for this space must be made to the Contract Manager upon signing this Agreement. If requested, County shall label the trifold slot in the rack with Contractor's name and keep that space open for Contractor's exclusive use. Other sizes of brochures, postcards or 8-1/2" x 11" flyers, business cards or other loose materials left on the counter top in the vestibule, or storing multiple brochures in the same rack slot shall not be permitted. For best visibility, the trifold brochure or rack card should be designed to display top half information with Contractor's name, services, location, and any events on the front, as it may be staggered in rows among other contractor brochures in the rack. County shall not store additional flyers for Contractor inside the vestibule storage space. County shall not display material to promote other individuals, groups or organizations affiliated with or sponsored by Contractor. If the space in the vestibule rack is requested and designated, but is consistently not used or kept re-stocked, County reserves the right to discontinue exclusive use of the space and the space shall return to County for its own use.
13. On a monthly basis, Contractor may promote one (1) event through its weekly "County Line" e-newsletter which is e-mailed to subscribers on Fridays. Text must be no more than thirty (30) words and contain time, date, location and either a webpage link, phone number or email for the event organizer. Text must be received no later than 8:00 a.m. on the Wednesday before Friday publication in order for it to be included in that week's edition. Text may be modified by the e-newsletter editor for style or content in order to meet newsletter publication guidelines. Text shall only be included once in the newsletter per event, and shall only promote events no more than fourteen (14) days prior to the start of the event. County shall not promote events for other individuals, groups or organizations affiliated with or sponsored by Contractor.

SECTION D. TERM: The term of this Agreement shall commence May 8, 2019 and shall continue through June 30, 2026, unless sooner terminated, as provided herein. At County's sole option the Agreement may be renewed for (1) one-year period, unless sooner terminated, as provided therein.

SECTION E. COMPENSATION:

- 1. Amount of Compensation.** County shall pay compensation for performance of the Services in an amount not to exceed ONE HUNDRED FIFTY THOUSAND DOLLARS, (\$150,000.00) per year, which amount does not include applicable New Mexico gross receipts taxes ("NMGRT"). Compensation shall be paid in accordance with the rate schedule set out in Exhibit "A," attached hereto and made a part hereof for all purposes as Exhibit "A."

Total compensation for the performance of the Services for the County's Fiscal Year 2019 through Fiscal Year 2026, with a possible extension for Fiscal Year 2027, shall not exceed ONE MILLION FIFTY THOUSAND DOLLARS (\$1,050,000.00), which amount does not include applicable NMGRT.

In addition, County shall provide Contractor in kind contribution through the use of the Facility which has an estimated annual value inclusive of rent, utilities, and common area maintenance of the premises for a total estimated annual value of FIFTY SIX THOUSAND SEVEN HUNDRED EIGHTY-SIX DOLLARS AND FIFTEEN CENTS (\$56,786.15).

- 2. Monthly Invoices.** Contractor shall submit monthly invoices to the County's Community Services Department, Social Services Division, showing amount of compensation due and the amounts spent for program expenses including but not limited to operating expenses in accordance with Exhibit "A". Payment of undisputed amounts shall be due and payable within thirty (30) days from County's receipt of the invoice(s).
- 3. Revenues:** Any revenues received will remain with the Contractor, and will be appropriately documented in quarterly reports to identify revenue sources (indigent, self-pay, or insurance of any form). Revenues include any compensation received from self-pay (sliding scale) patients and as well as any income received after charging insurances. These revenues are independent of compensation received from Los Alamos County.

SECTION F. TAXES: Contractor shall be solely responsible for timely and correctly billing, collecting and remitting all NMGRT levied on the amounts payable under this Agreement.

SECTION G. STATUS OF CONTRACTOR, STAFF, AND PERSONNEL: This Agreement calls for the performance of services by Contractor as an independent contractor. Contractor is not an agent or employee of County and will not be considered an employee of County for any purpose. Contractor, its agents or employees shall make no representation that they are County employees, nor shall they create the appearance of being employees by using a job or position title on a name plate, business cards, or in any other manner, bearing County's name or logo. Neither Contractor nor any employee of Contractor shall be entitled to any benefits or compensation other than the compensation specified herein. Contractor shall have no authority to bind County to any agreement, contract, duty or obligation. Contractor shall make no representations that are intended to, or create the appearance of, binding County to any agreement, contract, duty, or obligation. Contractor shall have full power to continue any outside employment or business, to employ and discharge its employees or associates as it deems appropriate without interference from County; provided, however, that Contractor shall at all times during the term of this Agreement maintain the ability to perform the obligations in a professional, timely and reliable manner.

SECTION H. STANDARD OF PERFORMANCE: Contractor agrees and represents that it has and will maintain the personnel, experience and knowledge necessary to qualify it for the particular duties to be performed under this Agreement. Contractor shall perform the Services described herein in accordance with a standard that meets the industry standard of care for performance of the Services.

SECTION I. DELIVERABLES AND USE OF DOCUMENTS: All deliverables required under this Agreement, including material, products, reports, policies, procedures, software improvements, databases, and any other products and processes, whether in written or electronic form, shall remain the exclusive property of and shall inure to the benefit of County as works for hire; Contractor shall not use, sell, disclose, or obtain any other compensation for such works for hire. In addition, Contractor may not, with regard to all work, work product, deliverables or works for hire required by this Agreement, apply for, in its name or otherwise, any copyright, patent or other property right and acknowledges that any such property right created or developed remains the exclusive right of County. Contractor shall not use deliverables in any manner for any other purpose without the express written consent of County.

SECTION J. EMPLOYEES AND SUB-CONTRACTORS: Contractor shall be solely responsible for payment of wages, salary or benefits to any and all employees or contractors retained by Contractor in the performance of the Services. Contractor agrees to indemnify, defend and hold harmless County for any and all claims that may arise from Contractor's relationship to its employees and subcontractors.

SECTION K. INSURANCE: Contractor shall obtain and maintain insurance of the types and in the amounts set out below throughout the term of this Agreement with an insurer acceptable to County. Contractor shall assure that all subcontractors maintain like insurance. Compliance with the terms and conditions of this Section is a condition precedent to County's obligation to pay compensation for the Services and Contractor shall not provide any Services under this Agreement unless and until Contractor has met the requirements of this Section. County requires Certificates of Insurance or other evidence acceptable to County that Contractor has met its obligation to obtain and maintain insurance and to assure that subcontractors maintain like insurance. Should any of the policies described below be cancelled before the expiration date thereof, notice will be delivered in accordance with the policy provisions. General Liability Insurance and Automobile Liability Insurance shall name County and Boomtown as an additional insured.

1. **General Liability Insurance:** ONE MILLION DOLLARS (\$1,000,000.00) combined single limit per occurrence; TWO MILLION DOLLARS (\$2,000,000.00) aggregate.
2. **Workers' Compensation:** In an amount as may be required by law. County may immediately terminate this Agreement if Contractor fails to comply with the Worker's Compensation Act and applicable rules when required to do so.
3. **Automobile Liability Insurance for Contractor and its Employees:** ONE MILLION DOLLARS (\$1,000,000.00) combined single limit per occurrence; TWO MILLION DOLLARS (\$2,000,000.00) aggregate on any owned, and/or non-owned motor vehicles used in performing Services under this Agreement.
4. **Professional Liability Insurance:** Insured by a policy of medical malpractice liability insurance in the minimum amount of ONE MILLION DOLLARS (\$1,000,000) per occurrence or per claim, with ONE MILLION DOLLARS (\$1,000,000) annual aggregate.

SECTION L. RECORDS: Contractor shall maintain, throughout the term of this Agreement and for a period of six (6) years thereafter, records that indicate the date, time, and nature of the services rendered. Contractor shall make available, for inspection by County, all records, books of account, memoranda, and other documents pertaining to County at any reasonable time upon request.

SECTION M. APPLICABLE LAW: Contractor shall abide by all applicable federal, state and local laws, regulations, and policies and shall perform the Services in accordance with all applicable laws, regulations, and policies during the term of this Agreement. In any lawsuit or legal dispute arising from the operation of this Agreement, Contractor agrees that the laws of the State of New Mexico shall govern. Venue shall be in the First Judicial District Court of New Mexico in Los Alamos County, New Mexico.

SECTION N. NON-DISCRIMINATION: During the term of this Agreement, Contractor shall not discriminate against any employee or applicant for an employment position to be used in the performance of the obligations of Contractor under this Agreement, with regard to race, color, religion, sex, age, ethnicity, national origin, sexual orientation or gender identity, disability or veteran status.

SECTION O. INDEMNITY: Contractor shall indemnify, hold harmless and defend County, its Council members, employees, agents and representatives, from and against all liabilities, damages, claims, demands, actions (legal or equitable), and costs and expenses, including without limitation attorneys' fees, of any kind or nature, arising from Contractor's performance hereunder or breach hereof and the performance of Contractor's employees, agents, representatives and subcontractors.

SECTION P. FORCE MAJEURE: Neither County nor Contractor shall be liable for any delay in the performance of this Agreement, nor for any other breach, nor for any loss or damage arising from uncontrollable forces such as fire, theft, storm, war, or any other force majeure that could not have been reasonably avoided by exercise of due diligence.

SECTION Q. NON-ASSIGNMENT: Contractor may not assign this Agreement or any privileges or obligations herein without the prior written consent of County.

SECTION R. LICENSES: Contractor shall maintain all required licenses including, without limitation, all necessary professional and business licenses, throughout the term of this Agreement. Contractor shall require and shall assure that all of Contractor's employees and subcontractors maintain all required licenses including, without limitation, all necessary professional and business licenses.

SECTION S. PROHIBITED INTERESTS: Contractor agrees that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of its services hereunder. Contractor further agrees that it will not employ any person having such an interest to perform services under this Agreement. No County Council member or other elected official of County, or manager or employee of County shall solicit, demand, accept or agree to accept a gratuity or offer of employment contrary to Section 31-282 of the Los Alamos County Code.

SECTION T. TERMINATION:

1. **Generally.** County may terminate this Agreement with or without cause upon ten (10) days prior written notice to Contractor. Upon such termination, Contractor shall be paid for Services actually completed to the satisfaction of County at the rate set out in Section C. Contractor shall render a final report of the Services performed to the date of termination and shall turn over to County originals of all materials prepared pursuant to this Agreement.
2. **Funding.** This Agreement shall terminate without further action by County on the first day of any County fiscal year for which funds to pay compensation hereunder are not appropriated

by County Council. County shall make reasonable efforts to give Contractor at least ninety (90) days advance notice that funds have not been and are not expected to be appropriated for that purpose.

SECTION U. NOTICE: Any notices required under this Agreement shall be made in writing, postage prepaid to the following addresses, and shall be deemed given upon hand delivery, verified delivery by telecopy (followed by copy sent by United States Mail), or three (3) days after deposit in the United States Mail:

County:

Social Services Manager
Incorporated County of Los Alamos
1505 15th Street, Suite A
Los Alamos, New Mexico 87544

Contractor:

Andrea Sandoval, Executive Director
Las Clinicas Del Norte, Inc.
Hwy 571 Building # 28, P.O. Box 237
El Rito, New Mexico 87530

SECTION V. INVALIDITY OF PRIOR AGREEMENTS: This Agreement supersedes all prior contracts or agreements, either oral or written, that may exist between the parties with reference to the services described herein and expresses the entire agreement and understanding between the parties with reference to said services. It cannot be modified or changed by any oral promise made by any person, officer, or employee, nor shall any written modification of it be binding on County until approved in writing by both County and Contractor.

SECTION W. CAMPAIGN CONTRIBUTION DISCLOSURE FORM: A Campaign Contribution Disclosure Form was submitted as part of the Contractor's Response and is incorporated herein by reference for all purposes. This Section acknowledges compliance with Chapter 81 of the Laws of 2006 of the State of New Mexico.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date(s) set forth opposite the signatures of their authorized representatives to be effective for all purposes on the date first written above.

ATTEST

INCORPORATED COUNTY OF LOS ALAMOS

NAOMI D. MAESTAS
COUNTY CLERK

BY: _____
HARRY BURGESS **DATE**
COUNTY MANAGER

Approved as to form:

J. ALVIN LEAPHART
COUNTY ATTORNEY

LAS CLINICAS DEL NORTE, INC., A NEW MEXICO NON-PROFIT CORPORATION

BY: _____
ANDREA SALAZAR **DATE**
EXECUTIVE DIRECTOR

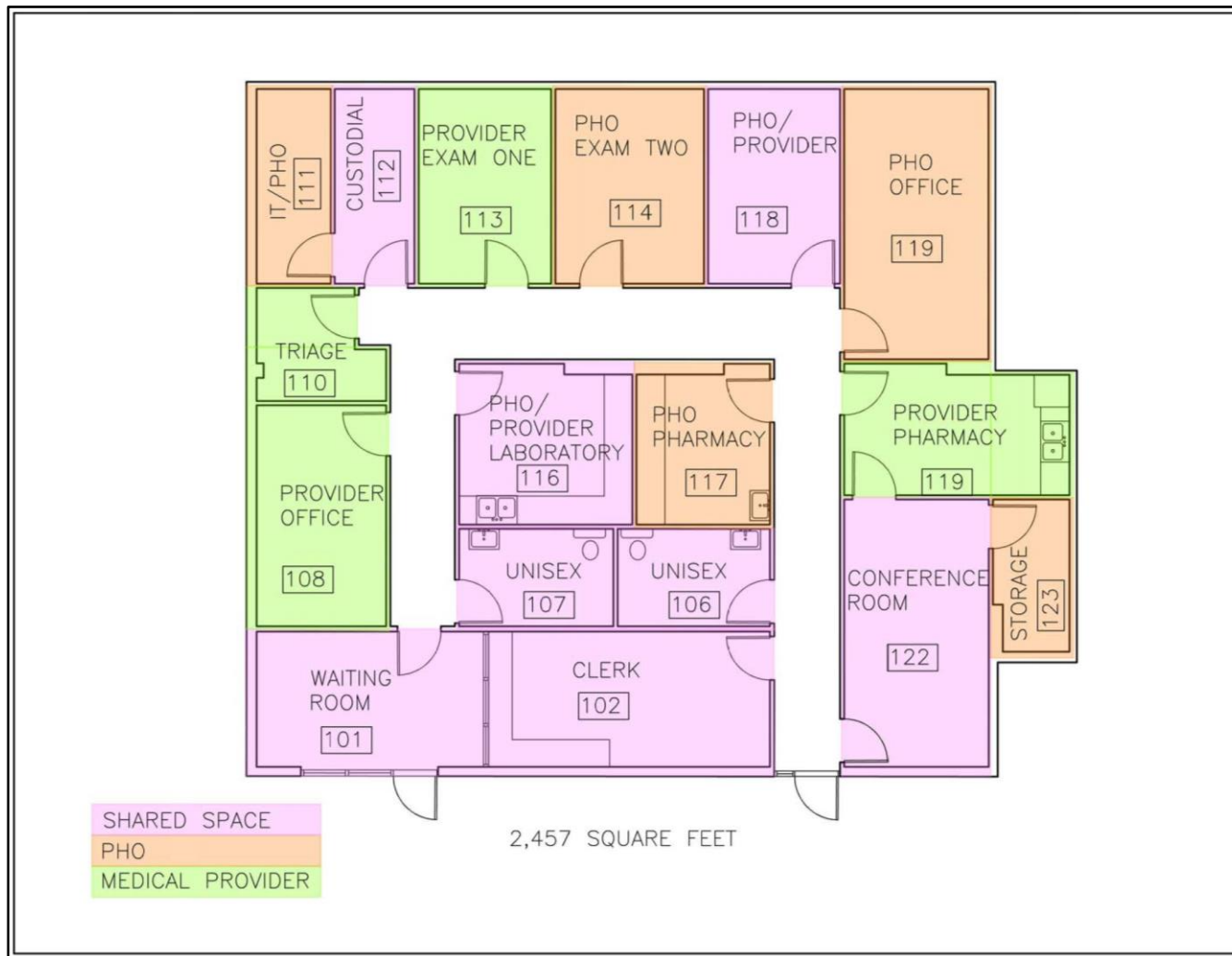
Exhibit "A"
Compensation Rate Schedule
AGR19-35

The total amount of compensation for the contract periods listed below shall not exceed the amount listed in each column. (Amounts from one contract period shall not carry over to the next period.)

For the Contract Period	General Operating	Quarterly Costs	Total Compensation shall not exceed:
5/1/2019 through 6/30/2020	\$150,000.00	\$37,500	\$150,000.00
7/1/2020 through 6/30/2021	\$150,000.00	\$37,500	\$150,000.00
7/1/2021 through 6/30/2022	\$150,000.00	\$37,500	\$150,000.00
7/1/2022 through 6/30/2023	\$150,000.00	\$37,500	\$150,000.00
7/1/2023 through 6/30/2024	\$150,000.00	\$37,500	\$150,000.00
7/1/2024 through 6/30/2025	\$150,000.00	\$37,500	\$150,000.00
7/1/2025 through 6/30/2026	\$150,000.00	\$37,500	\$150,000.00
TOTAL	\$1,050,000.00		\$1,050,000

Indirect Compensation: County shall provide use of the Facility with an estimated annual value inclusive of rent, utilities, and common area maintenance of the premises for a total estimated annual value of FIFTY-SIX THOUSAND SEVEN HUNDRED EIGHTY-SIX DOLLARS AND FIFTEEN CENTS (\$56,786.15)

Exhibit "B"
Floor Plan
Health Commons Space
1183 Diamond Drive, Unit D, Los Alamos, New Mexico 87544
AGR19-35





County of Los Alamos

Staff Report

May 07, 2019

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.: C.

Index (Council Goals): * 2019 Council Goal - Other

Presenters: Bob Westervelt, Deputy Utilities Manager - Finance/Admin

Legislative File: RE0402-19

Title

Incorporated County of Los Alamos Resolution No.19-05; A Resolution Relating to the Natural Gas Supply Agreement Between the Incorporated County of Los Alamos and the New Mexico Municipal Energy Acquisition Authority, As Amended by a First Amendment; Authorizing Action Necessary or Advisable to Obtain a Gas Discount Pursuant to the Supply Agreement, As Amended, Including the Execution and Delivery of Certificates and Agreements Relating to the Foregoing; Ratifying, Approving and Confirming Prior Action Taken Related to the Foregoing; and Repealing Action Inconsistent Herewith

Recommended Action

I move that Council approve Incorporated County of Los Alamos Resolution No.19-05; A Resolution Relating to the Natural Gas Supply Agreement Between the Incorporated County of Los Alamos and the New Mexico Municipal Energy Acquisition Authority, As Amended by a First Amendment; Authorizing Action Necessary or Advisable to Obtain a Gas Discount Pursuant to the Supply Agreement, As Amended, Including the Execution and Delivery of Certificates and Agreements Relating to the Foregoing; Ratifying, Approving and Confirming Prior Action Taken Related to the Foregoing; and Repealing Action Inconsistent Herewith.

Utilities Manager Recommendation

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

Board, Commission or Committee Recommendation

The Board of Public Utilities recommends that Council approve the motion as presented.

Body

In 2009, the Department entered into a gas prepay arrangement through The New Mexico Municipal Energy Acquisition Authority (NMMEAA) for approximately 80% of our historical gas usage. Although all of our gas is purchased at the first of the month San Juan index price, the prepay arrangement generates a discount on those purchases. NMMEAA has one gas supply contract, the special 2009 prepaid gas contract with Royal Bank of Canada (RBC). RBC has entered into an interest rate swap transaction through which RBC is able to use the rate difference between taxable and nontaxable securities to generate the discount.

Under section 7.02(c)(1) of the original Prepay Agreement, RBC was allowed to terminate the agreement upon a change to regulatory or accounting regulations which materially adversely affects the economics of the transaction. By letter to NMMEAA's General Council dated October 1, 2013, NMMEAA received notice of RBC's opinion that RBC had the legal right to terminate

the 2009 prepayment transaction, based upon changes to the Canadian banking regulations known as the Basel III Accord. In November 2013 RBC met with NMMEAA and proposed a restructuring that would maintain the relationship and provide for a continuing discount, although somewhat more modest than the discount previously available.

The original agreement locked the participants into a set discount formula for the term of the agreement, originally 30 years. The revised agreement adopted in 2014 was for a five-year term. This gave both RBC and the NMMEAA participants to opportunity to seek other alternatives every five to seven years should market conditions change. If the revised deal is still economically viable, renewal is possible. If conditions have changed, the deal can be collapsed and NMMEAA or the participants can seek other market opportunities.

After conducting appropriate due diligence, the NMMEAA Board is prepared to proceed with renewal of the revised deal. Because of fluctuating market conditions, both in markets for taxable and tax-exempt bonds, and in the gas commodity futures market, the exact discount available cannot be determined until within days of actual closing. Thus, the resolution presented includes language that the transaction will not close unless the NMMEAA Board receives written representation from the Board's Financial Advisor on the deal, The Majors Group, that the discount offered meets or exceeds any potential alternative discount that may be obtained from other sources. The Majors Group represented NMMEAA as Financial Advisor both in the original deal in 2009 and in the restructuring in 2014 and has thorough knowledge and understanding of the industry and Gas Prepay Agreements such as this.

There is mention in the resolution of a "2019 New Money Transaction". This is an option under investigation by RBC and the NMMEAA Board, whereby the transaction could be extended to achieve an additional discount on current and future gas purchases. This is available because interest rates in 2014 were significantly lower than in 2009 when the original bonds were issued, so more of the payments made went to principle, shortening the remaining term of the deal. Although to a lesser degree, the same has occurred with the 2014 refinancing. RBC has proposed issuing new, additional bonds, increasing the prepaid gas quantities, and extending the gas supply agreement back out to the original term, which action would provide a few more cents per therm potential discount on the entire deal. The Tax Attorneys on the Bond Issue have indicated that under certain circumstances such action would not affect the tax-exempt status of the NMMEAA Bonds upon which the economics of the deal are based. NMMEAA, RBC, the Tax Attorneys, NMMEAA's general Counsel, and The Majors Group are evaluating the proposal and would move forward only if doing so would be in the best economic interests of the participants. The language in the resolution simply provides for proceeding with the "New Money Transaction", and any requisite amendment to the Gas Supply Agreement, should such extension be determined feasible and beneficial.

Alternatives

Should the County elect not to adopt the resolution and participate in the refinancing and potential extension, the alternative is to make a Remarketing Election, essentially withdrawing from the deal, and simply accept market prices with no discount, or pursue other potential prepay arrangements with other counterparties.

Fiscal and Staff Impact

While, as noted, it is not possible to know the exact fiscal impact until at or near closing, NMMEAA has taken steps to ensure the discount offered will be the best reasonably attainable

for this type of prepay transaction. Historic savings to Los Alamos from the original and the restructured deal are shown on Attachment 2. It would be reasonable to expect savings to the rate payers along the lines of those seen since the 2014 restructuring.

Attachments

A - Resolution 19-05 Relating to the NMMEAA Gas Supply Agreement

B - Life to date savings derived from the prepay agreement

INCORPORATED COUNTY OF LOS ALAMOS RESOLUTION NO. 19-05

A RESOLUTION RELATING TO THE NATURAL GAS SUPPLY AGREEMENT BETWEEN THE INCORPORATED COUNTY OF LOS ALAMOS AND THE NEW MEXICO MUNICIPAL ENERGY ACQUISITION AUTHORITY, AS AMENDED BY A FIRST AMENDMENT; AUTHORIZING ACTION NECESSARY OR ADVISABLE TO OBTAIN A GAS DISCOUNT PURSUANT TO THE SUPPLY AGREEMENT, AS AMENDED, INCLUDING THE EXECUTION AND DELIVERY OF CERTIFICATES AND AGREEMENTS RELATING TO THE FOREGOING; RATIFYING, APPROVING AND CONFIRMING PRIOR ACTION TAKEN RELATED TO THE FOREGOING; AND REPEALING ACTION INCONSISTENT HEREWITH

WHEREAS, the Incorporated County of Los Alamos ("County") is an incorporated county organized and existing pursuant to the laws of the State of New Mexico ("State"); and

WHEREAS, the County, through its Department of Public Utilities, owns and operates a natural gas distribution utility system ("Gas Utility") that supplies gas to customers of the Gas Utility within the boundaries of, or in proximity to, County; and

WHEREAS, the County, in November 2009 and in resolution number 08-19, entered into a natural gas supply agreement ("Gas Supply Agreement") for the County's Gas Utility with the New Mexico Municipal Energy Acquisition Authority ("Authority"), a joint powers authority organized pursuant State law for the purpose of financing and acquiring long-term natural gas supplies for its public body member and contract purchasers, including the County; and

WHEREAS, on July 8, 2014, the County Council approved by resolution, Resolution No. 14-11, the first amendment to the Gas Supply Agreement ("Amended Gas Supply Agreement"); and

WHEREAS, the natural gas deliveries made by the Authority to County pursuant to the Amended Gas Supply Agreement were financed with proceeds of the Authority's Gas Supply Revenue Bonds, Series 2014 ("2014 Bonds"); and

WHEREAS, the Authority's 2014 Bonds are subject to mandatory redemption on August 1, 2019, and must be refinanced in order to enable the Authority to continue to deliver natural gas to County at a discount pursuant to the Amended Gas Supply Agreement; and

WHEREAS, the Amended Gas Supply Agreement provides that County may elect to have all or a portion of its Daily Contract Quantities (as defined in the Amended Gas Supply Agreement) remarketed for the remaining term in the event that the Available Discount, as defined in the Amended Gas Supply Agreement, is less than the Minimum Discount of THIRTY-SEVEN CENTS (\$0.37) per MMBtu (a "Remarketing Election"); and

WHEREAS, the amount of discount that shall be available through the refunding and refinancing of the 2014 Bonds (the "2019 Refunding Transaction") is a function of the pricing and

final terms of the 2019 Refunding Bonds under the bond market conditions in effect on the day of pricing of the 2019 Refunding Bonds and shall be determined at the time that the 2019 Refunding Bonds are sold to Royal Bank of Canada ("Gas Supplier"); and

WHEREAS, the available discount will be increased by extending term of the Amended Gas Supply Agreement for up to an additional 10 years and providing for the delivery of additional volumes of natural gas through the issuance by the Authority of bonds to finance the prepayment for those additional volumes (the "2019 New Money Transaction" and, together with the 2019 Refunding Transaction, the "2019 Transaction"); and

WHEREAS, the 2019 Refunding Transaction cannot proceed if County makes a Remarketing Election; and

WHEREAS, in connection with the 2019 Refunding Transaction, it shall be necessary for authorized officer of County to execute and deliver certain closing certificates and agreements, including but not necessarily limited to, a general County certificate and a continuing disclosure certificate or agreement, and such other certificates and agreements that may be necessary or appropriate to County's participation with the Authority, including such certificates and agreements which may be reasonably requested in connection with the Bonds issued by the Authority ("Closing Documentation"); and

WHEREAS, the Authority retained the Majors Group as its Municipal Advisor in connection with the issuance of the 2014 Bonds, and has retained the Majors Group for the 2019 Refunding Transaction; and

WHEREAS, the Council desires to authorize the execution, delivery and performance by County of the Closing Documentation; and

WHEREAS, it is in the best interest of County and its residents that County not make a Remarketing Election if the conditions specified in Section 3 of this Resolution are satisfied.

NOW, THEREFORE, be it resolved by the County Council that:

Section 1. Determination of Best Interest of Los Alamos Gas Utility. The County Council finds and hereby determines that it is in the best interest of County and its Gas Utility customers for the County to continue to obtain a discount to its natural gas costs, and that terminating deliveries of natural gas from the Authority by making a Remarketing Election is not in the best interest of County if the discount is reasonable based on current market conditions.

Section 2. Delegation of Authority to Effect the 2019 Refunding Transaction. The Utilities Manager is hereby authorized and directed to take all action necessary or appropriate under the Amended Gas Supply Agreement and in connection with the Remarketing Election, to effectuate the 2019 Refunding Transaction, including, without limiting the generality of the

foregoing, the execution of the Closing Documentation, subject to the provisions of Section 3 of this Resolution.

Section 3. No Remarketing Election upon Satisfaction of Condition. The County will not make a Remarketing Election if, at the time that the final terms of the 2019 Refunding Transaction are established, the Majors Group, as Municipal Advisor to the Authority, provides a written opinion, addressed to the Authority and County (which may include the other member-local governments of the Authority), certifying that the new discount amount is comparable to the highest discount reasonably achievable under then-current market conditions and is otherwise in the best interests of the Authority and County as such interests are understood by the Majors Group.

Section 4. Ratification. All prior action of County and the respective officers, agents or employees of County taken in connection with the Closing Documentation is hereby ratified, approved and confirmed, except to the extent that such action is inconsistent with the provisions of this Resolution or the authorization contained herein to execute and deliver the Closing Documentation.

Section 5. Severability. If any section, paragraph, clause or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this resolution.

Section 6. Repealer. All resolutions or parts, thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution, or part thereof, heretofore repealed.

Section 7. Limited Obligations. All financial obligations incurred hereunder are limited to revenues of County's Gas Utility.

Section 8. Effective Date. This Resolution shall be effective immediately upon adoption by the County Council.

PASSED AND ADOPTED this _____ day of May, 2019.

**COUNCIL OF THE INCORPORATED COUNTY
OF LOS ALAMOS, NEW MEXICO**

**Sara C. Scott,
Council Chair**

ATTEST: (Seal)

**Naomi D. Maestas,
Los Alamos County Clerk**

Los Alamos	
9-Oct	0
9-Nov	90,000
9-Dec	137,981
10-Jan	129,983
10-Feb	112,000
10-Mar	93,992
10-Apr	51,990
10-May	30,008
10-Jun	15,000
10-Jul	15,004
10-Aug	17,980
10-Sep	21,000

714,938 \$ 0.2000 \$ 142,987.60
rate stabilization rebate \$ -
total \$ 142,987.60

10-Oct	59,985
10-Nov	90,000
10-Dec	137,981
11-Jan	129,983
11-Feb	112,000
11-Mar	90,496
11-Apr	51,990
11-May	30,008
11-Jun	15,000
11-Jul	15,004
11-Aug	17,980
11-Sep	21,000

771,427 \$ 0.2000 \$ 154,285.40
rate stabilization rebate \$ 178,303.00
total \$ 332,588.40

11-Oct	59,985
11-Nov	90,000
11-Dec	137,981
12-Jan	129,983
12-Feb	116,000
12-Mar	93,992
12-Apr	51,990
12-May	30,008
12-Jun	15,000
12-Jul	15,004
12-Aug	17,980
12-Sep	21,000

778,923 \$ 0.2000 \$ 155,784.60
rate stabilization rebate \$ 233,677.00
total \$ 389,461.60

12-Oct	59,985
12-Nov	90,000
12-Dec	137,981
13-Jan	129,983
13-Feb	112,000
13-Mar	93,992
13-Apr	51,990
13-May	30,008
13-Jun	15,000
13-Jul	15,004
13-Aug	17,980
13-Sep	21,000

774,923 \$ 0.2000 \$ 154,984.60
rate stabilization rebate \$ 222,787.00
total \$ 377,771.60

13-Oct	59,985
13-Nov	90,000
13-Dec	137,981
14-Jan	129,983
14-Feb	112,000
14-Mar	93,992
14-Apr	51,990
14-May	30,008
14-Jun	15,000
14-Jul	15,004

735,943 \$ 0.2000 \$ 147,188.60
rate stabilization rebate \$ 95,206.00 est
total \$ 242,394.60 est

Los Alamos	
14-Aug	17,980
14-Sep	21,000

38,980 \$ 0.2894 \$ 11,280.81

14-Oct	59,985
14-Nov	90,000
14-Dec	137,981
15-Jan	129,983
15-Feb	112,000
15-Mar	93,992
15-Apr	51,990
15-May	30,008
15-Jun	15,000
15-Jul	15,004
15-Aug	17,980
15-Sep	21,000

774,923 \$ 0.2894 \$ 224,262.72

15-Oct	59,985
15-Nov	90,000
15-Dec	137,981
16-Jan	129,983
16-Feb	116,000
16-Mar	93,992
16-Apr	51,990
16-May	30,008
16-Jun	15,000
16-Jul	15,004
16-Aug	17,980
16-Sep	21,000

778,923 \$ 0.2894 \$ 225,420.32

16-Oct	59,985
16-Nov	90,000
16-Dec	137,981
17-Jan	129,983
17-Feb	112,000
17-Mar	93,992
17-Apr	51,990
17-May	30,008
17-Jun	15,000
17-Jul	15,004
17-Aug	17,980
17-Sep	21,000

774,923 \$ 0.2894 \$ 224,262.72

17-Oct	59,985
17-Nov	90,000
17-Dec	137,981
18-Jan	129,983
18-Feb	112,000
18-Mar	93,992
18-Apr	51,990
18-May	30,008
18-Jun	15,000
18-Jul	15,004
18-Aug	17,980
18-Sep	21,000

774,923 \$ 0.2894 \$ 224,262.72

18-Oct	59,985
18-Nov	90,000
18-Dec	137,981
19-Jan	129,983
19-Feb	112,000
19-Mar	93,992

623,941 \$ 0.2894 \$ 180,568.53

total to date \$ 2,349,841.29



County of Los Alamos

Staff Report

May 07, 2019

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.: D.

Index (Council Goals):

Presenters: Harry Burgess

Legislative File: 11754-19

Title

Consideration of the Jim Billen Trail Naming Committee's recommendation regarding a petition to name a segment of the Pueblo Canyon Rim Trail as the Jim Billen Trail

Recommended Action

I move that Council accept the recommendation of the Naming Committee and name a segment of the Pueblo Canyon Rim Trail, shown in Attachment C, as the Jim Billen Trail. I further move that the Parks Division work with petitioner Irene Powell and Mary Billen on the content and wording of a suitable plaque that can be constructed at the trail segment, to recognize and honor the contributions of Jim Billen in building this segment of trail.

County Manager's Recommendation

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

Body

On February 12, 2019, the County Council requested that the County Manager's office appoint a committee to consider the above-referenced petition. Composition of a naming committee for a County facility (in this situation, a trail) is dictated in County Code Sections 2-241 and 2-422. The Jim Billen Trail Naming Committee - composed of two citizens, one business, one member of the Parks & Recreation Board and one member of the Planning & Zoning Commission - convened a public hearing on Thursday, April 25, 2019. Additional background on the committee and petition used as the basis for the public hearing may be found in Attachment A. Irene Powell, the petitioner, as well as Mary Billen (wife of Jim Billen) addressed the committee regarding the merits of their request. Several members of the audience spoke at the public hearing in support of the petition. Additional written public comments received prior to the hearing were read into the record (Attachment B). After discussing the request, the Committee voted unanimously to rename the segment of the Pueblo Canyon Rim Trail (shown in Attachment C) after Jim Billen. The motion is shown below and the minutes of the public hearing may be found in Attachment D.

Fiscal and Staff Impact/Unplanned Item

The cost of the plaque is a fiscal impact on the Parks Division budget. Time spent to develop, order and construct the plaque at the site, along with conducting an appropriate dedication ceremony for the family and friends of Jim Billen, is a staff impact.

Attachments

- A - Background document distributed at April 25, 2019 Public Hearing
- B - Written public comments rec'd prior to Public Hearing
- C - Map showing the proposed Jim Billen Trail segment of the Pueblo Canyon Rim Trail

D - Minutes of the April 25, 2019 Public Hearing

April 25, 2019: Public Hearing for the

“Jim Billen Trail” Naming Petition

Who submitted the petition?

The request and petition were submitted to the County Clerk on Nov. 14, 2018 by resident Irene Powell. She submitted a petition of at least 25 Los Alamos registered voters as required under County Code Article V, "Special Recognition of Persons and Historical Events and Naming of Public Facilities," Sections 2-421 and 2-422.

The Parks and Recreation Board considered Powell's request at its December 13, 2018 Board meeting and took action to support the naming of a portion of Pueblo Canyon Rim Trail in memory of Jim Billen. On Feb. 12, 2019, the County Council subsequently considered Powell's petition and requested that the County convene a public hearing to consider comments "for" and "against" the petition, as defined in the Code.

Why do the petitioners want to name a segment of the Pueblo Canyon Rim Trail after Jim Billen?

The below information was supplied to the County by the Petitioner:

Jim moved to Los Alamos in 1983 and was a resident for 35 years. He worked on this segment of trail for at least six years. According to his wife, Mary, Jim also worked across the canyon on a trail, but Craig Martin wanted him to work on this other trail. He served on the Los Alamos Opera Guild. He was an employee of LANL.

Who are the Committee members?

In accordance with the requirements of the County Code, an impartial committee shall be convened for the Public Hearing, representing the following:

Julie Habiger, County Public Information Officer (for the County Manager – non voting)

Terry Priestley (for the Planning & Zoning Commission)

Don Ulrich (for the Parks & Recreation Board)

Kyle Wheeler, citizen

Steve Whittemore, citizen

David Jolly, business owner

What is the next step after the Public Hearing?

The Committee will consider all comments and vote to make a recommendation at the close of the public hearing. The Committee's recommendation and minutes of the hearing will be submitted to the Council at their Tuesday, May 7th Council meeting (6 p.m. in Council Chambers, Los Alamos).

Has the County named other trails after a deceased individual?

Yes. A portion of the Quemazon Nature Trail was re-named the Satch Cowan Trail in 2012.

917 Circle Drive
Los Alamos, NM 87544
April 11, 2019


Julie Habiger
L.A. County Public Information Officer
1000 Central Ave., Ste. 350
Los Alamos, NM 87544

Julie:

I am writing to wholeheartedly support the renaming of a segment of the Pueblo Canyon Rim Trail to the Jim Billen Trail. I knew Jim during the final physically difficult years of his life and am amazed that he had dedicated so many years of love and hard work to creating that wonderful trail. It is a scenic trail which my dog and I have enjoyed, along with countless other Los Alamos residents.

Jim definitely deserves this legacy and honor, and it will mean so much to all who were privileged to know and love him. I strongly urge support of this project. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Ruth Williamson".

Ruth Williamson
917 Circle Drive
Los Alamos, NM 87544

LACManager

From: Ed Birnbaum <ed@chelsea.net>
Sent: Friday, April 19, 2019 8:22 AM
To: LACManager
Subject: naming of Billen trail

I only met Jim Billen a few years ago when he was already in the grip of the terrible disease that took his life. Even then, he was always cheerful and exhibited great courage in continuing to be active in spite of the debilitating effects of the disease.

Everything I have heard about Jim confirms the efforts he made to improve the trail that is now suggested be named after him.

However, I do not believe that anything should be named after a person, unless in the future, such a person will be easily recognized in the history books written about New Mexico, the United States or the World.

We already have a "Duane Smith" auditorium and a "Larry Walkup" aquatics center. Although I'm sure the families of these people who were honored with the name displayed appreciate the recognition, I doubt that anyone new to Los Alamos has any idea why these buildings carry these names, or what they did to deserve them.

I would be fine with the "Los Alamos High School Auditorium" and the "Los Alamos County Aquatic Center".

So as a general rule, I would discourage any such naming action, and certainly not until 5 years after the person has passed away.

Thank you.

Ed Birnbaum

--

=====
May I deal with Honor
May I act with Courage
May I achieve Humility
(from "Straight" by Dick Francis)

=====
NOTICE OF CONFIDENTIALITY:
This e-mail message and any attachments are
intended solely for the use of the addressee hereof.

LACManager

From: Ruth Lier <rlier@juno.com>
Sent: Thursday, April 18, 2019 12:58 PM
To: LACManager
Subject: Jim Billen Trail Name

Oops. Please insert Pueblo Canyon "Rim" into trail name...thanks,. Ruth Lier.

Dear Committee,
I support the naming of a portion of the Pueblo Canyon trail, "The Jim Billen Trail."

My deceased Triathlete husband, Doug Lier, enjoyed running the unimproved trail to the airport for many years. He would be pleased to learn it would be named after Jim, who spent his personal time to improve the trail for all to enjoy not just the elite runners of our community.

Thank you for approving the proposition.
Ruth H. Lier (Los Alamos resident 68 years)
Email: rlier@juno.com
Phone: 662-7114

923 Circle Drive
Los Alamos, NM 87544

Sent from my iPad

US MD: "I Beg Americans To Throw Out This Veg Now"
dr-pedre-md.com
<http://thirdpartyoffers.juno.com/TGL3141/5cb8c8c8f405b48c84a78st02vuc>

LACManager

From: Jean Dewart <jdewart@q.com>
Sent: Wednesday, April 17, 2019 7:45 PM
To: LACManager
Subject: Jim Billen trail name

I support the citizen petition to re-name a segment of the Pueblo Canyon Rim Trail as the "Jim Billen Trail."

He did the work to build this trail, I think it is appropriate to honor his effort.

thank you.

Jean Dewart
300 Manhattan Loop

LACManager

From: Greg Kendall <kendall.greg@gmail.com>
Sent: Wednesday, April 17, 2019 3:06 PM
To: LACManager
Subject: Support for the Jim Billen Trail (renaming)

I strongly support renaming the Pueblo Canyon Rim Trail to the Jim Billen Trail.

My wife and I use to hike the trail before he had even finished it. I saw him over two summers working that trail. I helped a bit at one point. He did an amazing job. This is a totally fitting tribute to Jim as without him that trail would not exist for certain. (He built it illegally but I am so glad he did. I hike it very often and is a most spectacular trail.)

I urge you strongly to support this name change!!!!

--

Thank you,
Greg Kendall
22 Short Dr., Los Alamos
505-412-3843

LACManager

From: Carole Watanabe <hatswata@gmail.com>
Sent: Tuesday, April 9, 2019 8:22 PM
To: LACManager
Subject: Jim Billen Trail

Jim worked at making this trail despite Parkinson's slowly taking a toll on his body physically. Such a commitment on his part should be recognized especially for the courage it took him to complete this trail.

Carole Watanabe
Sent from my iPad

LACManager

From: Terry Goldman <t.goldman@gmail.com>
Sent: Wednesday, April 10, 2019 10:36 AM
To: LACManager
Subject: Jim Billen trail

I most strongly support renaming this trail segment for Jim Billen, a fine man, a fine citizen, and a Los Alamos treasure. The language in the petition is very appropriate.

----- *Terry Goldman*
Los Alamos, NM
662-3371

The obscure we see eventually; the completely apparent takes longer. --- Edward R. Murrow

the re-naming of a segment of the trail for Jim Billen.

The following is the language in the petition regarding the request for renaming the segment:

"In memory of Jim Billen, the man who donated six years of his time and effort to build this segment of trail for all to enjoy."

LACManager

From: Mary Ann Lindahl <moonbeamx@comcast.net>
Sent: Wednesday, April 10, 2019 3:27 PM
To: LACManager
Subject: Jim Billen trail

Dear Sir:

I fully support naming the trail after Jim Billen. He worked tirelessly to complete the task. It is a fitting memorial to him.

Thanks,

Mary Ann Lindahl

201 San Juan St.

Los Alamos, NM 87544

LACManager

From: Patricia Archer <parcher_2002@yahoo.com>
Sent: Wednesday, April 17, 2019 8:42 AM
To: LACManager
Subject: Trails etc.

As a resident who was born here some 73 years ago, I believe Los Alamos should stop naming trails, buildings, fields and other places after people. Most residents have no idea who Sullivan was, Larry Walkup, Griffith, and so on. What is the point? Places that were named years ago should have an expiration.

Patricia Archer

LACManager

From: TomAnnette Hiteman <tahiteman@hotmail.com>
Sent: Wednesday, April 17, 2019 10:48 AM
To: LACManager
Cc: TomAnnette Hiteman
Subject: FOR Jim Billen trail

I am FOR the request to rename a trail after Jim Billen. He also built the lower portion of the East Fork Trail, an even greater achievement than his Pueblo Canyon Rim trail. Every time I visited him as he cut these trails he was the perfect gentleman. He undertook this public work to improve his health, greatly reducing his weight. His trails are better designed than the Zipline Trail (which was done by a crew). His work, motivation, and personality deserve to be recognized and remembered. Thank you for accepting my input. Tom Hiteman, 1066 Pinon Loop, 662-4757

LACManager

From: Sergey Kurennoy <Kurennoy@msn.com>
Sent: Tuesday, April 23, 2019 8:27 PM
To: LACManager
Subject: Support for proposed Jim Billen Trail

To Whom It May Concern:

This email is in support of renaming a segment of the Pueblo Canyon Rim Trail as the Jim Billen Trail. Unfortunately, I cannot attend the meeting on April 25, so I express my support by email.

I have worked at LANL with Jim Billen for more than 10 years and have a very high opinion of him both as a person and as a scientist. Jim put a lot of efforts to make the Canyon Rim Trail in what it is today.

From our home on North Mesa I can see across the canyon people walking, running, and riding bicycles along this trail every day. It would be great if they remember Jim. He certainly deserved that.

Thank you,
Sergey Kurennoy
827 Scott Way, Los Alamos
Los Alamos resident since 1996
505-661-1438
kurennoy@msn.com

LACManager

From: Mahlon Wilson <mahlontw@gmail.com>
Sent: Tuesday, April 23, 2019 9:05 PM
To: LACManager
Subject: JIM BILLEN Trail

We want to add our support to the effort to rename a portion of the Rim Trail for Jim Billen who spent so much time and physical effort to improve this trail for all to enjoy for years to come.

Many of us witnessed him toiling on the trail even as his health was declining.

Jim was a special person who left a beautiful legacy along the south rim of Pueblo Canyon.

Mahlon & Ginny Wilson
4 Arbol Ct.
White Rock, NM 87547-3803
mahlontw@gmail.com
h 505-672-3349
Mahlon cell 505-670-1183
Ginny cell 505-670-4141



Virus-free. www.avg.com

LACManager

From: Wayne & Linda Hardie <llhardie@comcast.net>
Sent: Thursday, April 25, 2019 3:01 PM
To: LACManager
Subject: Proposed Naming of Jim Billen Trail

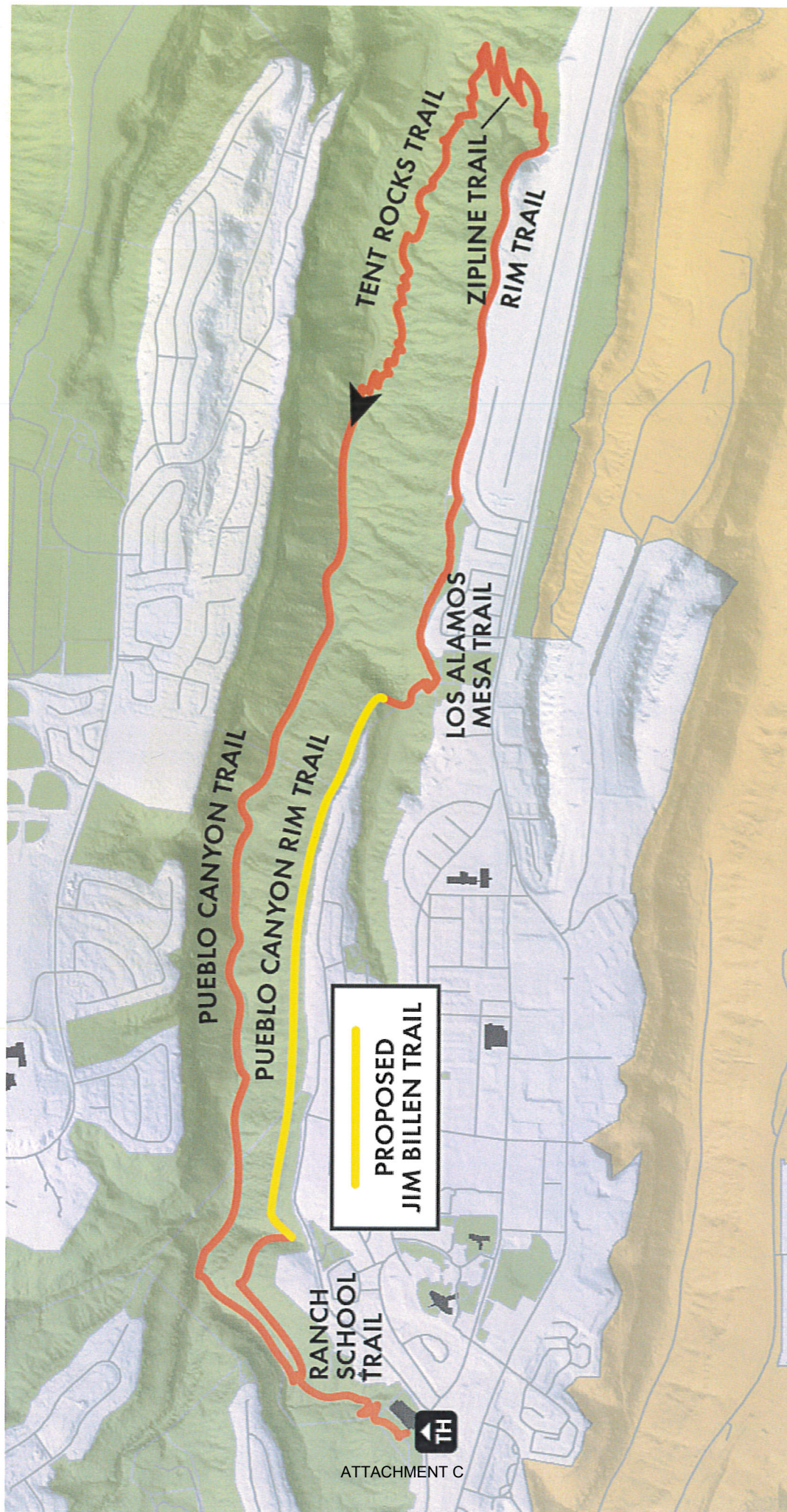
Ms. Habiger-

As 40-year residents of Los Alamos County, we wholeheartedly support the proposed re-naming of a segment of the Pueblo Canyon Rim Trail as the "Jim Billen Trail."

Ralph Wayne & Linda Hardie

--

Ralph Wayne and Linda L. Hardie
15 Bonito Place
Los Alamos, NM 87544
(505) 662-6620 (home)
(505) 235-2906 (Wayne's cell)
(505) 681-5665 (Linda's cell)



“Jim Billen Trail” Naming – Public Hearing Committee Minutes
April 25, 2019
5:30 p.m. – Fuller Lodge

Los Alamos County Public Information Office Julie Habiger opened the meeting at 5:30 p.m. The following were present:

Members:

Julie Habiger, Public Information Officer
Dave Jolly, Business Owner
Steve Whittemore, Citizen
Terry Priestley, Planning and Zoning Commission
Kyle Wheeler, Citizen
Don Ulrich, Parks & Recreation Board

Others:

Jackie Salazar, Executive Assistant
Members of the Public

1. Opening

Julie Habiger welcomed everyone to the public hearing for the proposed trail naming of the “Jim Billen Trail,” and gave a brief explanation of the process for naming a County facility or a trail, which is driven by County Code and must be an official record, including a public hearing, which will then go to Council. She explained that, last November, resident Irene Powell was the petitioner who turned in a petition proposing the County rename a segment of the Pueblo Canyon Trail after Jim Billen. Under County Code, the person must be deceased for at least six months before a naming request can be considered. Jim passed away in April 2018. In November, Irene went to the Parks and Recreation Board and they endorsed the proposal, and subsequently the Council then referred this matter to the official naming committee in February 2019. The matter is on the May 7 Council meeting, and the outcome of the hearing will be a yes/no vote by the committee. Ms. Habiger then gave an overview of the meeting format.

2. Introductions

Committee Members were introduced:

David Jolly, General Manager of Metzger’s and a citizen of White Rock, representing the business side of the committee

Steve Whittemore, Los Alamos citizen, representing the citizens

Terry Priestley, Los Alamos citizen, representing the Planning and Zoning Commission

Kyle Wheeler, Los Alamos citizen, representing the citizens

Don Ulrich, representing the Parks & Recreation Board

3. Remarks from Petitioner Irene Powell and Mary Billen

Irene Powell presented the petition. She remarked that she was there to speak for the supporters of the Jim Billen trail and asked the committee to recognize a man who did something special for Los Alamos; he should be honored by naming a segment of the Pueblo Canyon Rim Trail after him. She noted that Jim worked on this part of the trail for six years. After he retired, he would be out there for six to eight hours a day, clearing the brush of a narrow deer path, digging into the side of the hill and moving rocks to make the trail wider for both hikers and bikers alike to enjoy. Ms. Powell remarked that Jim worked hard and was by himself, refusing any help, unless it was removing a large tree.

The Pueblo Canyon Rim Trail is made up of five trails as named on County maps. The segment the petitioners are considering starts behind the Jewish center on Canyon Road and goes to Graduation Point. Irene spoke to Craig Martin when the petition got started, and Craig mentioned that it was Jim that laid out the basic course for the trail and worked on a very difficult section. On April 14, 2018 Jim died at the young age of 71 of Multiple System Atrophy. He moved to Los Alamos in 1983, had a brilliant career at the Laboratory and was a resident of Los Alamos for 35 years.

Ms. Powell confirmed in her comments that the petitioners followed the proper procedures as had already been explained in order to pursue naming this trail after Jim. On October 11, 2018 they went to the Parks and Recreation Board and presented their proposal. The Board studied and discussed the proposal and at their December 13, 2018 meeting, took action to support the naming of a portion of Pueblo Canyon Rim Trail in memory of Jim Billen. On February 12, 2019, the County Council requested that the naming committee be formed and that the County convene a public hearing to consider the naming of the trail.

In closing, Ms. Powell commented to the committee that now it was up to them to vote yes and recommend to the County Council that this segment be named as the Jim Billen Trail.

Ms. Habiger then asked Mary Billen, wife of Jim Billen, if there was anything she would like to add.

Mary Billen commented that she couldn't really add anything else to Ms. Powell's remarks. She did comment that when she would call Jim as he was working on the trail she would ask, "Are you coming home anytime soon?" and she added that while Jim would be in the canyon six or eight hours, to him it was a labor of love. She said many people told her, "You should have this trail named after Jim."

4. Public Comment

Wayne Hardie, 15 Bonito Place, Los Alamos: He is normally not a big fan of naming things after people because often those are the people that convince the County to spend taxpayer money. However, in this case, Jim did it quietly, without a penny of taxpayer money, and Jim told him that he would do twenty feet a day. It was an incredible accomplishment and he encouraged the committee to name a segment of the trail as the Jim Billen Trail.

Dr. Mary Cummings, 286 Bryce Avenue, White Rock: Jim was struck by a devastating illness that took his strength away in five years, piece by piece. Mary took wonderful care of him and did everything she could to keep him physically active. Part of Dr. Cummings' admiration in naming a trail after him is for the incredible example he gave of perseverance. Despite his total loss of his physical capacity, he was still riding a three-wheel bike around town for as long as he could. So it is

about more than just the trail, it is about the spirit of this man and what he brought to the community.

Mary, 47 Manhattan Loop, Los Alamos, commented that the trails we have around town are a treasure and Jim Billen was a treasure. She would like to see the naming happen, naming a trail after someone that made it happen.

Bob Dryja, 707 47th Street, Los Alamos, commented that there is another trail called the Mitchell Trail that was created by the Boy Scouts; therefore, you see another way of naming a trail after those who make the effort in creating that trail.

Vernon Smith, 109 Glenview Dr., White Rock, strongly supports naming a portion of the trail in honor Jim Billen.

Joe Ladish, 260 Aragon, Los Alamos, commented that after Jim finished the trail, Jim took them to the end of the trail, and he and his wife asked him, "Where do you go next?" After it was done, a group decided they were going to go with Jim and have a little party. They went down to Graduation Point and Jack Hanlon had to help Jim down to the end of the trail. They started the party and so many people came by - they introduced Jim as the guy that created the trail and all were very appreciative. Mr. Ladish encouraged the committee to name the trail as the "Jim Billen Trail."

5. Written Public comment received by the County

Julie Habiger read all letters received via e-mail to the County in advance (see attachments)

6. Discussion and clarifying questions by the Committee

Don Ulrich, Parks & Recreation Board, spoke. He said naming the trail was discussed at a Parks & Recreation Board and the Board is in full support.

Kyle Wheeler, representing the citizens, is personally opposed in naming buildings or anything after people and has stated that publically in the past so has mixed feelings. There is Sullivan Field and she remembers being present at a discussion about changing the name of Sullivan Field until some pointed out that it was named after someone that was here with the AEC in the forties and did a lot for recreation in this community. There was also a Slotin Field where Urban Park is located and that was moved to North Mesa and is still there, yet Slotin was somebody who is a name that a lot of people in this town still know. Ms. Wheeler personally thinks that the policy should be five years before we name anything after anybody, but we are living with the policy we have, which is six months, and the petitioners have met that criteria. She hikes the Mitchell Trail a lot and does appreciate that there is a plaque that tells you who David Mitchell was and why the trail was named for him. Also she knows of Satch Cowan and the segment of trail named for Satch, and is not opposed of naming a segment for Jim Billen. She appreciates what he did and is more amiable toward it since it is one segment of the trail only. She would like to see some kind of plaque acknowledging Jim, about how he worked on his own and what a great contribution it was to the County. If someone makes the motion, she would support it. Ms. Wheeler did want to go on the record as being opposed to naming building or anything else after people, which is her own opinion.

Terry Priestley, representing Planning and Zoning Commission, asked what the County's commitment would be in naming a segment of the trail.

Ms. Habiger answered that there would be sign placed there.

Ms. Powell said that the County has made other beautiful metal signs for the trails.

Mr. Priestley asked if it would there be a sign at that particular segment of the trail? Or how would that portion of the trail be named differently from the entire length of trail?

Ms. Habiger said that although she didn't have a definitive answer, a sign placed at the actual portion of the trail named after Jim Billen is what she would assume.

Steve Wittemore, representing the citizens, commented that he was a little ashamed because he didn't know the history of naming of the trail and it was great to learn about Jim. He asked what was the timeframe of building the trail and did the trail exist in any fashion.

Ms. Powell answered it was only a deer trail prior to Jim's work, and a dangerous trail.

David Jolly, representing the business owners, started by thanking everyone for being allowed in be part of the process. He commented that he shares some of the concerns of naming things after people and he struggled when he first started thinking about it. However, after listening to the comments, it explains it well – it is the fact that Jim had a personal investment in this trail, and if it's memorialized with some sort of plaque, he would agree with it. He said if it's only a segment, that is what people will look for, and it will be an important segment because he invested so much of his time. And as he struggled, someone mentioned to him, that if you go to Norris, Tennessee and if you go downtown the library is the "Betty Jolly Library," named after his grandmother - he said she invested years and years of her life building that library from scratch, and that how he remembers her before she retired and left town. Therefore, he thinks it is truly fitting and he supports the name of the trail and is very thankful to Mr. Billen.

Don Ulrich, Parks & Recreation Board, said the Board had already approved the naming of the trail, but he added some personal thoughts. His own opinion is that he is new to town and does not know who the buildings were named after, but he does believe that this trail should be named after Jim. It is a worthy thing to do and it shows that normal people can be exceptional and can have an impact on their community. And this shows that it is not just someone who is exceptional who can build a trail, but it was someone who gave his time to do that. A lot of people won't do that and it sets a great example for other people to get out and make your community a better place. He noted that having a plaque explaining to trail users that Jim spent 6 years of his life building a trail is a powerful statement to carry away with you.

Ms. Wheeler commented that there is an app called "Los Alamos Trails" that she frequently uses when she is hiking around Los Alamos because she thinks one of the great things about Los Alamos is all of its great trails. She thinks people will still find this segment by looking under the name for the Pueblo Canyon Rim Trail and she is glad that it is not the beginning or the end of the trail segment. There is also a Facebook page for local trails and there have been a lot of comments about the Mitchell trail because it had to be re-routed around in parts, because there are some really big switch backs, and there are a lot of people on this Facebook page who complain about

everything. But they are not the people who are will to go up there and do the work, and there are some really amazing folks in this town who are doing these things. She said it is not that she is trying to discount anything Jim did, but there are people working out there on trails until sundown - who are out improving switch backs because of erosion or trees are falling - and as for the people on that Facebook page who are complaining about it: her challenge to them is “get out there and help before you start making comments.”

7. Committee Vote on Petition

Ms. Wheeler made a motion to re-name a segment of Pueblo Canyon Rim Trail after Jim Billen, so it would be called the “Jim Billen Trail.”

The motion was seconded by Steve Whittemore.

Terry Priestley asked for an amendment to add that a plaque be placed there that describes the reason for the trail.

Ms. Wheeler and Mr. Whittemore accepted the amendment as a friendly amendment.

The vote was:

Don Ulrich	Yes
Kyle Wheeler	Yes
Steve Whittemore	Yes
Terry Priestley	Yes
David Jolly	Yes

Motion passed 5 to 0 to name the trail after Jim Billen, with a plaque denoting why the trail is named after him.

8. Adjourn

Ms. Habiger commented that this item would be on the May 7th Council meeting agenda as a consent item. She then thanked the committee members and the members of the public for attending.

The public hearing was adjourned at 6:10 p.m.



County of Los Alamos

Staff Report

May 07, 2019

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.: E.

Index (Council Goals):

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

Legislative File: 11885-19

Title

Consideration of Budget Revision 2019-35 (Fire Hazardous Materials Public Sector Training and Planning Grant & Assessor Labor)

Recommended Action

I move that Council approve Budget Revision 2019-35 as summarized on attachment A 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 revision as requested.

Body

A summary of the budget revisions and specific details relating to the item are in Attachment A.

Alternatives

Council could choose not to approve the attached revision. The impact would be that the County could not fulfill the requirements of the grant agreement or the funding would have to come from operational budget.

Fiscal and Staff Impact/Planned Item

Fiscal and staff impact is described in the attachment

Attachments

A - Budget Revision 2019-35

Council Meeting Date: May 7, 2019

	Fund/Dept	Brass Org	Revenue (decrease)	Expenditures (decrease)	Transfers In(Out)	Fund Balance (decrease)
1	General Fund - Fire Mitigation	01162611 8489 3329	\$ 20,216	\$ 20,216		\$ -
<p>Description: The purpose of this budget revision is to increase the expenditure budget for a new Hazardous Materials Public Sector Training and Planning Grant awarded to the Fire Department in the amount of \$20,216.</p> <p>Fiscal Impact: The net fiscal impact to the General Fund is an increase to expenditures and a decrease to fund balance in the amount of \$20,216.</p>						
2	General Fund - Assessor	1112010 8111 - 8299		\$ 9,612		\$ (9,612)
<p>Description: The purpose of this budget revision is to increase the expenditure budget for double filling the Chief Deputy Assessor position as indicated in Budget Option 15-B. This is the cost for fiscal year 2019.</p> <p>Fiscal Impact: The net fiscal impact to the General Fund is an increase to expenditures and a decrease to fund balance in the amount of \$9,612.</p>						

Description: The purpose of this budget revision is to increase the expenditure budget for double filling the Chief Deputy Assessor position as indicated in Budget Option 15-B. This is the cost for fiscal year 2019.

Fiscal Impact: The net fiscal impact to the General Fund is an increase to expenditures and a decrease to fund balance in the amount of \$9,612.



County of Los Alamos

Staff Report

May 07, 2019

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.: F.

Index (Council Goals): BCC - N/A

Presenters: James Alarid, Deputy Utilities Manager - Engineering

Legislative File: 11911-19

Title

Vacation of Easement Within Lot 390, a Subdivision of Western Area No. 1

Recommended Action

I move that Council approve the vacation of easement within Lot 390, a subdivision of Western Area No. 1.

Utilities Manager Recommendation

The Utilities Manager recommends that Council approve the vacation of easement as presented.

Body

The portion of the easement being vacated is no longer needed. The homeowner has requested the easement be vacated where it overlays the footprint of the home. The County Code grants Council the authority to sell, lease, exchange or otherwise transfer county-owned real property and interests in real property (Sec. 14-31 (4)).

Alternatives

If the easement is not vacated the encumbrance will remain on the property.

Attachments

A - Vacation of Easement

VACATION OF UTILITY EASEMENT

NAME: John T. Steinberg and Catherine F. Steinberg

PROPERTY ADDRESS: 1341 44th Street, Los Alamos, N.M. 87544

LOT: 390, SUBDIVISION: Western Area No. 1


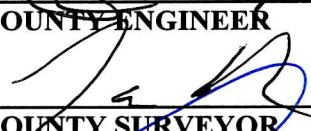
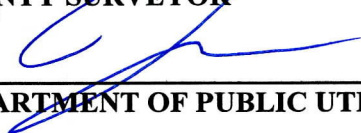
The Incorporated County of Los Alamos has determined that the County no longer requires and hereby vacates the utility easements described as follows:

DESCRIPTION

Those utility easements lying and being within Lot 390, Western Area No. 1, Los Alamos County, New Mexico, the Plat thereof filed for record in the Office of the Clerk at Plat Book 1, Page 66 on September 20, 1965, as shown on that Plot Plan marked Exhibit "A", attached hereto and made a part hereof.

This Vacation of Utility Easement in no way effects, reduces or diminishes any other Easement or Usage, either Drainage or Utility, held by the Incorporated County of Los Alamos except as herein specifically provided. All other Grants of Easement, whether Drainage or Utility, shall be and remain in full force and effect.

THIS VACATION OF UTILITY EASEMENT HAS BEEN REVIEWED BY ME AND IS ACCEPTABLE TO THE DEPARTMENT THAT I REPRESENT:

	<u>4/15/19</u>
COUNTY ENGINEER	DATE
	<u>4/15/19</u>
COUNTY SURVEYOR	DATE
	<u>4/17/19</u>
DEPARTMENT OF PUBLIC UTILITIES	DATE

ATTEST:
Naomi Maestas

INCORPORATED COUNTY OF LOS ALAMOS

By: _____
County Clerk

COUNCIL CHAIRPERSON DATE

**PLOT PLAN FOR
VACATION OF UTILITY EASEMENT**

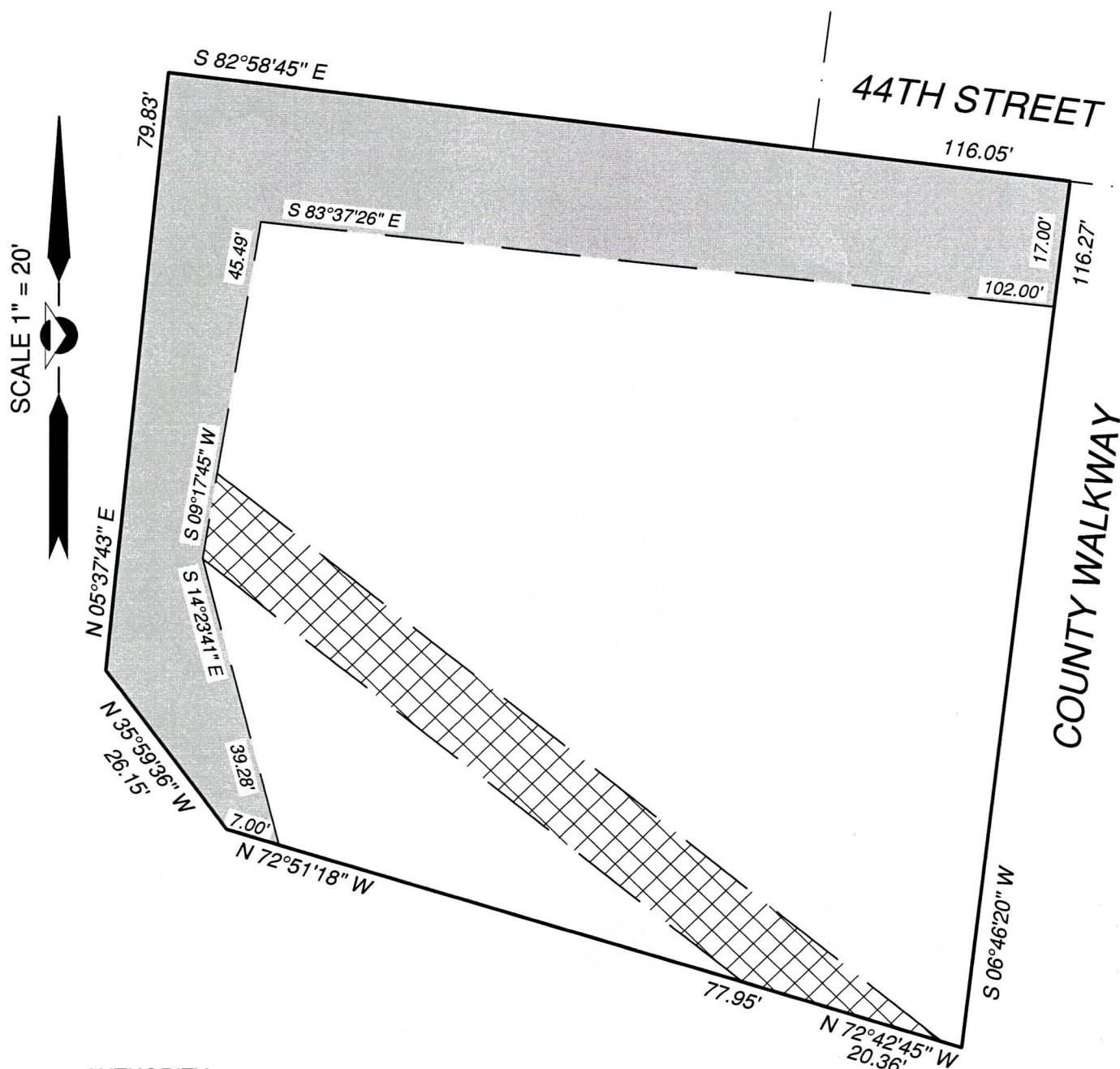
WITHIN
 LOT 390,
 WESTERN AREA NO. 1
 LOS ALAMOS, NEW MEXICO
 FOR
 JOHN T. STEINBERG AND CATHERINE F. STEINBERG



**DENOTES UTILITY EASEMENT
VACATED BY THIS DOCUMENT**



EXISTING UTILITY AND DRAINAGE EASEMENT
UNCHANGED BY THIS
DOCUMENT.



AUTHORITY:

THIS EXHIBIT WAS PREPARED FROM INFORMATION SHOWN ON THE PLAT OF WESTERN AREA NO. 1, SAID PLAT BEING FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK OF LOS ALAMOS COUNTY, NEW MEXICO IN PLAT BOOK 1, PAGE 66 ON THE 20TH DAY OF SEPTEMBER, 1965 AND FROM INSTRUCTION PROVIDED TO US BY THE LOS ALAMOS COUNTY UTILITIES DEPARTMENT.

[Signature]

LARRY W. MEDRANO, N.M.P.L.S. NO. 11993
1362 Trinity Drive, Suite A2
Los Alamos, NM 87544

DATE 4-23-2019



505.661.4262 PHONE
505.661.4263 FAX

M.B.E. 04/09/2019



County of Los Alamos

Staff Report

May 07, 2019

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.: G.

Index (Council Goals): * 2019 Council Goal - Other

Presenters: Naomi Maestas, County Clerk

Legislative File: 11934-19

Title

County Council Minutes for FY2020 Budget Meetings of April 15, April 16 and April 22, 2019.

Recommended Action

I move that Council approve the County Council Minutes for FY2020 Budget Meetings of April 15, April 16 and April 22, 2019.

Clerk's Recommendation

The County Clerk recommends that Council approve the minutes, as presented.

Attachments

A-County Council Minutes for FY2020 Budget Meetings of April 15, April 16 and April 22, 2019.



County of Los Alamos

Los Alamos, NM 87544
www.losalamosnm.us

Minutes

County Council – Special Session

*Sara Scott, Council Chair; Pete Sheehey, Council Vice-Chair;
David Izraelevitz, Antonio Maggiore, James Robinson,
Randall Ryti, and Katrina Schmidt, Councilors*

April 15, April 16 & April 22, 2019

6:00 PM

Council Chambers - 1000 Central Avenue

TELEVISED

Budget Hearings-April 15th, 16th & 22nd

1. OPENING/ROLL CALL

The Council Chair, Sara Scott, called the meeting to order at 6:00 p.m.

The following Councilors were in attendance:

**Present: 7 - Councilor Scott, Councilor Sheehey, Councilor Izraelevitz, Councilor Maggiore,
Councilor Robinson, Councilor Ryti, and Councilor Schmidt**

Councilor Maggiore arrived at 6:01 p.m.

2. PLEDGE OF ALLEGIANCE

Led by: All.

3. PUBLIC COMMENT

Mr. Morrie Pongratz, 900 Circle Drive, spoke on reducing the property tax revenues.

4. APPROVAL OF AGENDA

A motion was made by Councilor Ryti, seconded by Councilor Robinson, that the agenda be approved, as presented.

The motion passed by acclamation with the following vote:

**Yes: 7 - Councilor Scott, Councilor Sheehey, Councilor Izraelevitz, Councilor Maggiore,
Councilor Robinson, Councilor Ryti, and Councilor Schmidt**

5. BUSINESS

- A. County Council Minutes for April 2, 2019

A motion was made by Councilor Maggiore, seconded by Councilor Izraelevitz, that Council approve the County Council Minutes for April 2, 2019.

The motion passed with the following vote:

Yes: 7 - Councilor Scott, Councilor Sheehey, Councilor Izraelevitz, Councilor Maggiore, Councilor Robinson, Councilor Ryti, and Councilor Schmidt

6. PUBLIC HEARING(S)

A. Introduction, Overview, Budget Summary and Long Term Financial Projection

1) FY2020 Budget Hearings

Mr. Harry Burgess, County Manager, spoke.

Mr. Steven Lynne, Deputy County Manager, spoke.

Ms. Karen Kendall, Budget and Performance Manager, spoke.

B. Budget Presentation and Budget Options

1. County Assessor

FY2020 Budget Option #15 \$57,669

County Assessor Kenneth Milder spoke.

Mr. Joaquin Valdez, Chief Deputy Assessor, spoke.

A motion was made by Councilor Sheehey, seconded by Councilor Robinson, that Council tentatively approve the budget for the County Assessor as presented except with the following change: Budget Option #15.

The motion passed by acclamation with the following vote:

Yes: 7 - Councilor Scott, Councilor Sheehey, Councilor Izraelevitz, Councilor Maggiore, Councilor Robinson, Councilor Ryti, and Councilor Schmidt

2. County Clerk

County Clerk Naomi D. Maestas spoke.

A motion was made by Councilor Maggiore, seconded by Councilor Robinson, that Council tentatively accept the budget for the County Clerk as presented and include \$10,000 for filing cabinets.

The motion passed by acclamation with the following vote:

Yes: 5 - Councilor Scott, Councilor Maggiore, Councilor Robinson, Councilor Ryti, and Councilor Schmidt

No: 2 - Councilor Izraelevitz and Councilor Sheehey

3. Probate Court

Ms. Adrianna Ortiz, Chief Deputy Clerk, spoke.

A motion was made by Councilor Izraelevitz, seconded by Councilor Maggiore, that Council tentatively approve the Probate Court budget as presented.

The motion passed by acclamation with the following vote:

Yes: 7 - Councilor Scott, Councilor Sheehey, Councilor Izraelevitz, Councilor Maggiore, Councilor Robinson, Councilor Ryti, and Councilor Schmidt

4. Municipal Court

Municipal Judge Elizabeth Allen spoke.

A motion was made by Councilor Schmidt, seconded by Councilor Izraelevitz, that Council tentatively approve the Municipal Court budget for FY2020.

The motion passed by acclamation with the following vote:

Yes: 7 - Councilor Scott, Councilor Sheehey, Councilor Izraelevitz, Councilor Maggiore, Councilor Robinson, Councilor Ryti, and Councilor Schmidt

5. County Sheriff

County Sheriff Joseph Granville spoke.

A motion was made by Councilor Maggiore, seconded by Councilor Robinson, that Council tentatively approve the Sheriff's budget as presented.

The motion passed by acclamation with the following vote:

Yes: 7 - Councilor Scott, Councilor Sheehey, Councilor Izraelevitz, Councilor Maggiore, Councilor Robinson, Councilor Ryti, and Councilor Schmidt

6. County Council

FY2020 Budget Option #44 Rank D, \$25,000

Mr. Steven Lynne, Deputy County Manager, spoke.

Mr. Harry Burgess, County Manager, spoke.

A motion was made by Councilor Ryti, seconded by Councilor Robinson, that Council tentatively approve the County Council budget as presented.

The motion passed by acclamation with the following vote:

Yes: 7 - Councilor Scott, Councilor Sheehey, Councilor Izraelevitz, Councilor Maggiore, Councilor Robinson, Councilor Ryti, and Councilor Schmidt

RECESS

Councilor Scott called for a recess at 7:55 p.m. The meeting reconvened at 8:06 p.m.

7. Fire Department

FY2020 Budget Option #6, Rank A, \$1,400,000

Fire Chief Troy Hughes spoke.

Mr. Xavier Anderson, Management Analyst, spoke.

Ms. Norma Jean Valdez, Senior Management Analyst, spoke.

Mr. Steven Lynne, Deputy County Manager, spoke.

Mr. Harry Burgess, County Manager, spoke.

Ms. Karen Kendall, Budget and Performance Manager, spoke.

A motion was made by Councilor Izraelevitz, seconded by Councilor Maggiore, that Council tentatively approve the Fire Department budget with the addition of Option #6.

The motion passed by acclamation with the following vote:

Yes: 7 - Councilor Scott, Councilor Sheehey, Councilor Izraelevitz, Councilor Maggiore, Councilor Robinson, Councilor Ryti, and Councilor Schmidt

8. County Attorney

Ms. Katie Thwaites, Assistant County Attorney, spoke.

A motion was made by Councilor Schmidt, seconded by Councilor Robinson, that Council tentatively approve the County Attorney budget.

The motion passed by acclamation with the following vote:

Yes: 7 - Councilor Scott, Councilor Sheehey, Councilor Izraelevitz, Councilor Maggiore, Councilor Robinson, Councilor Ryti, and Councilor Schmidt

9. County Manager

FY2020 Budget Option #1 Rank A, \$744,777 / \$423,710

FY2020 Budget Option #5 Rank A, \$542,000

FY2020 Budget Option #7 Rank A, \$190,400

FY2020 Budget Option #8 Rank A, \$8,147

FY2020 Budget Option #18 Rank B, \$615,000

FY2020 Budget Option #21 Rank B, \$10,500

FY2020 Budget Option #22 Rank B, \$225,800

FY2020 Budget Option #23 Rank B, \$15,000

FY2020 Budget Option #34 Rank C, \$500,000

FY2020 Budget Option #37 Rank C, \$10,500

FY2020 Budget Option #42 Rank C, \$8,000

FY2020 Budget Option #43 Rank C, \$15,000

Mr. Harry Burgess, County Manager, spoke.

Ms. Denise Cassel, Human Resources Manager, spoke.

Councilor Scott asked if Councilors were in favor of Budget Options Rank A. There were no objections.

Councilor Scott asked if Councilors were in favor of Budget Options Rank B as written with the \$300,000 additional Progress through Partnering showing up in the parking lot, providing \$25,000 for the water fund and the \$25,000 census are included within the \$615,000. *There were objections.*

Councilor Scott asked if Councilors were in favor of Progress through Partnering at \$1.2 million with a potential \$300,000 parking lot including an integrated return on investment. *There were no objections.*

Councilor Scott asked if Councilors were in favor of Public Relations Item. *There were no objections.*

Councilor Scott asked if Councilors were in favor of the Wayfinding Signage Item. *There were objections.*

Councilor Scott asked if Councilors were in favor of the Community Perception Survey. *There were objections.*

Councilor Scott asked if Councilors were in favor of the Land Purchase/Housing Funds, \$500,000. *There were no objections.*

Councilor Scott asked if Councilors were in favor of the Employee Survey. *There were none in favor.*

Councilor Scott asked if Councilors were in favor the Economic Fiscal Impact analysis of Science Fest. *There were none in favor.*

Councilor Scott asked if Councilors were in favor an Economic Development Study. *There were none in favor.*

A motion was made by Councilor Sheehey, seconded by Councilor Robinson, that Council tentatively approve the County Manager budget as presented with additional items 1, 5, 7, 8, 18, 21, 22, and Item 34 to also include housing.

The motion passed by acclamation with the following vote:

Yes: 7 - Councilor Scott, Councilor Sheehey, Councilor Izraelevitz, Councilor Maggiore, Councilor Robinson, Councilor Ryt, and Councilor Schmidt

7. RECESS

Councilor Scott called for a recess at 10:02 p.m., to be reconvened at 6:00 p.m., Tuesday, April 16, 2019.

Tuesday, April 16, 2019

1. OPENING/ROLL CALL

The Council Chair, Sara Scott, called the meeting to order at 6:00 p.m.

The following Councilors were in attendance:

Present: 7 - Councilor Scott, Councilor Sheehey, Councilor Izraelevitz, Councilor Maggiore, Councilor Robinson, Councilor Ryt, and Councilor Schmidt

2. PLEDGE OF ALLEGIANCE

Led by: All

3. PUBLIC COMMENT

Mr. David Jolly, 115 Azure Drive, Tourism Implementation Task Force, spoke on priorities to implementing the strategic plan.

Ms. Katie Bruell, 3550 Ridgeway Drive, member of the Tourism Strategic Plan Workgroup and the Lodger's Tax Advisory Board, spoke of the importance of a Tourism Manager.

Ms. Leslie Linke, 35 San Juan, Chair of the Historic Preservation Advisory Board, spoke of the importance of the Historic Preservation Advisory Board priorities, including an establishment of a Fuller Lodge Building Steward.

Mr. Mark Rayburn, 2048 46th Street, former Chair of the Historic Preservation Advisory Board, spoke in support of tourism and the protection of Fuller Lodge.

Ms. Kathy Taylor, 557 Todd Loop, spoke in support of changes to the building code to make our buildings more sustainable and requested funding for that effort.

Mr. Dave Fox, 238 Rio Bravo, CB Fox, spoke on the importance of tourism.

Ms. Micheline Devaurs, 2067 47th Street, Member of Tourism Implementation Task Force, concurred on the need of a point person.

4. PUBLIC HEARING(S)

A. *Introduction, Overview, Budget Summary and Long Term Financial Projection*

1) FY2020 Budget Hearings

Parking lot items reviewed no action taken.

B. Continuation of Budget Presentations

10. Police Department

FY2020 Budget Option #12 Rank A, \$35,224

FY2020 Budget Option #30 Rank B, \$33,000

FY2020 Budget Option #38 Rank C, \$231,300

Deputy Police Chief Jason Wardlow Herrera spoke.

Commander Oliver Morris, Operation Manager, spoke.

Ms. Katie Thwaits, Assistant County Attorney, spoke.

Ms. Kate Stoddard, Consolidated Dispatch Center Manager, spoke.

A motion was made by Councilor Izraelevitz, seconded by Councilor Ryti, that Council tentatively approve the Police Department budget with the addition of FY2020 Budget Options 12, 30, and 38.

The motion passed by acclamation with the following vote:

Yes: 7 - Councilor Scott, Councilor Sheehey, Councilor Izraelevitz, Councilor Maggiore, Councilor Robinson, Councilor Ryti, and Councilor Schmidt

11. Community Development Department

FY2020 Budget Option #2 Rank A, \$7,300
FY2020 Budget Option #3 Rank A, \$6,160
FY2020 Budget Option #4 Rank A, \$10,000
FY2020 Budget Option #16 Rank B, \$250,000
FY2020 Budget Option #17 Rank B, \$150,000
FY2020 Budget Option #20 Rank B, \$6,000
FY2020 Budget Option #24 Rank B, \$6,000
FY2020 Budget Option #25 Rank B, \$18,000
FY2020 Budget Option #31 Rank B, \$10,000
FY2020 Budget Option #45 Rank D, \$450,000

Mr. Paul Andrus, Community Development Department Director, spoke.

Mr. Harry Burgess, County Manager, spoke.

Ms. Katie Thwaites, Assistant County Attorney, spoke.

Mr. Steven Lynne, Deputy County Manager, spoke.

Parking Lot Item:

Additional Funds for Land, Housing, Economic Development, with a \$1.5 million placeholder.

A motion was made by Councilor Izraelevitz, seconded by Councilor Maggiore, that Council tentatively approve the Community Development Department budget with the addition of FY2020 Budget Options 2, 3, 16, 17, 20, 24, 25, 31, and 45; options 16 and 17 recurring rather than one-time and option 34 (CMO) change to recurring.

The motion passed by acclamation with the following vote:

Yes: 7 - Councilor Scott, Councilor Sheehey, Councilor Izraelevitz, Councilor Maggiore, Councilor Robinson, Councilor Ryti, and Councilor Schmidt

RECESS

Councilor Scott called for a recess at 7:55 p.m. The meeting reconvened at 8:06 p.m.

12. Public Works Department

FY2020 Budget Option #13 Rank A, \$365,655
FY2020 Budget Option #14 Rank A, \$680,000 / \$320,000
FY2020 Budget Option #32 Rank C, \$16,000
FY2020 Budget Option #33 Rank C, \$250,000
FY2020 Budget Option #39 Rank C, \$105,000
FY2020 Budget Option #40 Rank C, \$156,000
FY2020 Budget Option #41 Rank C, \$85,000

FY2020 Budget Option #47 Rank D, \$1,000,000

FY2020 Budget Option #48 Rank D, \$70,000

FY2020 Budget Option #49 Rank D, \$35,000

Mr. Philo Shelton, Public Works Director, spoke.

Ms. Karen Kendall, Budget and Performance Manager, spoke.

Mr. Steven Lynne, Deputy County Manager, spoke.

Ms. Linda Matteson, Assistant to the County Manager, spoke.

A motion was made by Councilor Sheehey, seconded by Councilor Robinson, that Council tentatively approve the Public Works Department budget as amended, to include the addition of FY2020 Budget Options 13, 14, 32, 33 as amended, 39, 40, 41, 47, 48, and 49.

The motion passed by acclamation with the following vote:

Yes: 7 - Councilor Scott, Councilor Sheehey, Councilor Izraelevitz, Councilor Maggiore, Councilor Robinson, Councilor Ryti, and Councilor Schmidt

13. Community Services Department

FY2020 Budget Option #19 Rank B, \$20,000

FY2020 Budget Option #26 Rank B, \$80,000

FY2020 Budget Option #27 Rank B, \$35,000

FY2020 Budget Option #28 Rank B, \$79,802

FY2020 Budget Option #29 Rank B, \$15,000

FY2020 Budget Option #35 Rank C, \$72,950

FY2020 Budget Option #36 Rank C, \$64,000

FY2020 Budget Option #46 Rank D, \$400,000

FY2020 Budget Option \$55,000 (Teen Center)

Mr. Brian Brogan, Community Services Director, spoke.

Mr. Harry Burgess, County Manager, spoke.

Mr. Steven Lynne, Deputy County Manager, spoke.

A motion was made by Councilor Izraelevitz, seconded by Councilor Schmidt, that Council tentatively approve the Community Services Department budget with the addition of FY2020 Budget Options 19, 26, 27, 28, 29, 35, 36, 46, and unnumbered option for the Teen Center Operating Expenses.

The motion passed by acclamation with the following vote:

Yes: 7 - Councilor Scott, Councilor Sheehey, Councilor Izraelevitz, Councilor Maggiore, Councilor Robinson, Councilor Ryti, and Councilor Schmidt

5. RECESS

Councilor Scott called for a recess at 10:02 p.m. to be reconvened at 6:00 p.m., Monday, April 22, 2019.

Monday, April 22, 2019

1. OPENING/ROLL CALL

The Council Chair, Sara Scott, called the meeting to order at 6:01 p.m.

The following Councilors were in attendance:

Present: 7 - Councilor Scott, Councilor Sheehey, Councilor Izraelevitz, Councilor Maggiore, Councilor Robinson, Councilor Ryti, and Councilor Schmidt

Councilor Maggiore arrived at 6:02 p.m.

2. PLEDGE OF ALLEGIANCE

Led by: All

3. PUBLIC COMMENT

None.

4. PUBLIC HEARING(S)

A. *Introduction, Overview, Budget Summary and Long Term Financial Projection*

1) FY2020 Budget Hearings

No action taken.

B. Continuation of Budget Presentations

14. Department of Public Utilities

Mr. Tim Glasco, Utilities Manager, spoke.

Mr. Bob Westervelt, Deputy Utility Manager-Finance and Administration, spoke.

Mr. Steve Cummings, Deputy Utility Manager-Power Production, spoke.

Mr. Jack Richardson, Deputy Utility Manager-Gas, Water and Sewer Services, spoke.

Mr. Harry Burgess, County Manager, spoke.

Mr. Steven Lynne, Deputy County Manager, spoke.

A motion was made by Councilor Sheehey, seconded by Councilor Robinson, that Council tentatively approve the budget for the Department of Public Utilities as presented.

The motion passed by acclamation with the following vote:

Yes: 7 - Councilor Scott, Councilor Sheehey, Councilor Izraelevitz, Councilor Maggiore, Councilor Robinson, Councilor Ryti, and Councilor Schmidt

RECESS

Councilor Scott called for a recess at 7:48 p.m. The meeting reconvened at 7:58 p.m.

15. Administrative Services

FY2020 Budget Option #9 Rank A, \$40,926
FY2020 Budget Option #10 Rank A, \$66,240
FY2020 Budget Option #11 Rank A, \$41,858

Mr. Steven Lynne, Deputy County Manager, spoke.
Mr. John Roig, Chief Information Officer, spoke.

A motion was made by Councilor Schmidt, seconded by Councilor Izraelevitz, that Council tentatively approve the budget for the Administrative Services Department as presented with the addition of FY2020 Budget Options 9, 10 and 11.

The motion passed by acclamation with the following vote:

Yes: 7 - Councilor Scott, Councilor Sheehey, Councilor Izraelevitz, Councilor Maggiore, Councilor Robinson, Councilor Ryti, and Councilor Schmidt

16. CIP & Non-Departmental

Mr. Steven Lynne, Deputy County Manager, spoke.
Mr. Harry Burgess, County Manager, spoke.
Mr. Philo Shelton, Public Works Director, spoke.
Mr. Brian Brogan, Community Services Director, spoke.
Mr. Jack Richardson, Deputy Utility Manager-Gas, Water and Sewer Services, spoke.
Ms. Karen Kendall, Budget and Performance Manager, spoke.

A motion was made by Councilor Robinson, seconded by Councilor Schmidt, that Council tentatively approve the budget for the Capital Improvement Projects and Non Departmental as presented with the addition of one million dollars for the schools.

The motion passed by acclamation with the following vote:

Yes: 7 - Councilor Scott, Councilor Sheehey, Councilor Izraelevitz, Councilor Maggiore, Councilor Robinson, Councilor Ryti, and Councilor Schmidt

17. Parking Lot & Consideration of Budget Options

Mr. Steven Lynne, Deputy County Manager, spoke.
Mr. Harry Burgess, County Manager, spoke.

Council discussed parking lot items and no action was taken.

5. BUDGET ADOPTION

Mr. Steven Lynne, Deputy County Manager, spoke.
Mr. Harry Burgess, County Manager, spoke.

A motion was made by Councilor Izraelevitz, seconded by Councilor Maggiore, that Council adopt the FY2020 budget in the amount of \$199,328,646 as described in Attachment B, Summary of Changes from Proposed to Adopted Budget; further moved that Council approve the following items related to the adoption of the FY2020 budget:

1. FY2020 Long Range Financial Projection as amended during budget hearing in Attachment C;
2. FY2020 Equipment Replacement List in Attachment F;
3. FY2020 Recurring Grants in Attachment H;
4. Summary of Pension Fund Administrative Costs in Attachment G; and
5. FY2020 Schedule of Appropriations for Salary Adjustments as amended during budget hearing in Attachment I; and further moved that Council approve continuing appropriations in the FY2020 budget for the following items from the FY2019 budget:
 - a) all valid encumbrances outstanding at June 30, 2019;
 - b) all unexpended and unencumbered previously approved project budgets at June 30, 2019;
 - c) all unexpended and unencumbered previously approved Major Facilities Maintenance budget at June 30, 2019;
 - d) all unexpended and unencumbered previously approved Traffic & Streets Pavement Preservation budget at June 30, 2019;
 - e) the unexpended and unencumbered previously approved budget for Fire Mitigation; and
 - f) all unexpended and unencumbered grant budgets at June 30, 2019 that are permitted to be carried forward by their governing grant agreements.

The motion passed with the following vote:

Yes: 7 - Councilor Scott, Councilor Sheehey, Councilor Izraelevitz, Councilor Maggiore, Councilor Robinson, Councilor Ryti, and Councilor Schmidt

6. ADJOURNMENT

The meeting adjourned at 10:20 p.m.

INCORPORATED COUNTY OF LOS ALAMOS

Sara C. Scott, Council Chair

Attest:

Naomi D. Maestas, County Clerk

Meeting Transcribed by: Gloria A. Maestas, Elections Manager and Victoria L. Martinez, Deputy Clerk

Los Alamos County
FY2020 Summary of Changes from Proposed to Adopted Budget

Fund Type	Fund	Department	FY2020 Proposed Expenditure Budget	Changes	Salary Plan Adjustment	FY2020 Adopted Expenditure Budget
GOVERNMENTAL						
General	General Fund	County Council	\$ 419,546	-	-	419,546
General	General Fund	Municipal Court	560,563	-	10,470	571,033
General	General Fund	County Manager	3,630,747	3,406,847	75,291	7,112,885
General	General Fund	County Assessor	428,500	59,895	10,347	498,742
General	General Fund	County Attorney	726,299	-	17,754	744,053
General	General Fund	County Clerk	612,747	10,000	14,091	636,838
General	General Fund	Probate Court	5,906	-	-	5,906
General	General Fund	County Sheriff	15,510	-	-	15,510
General	General Fund	Administrative Services	7,645,544	163,883	137,166	7,946,593
General	General Fund	Community Services	10,798,194	971,380	167,853	11,937,427
General	General Fund	Fire	5,207,149	1,400,000	-	6,607,149
General	General Fund	Police	8,784,830	435,586	108,252	9,328,668
General	General Fund	Community Development	1,935,756	61,624	44,808	2,042,188
General	General Fund	Public Works	11,901,362	1,201,716	158,745	13,261,823
General Fund Subtotal			52,672,653	7,710,931	744,777	61,128,361

GOVERNMENTAL						
Special Revenue	State Shared Revenues	Public Works	580,000		-	580,000
Special Revenue	Lodger's Tax	County Manager	372,031		-	372,031
Special Revenue	State Grants	Fire, Police, Community Services	640,350		1,809	642,159
Special Revenue	Health Care Assistance	Community Services	2,700,799		2,535	2,703,334
Special Revenue	Economic Development	County Manager	2,938,250	(142,000)	-	2,796,250
Special Revenue	Other Special Revenue	Municipal Court, Community Services, Clerk, Assessor	293,494	563	4,314	298,371
Special Revenue	Emergency Declarations	Non Departmental	-		-	-
Special Revenue Funds Subtotal			7,524,924	(141,437)	8,658	7,392,145

GOVERNMENTAL						
Debt Service	Debt Service	Non Departmental	4,550,759		-	4,550,759

GOVERNMENTAL						
Capital Projects	Capital Improvement Projects	Public Works, Community Development	7,172,000	2,000,000	-	9,172,000
Capital Projects	Capital Projects Permanent	Non Departmental	-		-	-

Los Alamos County
FY2020 Summary of Changes from Proposed to Adopted Budget

Fund Type	Fund	Department	FY2020 Proposed Expenditure Budget	Changes	Salary Plan Adjustment	FY2020 Adopted Expenditure Budget
PROPRIETARY						
Enterprise	Joint Utilities System	Utilities	63,271,511	82,287	182,106	63,535,904
Other Enterprise	Environmental Services	Public Works	4,383,842	76,080	35,571	4,495,493
Other Enterprise	Transit	Public Works	4,623,697	381,092	68,772	5,073,561
Other Enterprise	Fire	Fire	27,061,082	12,243	94,338	27,167,663
Other Enterprise	Airport	Public Works	1,598,582	4,155	3,459	1,606,196
Other Enterprise Funds Subtotal			37,667,203	473,570	202,140	38,342,913
PROPRIETARY						
Internal Service	Fleet	Public Works	4,246,877	13,092	23,691	4,283,660
Internal Service	Risk Management	County Manager	10,915,300	488	7,116	10,922,904
Internal Services Funds Subtotal			15,162,177	13,580	30,807	15,206,564
County-Wide Total Expenditures			\$ 188,021,227	10,138,931	1,168,488	\$ 199,328,646

FY2020 Proposed Budget
Schedule of Appropriations for Salary Adjustments

Group	In Accordance With	Estimated Costs
Non-union employees	Per Compensation Policy or Employment Contract	\$1,168,487
Association of Plumbers & Pipefitters - Local 412	Collective Bargaining Agreement (July 1, 2017 to June 30, 2021)	21,000
Firefighters' Association Local 3279	Collective Bargaining Agreement (June 1, 2016 to May 30, 2020)	420,000
IBEW - Local 611	Collective Bargaining Agreement (June 1, 2016 to May 31, 2020)	6,700
Police Union AFL-CIO, Local 14*	Collective Bargaining Agreement (January 27, 2016 to June 30, 2019)	0
TOTAL		\$ 1,616,187

* The Police Union Agreement is currently under negotiations. A budget revision will be presented to Council for consideration along with the proposed new CBA at a later date.

BUDGET OPTIONS BY RECURRING & ONE-TIME

	ONE-TIME				TOTAL	RECURRING				TOTAL
	A	B	C	D		A	B	C	D	
General Fund	\$190,400	\$330,469	\$595,500	\$553,000	\$1,669,369	\$3,948,287	\$896,302	\$645,250	\$505,000	\$5,994,839
Econ Dev - Housing		\$400,000			\$400,000					
Transit Fund								\$250,000		\$250,000
Non General Funds						\$743,710				\$743,710
CIP Fund				\$1,000,000	\$1,000,000					
Grand Total	\$190,400	\$730,469	\$595,500	\$1,553,000	\$3,069,369	\$4,691,997	\$896,302	\$895,250	\$505,000	\$6,988,549

BUDGET OPTION TOTALS

	A	B	C	D	TOTAL
General Fund	\$4,138,687	\$1,226,771	\$1,240,750	\$1,058,000	\$7,664,208
Econ Dev - Housing		\$400,000			\$400,000
Transit Fund			\$250,000		\$250,000
Non General Funds	\$743,710				\$743,710
CIP Fund				\$1,000,000	\$1,000,000
Grand Total	\$4,882,397	\$1,626,771	\$1,490,750	\$2,058,000	\$10,057,918

FY2020 Budget Options

Ref #	CMO Rank	Dept	Division	Amount	Short Description	Detailed Notes	Recurring/One-Time	Fund
1	A	ALL	All County	\$ 744,777 \$ 423,710	Salary Plan Maintenance	Salaries and benefits were budgeted at 0% for general County employees, except for collective bargaining unit employees which were budgeted in accordance with the terms of Council approved individual union agreements. Per the salary plan, the annual cost of an increase would be 2% for individual merit adjustments plus a 1% CPI adjustment to the pay plan structure. Additional 1% for GF = \$248,259 and \$141,237 for Non-General Funds.	R	General Fund Non General Funds
2	A	CDD		\$ 7,300	Training	Restore training budget which was reduced to achieve flat budget. Training is needed for current staff to maintain current certifications	R	General Fund
3	A	CDD		\$ 6,160	Supplies	Restore supplies budget which was reduced to achieve flat budget. Also includes the Boards and Commission's luncheon.	R	General Fund
4	A	CDD	Building	\$ 10,000	Clean and Lien	Restore funding for the clean and lien program	R	General Fund
5	A	CMO	Econ Dev	\$ 542,000	Econ Dev Programs	Move Economic Development program expenditures to the General Fund due to no recurring revenue source for Economic Development	R	General Fund
6	A	Fire	Operations	\$ 1,400,000	County share of Fire Cooperative Agreement	To match the expense in the general fund to the cooperative agreement	R	General Fund
7	A	CMO	HR	\$ 190,400	Total Compensation Market Study (Amount + GRT)	According to Los Alamos County Administrative Procedure Guideline, Index No. 1175 Compensation Administration: "...the Human Resources Manager is required to conduct salary surveys of the compensation plan no less frequently than once every four (4) years, which the County Manager in consultation with the Personnel Board, uses to make compensation plan recommendations to Council." The last Market Study was completed in FY2016.	O-T	General Fund

FY2020 Budget Options

Ref #	CMO Rank	Dept	Division	Amount	Short Description	Detailed Notes	Recurring/One-Time	Fund
8	A	CMO	HR	\$ 8,147	Tuition Reimbursement	Restore tuition reimbursement budget which was reduced to achieve flat budget.	R	General Fund
9	A	ASD	Info Tech	\$ 40,926	Training and Communications Budget	Restore training and communications budget which was reduced to achieve flat budget.	R	General Fund
10	A	ASD	Info Tech	\$ 66,240	Hardware and Software	Restore hardware and software budget which was reduced to achieve flat budget.	R	General Fund
11	A	ASD	Info Tech	\$ 41,858	Contractual Services	Funds contractual services budget for enterprise wide software maintenance for contractual annual increases not included in the flat budget.	R	General Fund
12	A	Police	All Divisions	\$ 35,224	Overtime Pay	Restore operational overtime reduced to achieve flat budget.	R	General Fund
13	A	Public Works	MFM	\$ 365,655	Major Facilities Maintenance	Restore Major Facilities Maintenance funding to the \$2 million target. Funding was reduced to achieve flat budget. This additional funding will be used for projects such as roof repairs at Pajarito Cliffs, painting, and over-head door repairs and elevator maintenance, painting and carpeting of facilities.	R	General Fund
14	A	Public Works	Fleet	\$ 680,000	Increase Interdepartmental Charges (IDCs)	The new cost recovery methodology, developed jointly by Finance and Public Works for FY2019, will continue to be applied in FY2020 and future fiscal years. However, to achieve a flat budget in several prior years, the IDC's charged to departments were reduced below the level necessary to reimburse Fleet for annual costs. As proposed, in FY2020 we are collecting only 64.5% of the Fleet Operation and Maintenance costs through IDCs.	R	General Fund
				\$ 320,000			R	Non General Funds

FY2020 Budget Options

Ref #	CMO Rank	Dept	Division	Amount	Short Description	Detailed Notes	Recurring/One-Time	Fund
15	B	Assessor		\$ 57,669	Double Fill for Chief Deputy Assessor	Chief Deputy Assessor is retiring as of the end of FY2019, but will remain on the books until December 31, 2019. This option would allow Assessor to hire a replacement in June 2019. If approved, we will bring back a budget revision in early May for one month of FY2019 in the amount of \$9,612 to allow for cross training.	O-T	General Fund
16	B	CDD	Econ Dev Housing	\$ 250,000	Rehab Loans	Funding for approximately 15 housing rehabilitation loan projects.	O-T	Econ Dev
17	B	CDD	Econ Dev Housing	\$ 150,000	Home Buyer Loans	Funding for approximately 15 home buyer loans.	O-T	Econ Dev
18	B	CMO		\$ 615,000	Progress through Partnering	Increase funding to \$1.2 million to address regional needs.	R	General Fund
19	B	CSD	Open Space	\$ 20,000	Quad and tracks for trail building and maintenance	Equipment for trail maintenance and cross country skiing building at the golf course	O-T	General Fund
20	B	CDD	Building	\$ 6,000	Certifications	Electrical and Plumbing / Mechanical Training / Travel and Certification	O-T	General Fund
21	B	CMO	Public Relations	\$ 10,500	Operational	Increases for operational needs including increased ad budget, new camera, memory cards, printing and promotions. Also, includes \$1,000 increase for sole source agreement with Pac-8.	R	General Fund
22	B	CMO	Tourism	\$225,800	Wayfinding Implementation Phase One	Funding for Phase 1 of Wayfinding implementation for 58 signs to include pedestrian directional signs, parking lot identification signs and a portion of the vehicular directional signs. The total project is for 133 signs at \$550,000.	O-T	General Fund
23	B	CMO	CPR	\$15,000	Community Perception Survey	Biennial community perception survey scheduled to done in FY2020.	R	General Fund
24	B	CDD		\$ 6,000	EnerGov Training	Two-day onsite training for County employees who work in EnerGov	O-T	General Fund
25	B	CDD	Building	\$ 18,000	Overtime Pay	Overtime (200 hours) needed for weekend and evening response to inspection requests due to the number of building projects projected.	R	General Fund
26	B	CSD	Social Services	\$ 80,000	Public Health Office	To establish fully funded Public Health Office	R	General Fund

FY2020 Budget Options

Ref #	CMO Rank	Dept	Division	Amount	Short Description	Detailed Notes	Recurring/One-Time	Fund
27	B	CSD	Open Space	\$ 35,000	Open Space improvements	Improve trail signage, paths, and kiosks.	R	General Fund
28	B	CSD	Open Space	\$ 79,802	Parks Maintenance Construction Specialist III	Addition of one FTE, Parks Maintenance Construction Specialist III to build and maintain trails.	R	General Fund
29	B	CSD	Library	\$ 15,000	Replace A/V System	Replace damaged and obsolete audio/visual system in library meeting rooms.	O-T	General Fund
30	B	Police	Admin	\$ 33,000	Life-Cycle Purchases	Replacement of aging radios, tasers, batteries, in car printers and barcode systems.	R	General Fund
31	B	CDD	all	\$ 10,000	Advertising	Increased advertising associated with housing programs, planning cases, contractor meetings and recruitment.	R	General Fund
32	C	Public Works	Custodial	\$16,000	Staff Fuller Lodge on weekends	Custodial staff time to ensure that Fuller Lodge is open every weekend regardless if there is an event scheduled at the Lodge.	R	General Fund
33	C	Public Works	Transit	\$250,000	Additional ACT bus from WRVC to downtown LA every hour	Add a weekend bus from the White Rock Visitor Center to the downtown area.	R	Transit Fund
34	C	CMO	Econ Dev Programs	\$500,000	Land Purchase	Program to potentially buy private property to sell for econ development.	O-T	General Fund
35	C	CSD	Social Services	\$ 72,950	resource specialist program funding	Funding was reduced by CYFD/JJAC by \$72,950 for FY20. This equates to the loss of Resource Specialists which equates to 80 youth/families not receiving case management services.	R	General Fund
36	C	CSD	Social Services	\$ 64,000	LAPS prevention program funding	LAPS lost funding for the schools' truancy liaison program due to state budget limitations.	R	General Fund
37	C	CMO	HR	\$ 10,500	Employee Survey	The suggestion was made during the Strategic Planning sessions that the County should conduct another survey. The last survey was completed in 2010 for a total cost of \$9,000.	O-T	General Fund
38	C	Police	Dispatch	\$ 231,300	Expand Consolidated Dispatch Center	Three FTE's in the Consolidated Dispatch Center to Support Operations to address the fire accreditation recommendation to reduce response times.	R	General Fund

FY2020 Budget Options

Ref #	CMO Rank	Dept	Division	Amount	Short Description	Detailed Notes	Recurring/One-Time	Fund
39	C	Public Works	Facilities	\$ 105,000	Materials & Supplies	Additional money is needed for materials and supplies due to the addition of six new buildings (65,617 sq. feet) in the last five years.	R	General Fund
40	C	Public Works	Traffic & Streets	\$ 156,000	Contractual Services	Pavement Condition Index will decline if slurry/crack sealing service is not provided. Each \$10,000 of funding will slurry seal 1/3 of a lane mile.	R	General Fund
41	C	Public Works	Traffic & Streets	\$ 85,000	Traffic Signal Controller Upgrade	Upgrade existing traffic signal controllers.	O-T	General Fund
42	D	CMO	Tourism	\$8,000	Economic/Fiscal Impact Analysis of ScienceFest	Funding to perform an economic and fiscal impact analysis of ScienceFest by vendor that will survey attendees on their actual spending in the County.	O-T	General Fund
43	D	CMO	Econ Dev	\$15,000	Econ Dev Study	Update the 2013 economic development study on spending habits and associated leakage.	O-T	General Fund
44	D	Council		\$ 25,000		Fund request from the Nature Conservancy for the Rio Grande Water Fund (RGWF) forest thinning projects in the Jemez Mountains. Projects include controlled burning, forest thinning, wetland restoration on the Valles Caldera Preserve and post-fire restoration in areas damaged by the Las Conchas fire.	O-T	General Fund
45	D	CDD	Building	\$ 450,000		Expansion of Clean & Lien program	R	General Fund
46	D	CSD	Social Services	\$ 400,000	Tween Center	Investigation and conceptual design for a Tween Center for grades 6 through 8.	O-T	General Fund
47	D	Public Works	CIP	\$ 1,000,000	State Rd 4 Intersection	Potential participation in State Road 4 intersection improvements.	O-T	CIP Fund
48	D	Public Works	Facilities	\$ 70,000	Materials & Supplies	The Facilities Department, in conjunction with the Fire Department, is recommending wholesale replacement of aging fire extinguishers with a new model that has a 12-year lifespan and does not require contracted service, inspection, or testing service during the life of the units. Replaces 500 extinguishers.	O-T	General Fund

FY2020 Budget Options

Ref #	CMO Rank	Dept	Division	Amount	Short Description	Detailed Notes	Recurring/ One-Time	Fund
49	D	Public Works	Traffic & Streets	\$ 35,000	Potential Project Funding	Golf Course Crossing on Diamond Drive Project – this project was presented to the Transportation Board on November 1, 2018; a recommendation was made that the Project be presented to Council for consideration and potential funding.	O-T	General Fund
*	*	CSD	Social Services	\$ 55,000	Teen Center General Operating	Funding request for Teen Center for increases in general operating expenses (\$50,000) and program supplies (\$5,000). Amount proposed in RFP \$349,745.90. Amount contracted and budgeted \$294,041. Remaining allowable per contract is \$55,704.90.	R	General Fund



County of Los Alamos

Staff Report

May 07, 2019

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.: 1)

Index (Council Goals):

Presenters: County Council - Regular Session

Legislative File: 11850-19

Title

Council Appointment of Probate Judge to Fill Term Until Term Expiration of December 31, 2022.

Recommended Action

I nominate Brittany M. Davila-Crum, Adelaide B. Jacobson, Michael Redondo, Felicia Orth, and Lynn M. Finnegan to fill the position of Probate Judge. I further move, that by roll call vote, Councilors will each vote for one nominee and the nominee with the highest vote total of for or more votes will be appointed to fill the unexpired term ending December 31, 2022.

County Manager's Recommendation

The County Manager recommends that Council appoint a replacement for the Probate Judge position to fill the unexpired term of Anne Nobile.

Body

Anne Nobile has resigned her position as Probate Judge on June 1, 2019 but agreed to serve until replaced. The Council has the responsibility of appointing a qualified individual to fill the unexpired term.

The purpose of this agenda item is to review the letters submitted by interested citizens, potentially narrow that list to finalists if needed, and make an appointment. Letters of interest (shown in Attachment A) were submitted by:

Brittany M. Davila-Crum
Adelaide B. Jacobson
Michael Redondo
Felicia Orth
Lynn M. Finnegan

The anticipated process for making the appointment during this Council meeting is shown in Attachment B.

Attachments

A - Probate Judge Letters of Interest
B - Appointment Process

Brittan M. Davila-Crum

Phone 701-200-1162

Email brittanymcrum@gmail.com

April 23, 2019

Mr. Harry Burgess
County Manager
Los Alamos County



Dear Mr. Burgess,

As a licensed attorney in Minnesota and Kansas, with licensure pending in New Mexico, it is my desire to serve Los Alamos County as its Probate Judge. Please allow me to address each job requirement for this position (my responses indented below):

- Qualified candidate must be a resident of Los Alamos County and over the age of 18.
 - Current resident of Los Alamos County
 - Twenty-eight years old
- Selected candidate will adjudicate the transfer of property previously belonging to a decedent according to the decedent's will, or if the decedent dies without a will, according to New Mexico's laws of interstate succession.
 - Litigated 7 jury trials and 100+ evidentiary hearings for felony, misdemeanor, and traffic offenses
 - Prepared 8 estate planning instruments and assisted in the execution of 15 wills for Trca Law Firm
 - Litigated 100+ weekly cases for in-custody hearings, arraignments, motion hearings, evidentiary hearings, probation violation hearings, settlement conferences, and trials
- Selected candidate will appoint personal representatives to manage and settle the decedent's business affairs.
 - Represented the State of Kansas, State of Minnesota, and primary stakeholders during case negotiations, mediations, and litigations
 - Completed property law, elder law, business administration law, and family law through the University of Iowa College of Law
- Los Alamos Probate Court provides general information on the probate process and access to public records that have been filed with the Court.
 - Trained 30+ law enforcement cadets by teaching a three-hour police academy class on 4th amendment considerations and criminal law
 - Communicated complex legal ideas both verbally and in writing to interested parties, including judges, attorneys, law enforcement officers, victims of crimes, and community members

It would be a privilege to serve Los Alamos as its Probate Judge. I am ready to work diligently and humbly. Thank you for your consideration.

Respectfully yours,

Brittany M. Davila-Crum
701-200-1162

Brittany M. Davila-Crum

701.200.1162

brittanymcrum@gmail.com

Experience

Assistant District Attorney, Johnson County District Attorney's Office (September 2017–March 2019) Olathe, KS

Consistently managing 95+ felony & misdemeanor cases, the highest case load in an office of 35 attorneys. Handling a diverse range of cases, including elder abuse, theft, drug, robbery, domestic violence, burglary, assault, forgery, and arson. Daily negotiation & conflict resolution with judges, defense lawyers, defendants, victims, and stakeholders. Preparing legal memoranda and briefs, requiring legal proficiency, research & analytical ability, and concise writing ability. Providing law enforcement legal support by teaching police academy classes on law and trial skills, assisting in the preparation of 18 search warrants, and providing 24/7 legal service to eight police agencies two weeks a year, requiring crime scene investigation support when requested.

- Litigated four felony jury trials and 37 evidentiary hearings for felony and misdemeanor level cases
- Negotiated and litigated eight restitution hearings with \$150K+ ordered to victims of crimes
- Litigated a three-day jury trial for a felony Mistreatment of a Dependent Adult case requiring direct and cross examination of eight witnesses, with a Durational Departure Hearing to the jury immediately after receipt of the guilty verdict

Assistant City Attorney, St. Cloud City Attorney's Office (August 2016–August 2017)

St. Cloud, MN

Prepared 100+ weekly criminal cases for in-custody hearings, arraignments, motion hearings, evidentiary hearings, probation violation hearings, settlement conferences, and trials. Prepared court requested memoranda to clarify issues of law. Participated in monthly on-call rotations to provide law enforcement officers with 24/7 legal service. Developed professional relationships with judges, lawyers, probation agents, and law enforcement officers to facilitate fair and comprehensive resolutions in pending criminal matters.

- Litigation of more than 50 trials for petty misdemeanor, misdemeanor, and gross misdemeanor cases
- Recipient of the St. Cloud City Attorney's Office Prosecutorial Excellence Award for sustained prosecutorial distinction and completing two back-to-back jury trials with criminal convictions entered in both cases

Law Clerk, Stearns County Attorney's Office (Summer 2016)

St. Cloud, MN

- Prepared memoranda clarifying law enforcement use of technology and 4th Amendment considerations
- Conducted 50+ weekly Criminal Division in-custody hearings, arraignments, extraditions, and probation violation hearings
- Litigated petty misdemeanor traffic court trials for speeding, stop sign violations, no proof of insurance, and texting while driving cases

Law Clerk, Clinical Law Programs (2015–2016)

Iowa City, IA

- Presented economic research to three Kosovar diplomats from the Ministry of Foreign Affairs to assist global market expansion through the implementation of national free trade agreements
- Managed two subordinates, navigating nine abused and/or abandoned juvenile immigrants through civil court and federal administrative proceedings to acquire legal residency status
- Represented five criminal defense clients charged with misdemeanor Operating While Intoxicated (OWI), Theft, Public Intoxication, and Minor in Consumption offenses

Law Clerk, Ramsey County Attorney's Office (Summer 2015)

St. Paul, MN

- Prepared a legal memorandum, circulated to 15 county attorney offices to assist court proceedings after a U.S. District Court ruled indeterminate civil commitments of sex offenders unconstitutional
- Conducted 30+ weekly Civil Commitment Division preliminary hearings and two trials

Law Clerk, Burlington Public Defender's Office (Summer 2014)

Burlington, IA

- Prepared exhibits for felony burglary trial and conducted misdemeanor and felony case research

Law Clerk, Trca Law Firm (2014)

Iowa City, IA

- Prepared estate planning instruments, assisted execution of wills, and conducted research for family law litigation

Education**Bar Membership, Uniform Bar Examination (2016–Present)**

- *Bar Transfer Application in Process*, New Mexico State Bar
- *Licensed Attorney*, Kansas State Bar
- *Licensed Attorney*, Minnesota State Bar

Juris Doctorate, The University of Iowa College of Law (2016)

- *Editor-in-Chief*, Journal of Gender, Race & Justice
- *Recipient*, International Academy of Trial Lawyers Award for distinguished trial advocacy skills
- *Member*, Pro Bono Society for completing 75+ hours of community service
- *Recipient*, University of Iowa \$98,000 Law Opportunity Fellowship for students with educational and socio-economic backgrounds historically underrepresented in the legal community
- *Co-President*, Equal Justice Foundation raising \$20,000 for pro bono law student summer grants
- *Finalist*, Stephenson Trial Advocacy Competition
- *Participant*, Comparative Law Study Abroad Program in Arcachon, France
- *Member*, Latino Law Student Association

Political Science and Multimedia Journalism, B.A., Concordia College (2013)

References

Excellent and available upon request.

April 26, 2019

Harry Burgess, County Manager
Los Alamos County Municipal Building
1000 Central Avenue, Suite 350
Los Alamos, NM 87544



Dear Mr. Burgess and Los Alamos County Council:

I wish to be considered for the position of Probate Judge as it would allow me to serve the citizens of Los Alamos County in a formal capacity.

I have resided in Los Alamos County for 30 years and during those years I have 'worked' as a paid employee and also as a volunteer. My most recent paid employment was as a teacher in the Los Alamos Public Schools.

After retirement in 2016, in addition to volunteer work at my church, which I have participated in since my arrival in Los Alamos, I have been volunteering through the LAVA (now LAVA/RSVP) program to transport individuals to medical appointments in Espanola and Santa Fe. Additionally through LARSO, I volunteer at the White Rock Senior Center as a receptionist.

Prior to moving to Los Alamos, I served as a district court judge in North Carolina for over four years. Additionally, I practiced in North Carolina for eight years after receiving my law degree from Wake Forest University. My private practice in North Carolina included assisting with the administration of estates. I have also had the experience of administering estates of family members. Although I know that it is not the probate judge's function to give legal advice, I mention this experience to show familiarity with the position and its requirements.

Before the birth of my son and transitioning into the role of a stay-at-home mom, I worked briefly for the local law firm of Moore & Golden. While at the firm, part of my time was spent as a contract prosecutor in the Los Alamos County Municipal Court.

In addition to helping individuals navigate the stressful period after a loved one's death, officiating at a marriage ceremony is another appealing aspect of the Probate Judge's duties.

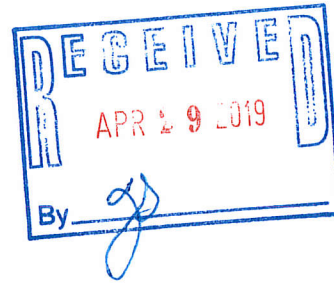
I would be honored to serve as this county's Probate Judge.

Sincerely,

A handwritten signature in blue ink that reads "Adelaide B. Jacobson". The signature is fluid and cursive, with the first name being the most prominent.

Adelaide B. Jacobson
607 Meadow Lane
Los Alamos, NM 87547
505-672-3138

April 29, 2019



Harry Burgess,

I hereby submit my interest in serving as
Probate Judge of Los Alamos County. I believe that I
am uniquely qualified for this position. I look forward
to presenting those qualifications at the May 7th Council
Meeting.

Thank you.

Michael Redondo
390 Manhattan Loop
Los Alamos, NM 87544
(505) 620-0707
odnoder@gmail.com

April 29, 2019

Harry Burgess, County Manager
Los Alamos County Municipal Building
1000 Central Avenue, Suite 350



Re: Expression of Interest in Probate Judge Vacancy

Dear Mr. Burgess and County Councilors:

I write to express interest in filling the remainder of Probate Judge Anne Nobile's term.

My interest is based on the skills I've developed during a long career in the public sector at the state and local level, and the knowledge that helping to provide excellent government services directly to other residents is especially rewarding.

More specifically, I am interested because I believe a probate judge can be helpful to someone at a sad and challenging time. Beyond expressions of sympathy and the usual professionalism, public service in this context would require attentiveness and gentle courtesy in personal contact and in written communication. I have spoken with Judge Nobile about the position requirements, and she has assured me that the staff in the County Clerk's Office provide excellent and caring service; I would want to work with those who share these values.

My husband, two sons, and I moved to Los Alamos from Santa Fe on January 1, 1997, and have resided here full-time since then. Although I very much enjoyed my time in the Los Alamos County Attorney's Office, I had an opportunity to serve as an Administrative Law Judge (ALJ) for the State of New Mexico, and returned to the Environment Department in that capacity. I retired from full-time employment with the State in July 2014, and have provided part-time ALJ services to a variety of federal, state, and local agencies under contract since then.

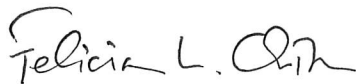
Regardless of whether my employment was in Los Alamos or Santa Fe over the last 22 years, I have remained thoroughly engaged in community service in Los Alamos. This service includes a term on the Board of Public Utilities and a couple of terms on the Labor Management Relations Board, in addition to serving several charitable non-profit boards in town either as a board member or as a consultant assisting with strategic planning and other capacity development.

I have been licensed in New Mexico as a lawyer since June 1987. I understand that a law license is not required to serve as probate judge, but I believe it may be helpful in that role insofar as the duties require some discernment between those matters handled by the probate judge and those handled by the district court judge, for example. I have a fair amount of experience politely offering assistance to the public on forms and procedures without offering legal advice. I also have extensive experience at the state and local level handling requests for the inspection of public records and the implementation of that law.

Finally, although it has not been one of my primary areas of practice, over the last thirty years I have consistently done simple estate planning and assisted with probate forms for family, neighbors, friends, and friends of friends after the necessary course work and continuing legal education to assure competence in that practice area.

I have attached a resume in the event you can consider it as an attachment to this letter, and I will attend the County Council meeting on May 7 to answer questions.

Thank you for your consideration.

A handwritten signature in cursive script that reads "Felicia L. Orth". The signature is written in dark ink and is positioned above the typed name and address.

Felicia L. Orth
20 Barranca Road
Los Alamos, New Mexico 87544
505-695-8944
Felicia.L.Orth@gmail.com

FELICIA L. ORTH, Attorney at Law
20 Barranca Road, Los Alamos, New Mexico 87544
Felicia.L.Orth@gmail.com, (505) 695-8944

Education

B.A. in Philosophy, Magna Cum Laude, Washington University

J.D., University of Wisconsin-Madison

Employment History

Missouri Court of Appeals, Clerk to Judge Robert E. Hogan (1983-1984)

Reviewed trial records and briefs, researched issues of law, drafted memoranda.

Coburn, Croft & Putzell Law Firm, St. Louis, Missouri, Associate (1984-1987)

Worked full-time on a class-action toxic tort suit before a jury. Prepared expert medical witnesses for their testimony; drafted motions, responses, and replies; prepared exhibits; conducted complex legal research into developing toxic tort law and civil procedure.

New Mexico Health & Environment Dep't, Assistant/Deputy Gen'l Counsel (1987-1996)

For the Health side of the Department, represented the Las Vegas Medical Center in mental health commitment and guardianship cases. Handled all procurement, personnel issues, and other administrative matters; participated in medical-ethical policymaking.

For the Environment side, advised management and staff in underground storage tanks, air quality, hazardous waste, ground water, surface water, solid waste, and occupational health and safety. Represented the Department in permitting, rule making, and administrative and judicial enforcement actions. Appeared in state district courts, the U.S. District Court and the U.S. Court of Appeals Tenth Circuit. Handled the majority of personnel and collective bargaining actions, and reviewed procurement.

Los Alamos County Attorney's Office, Assistant County Attorney (1996-2000)

Advised management, staff, and County Council on employment law/collective bargaining, procurement, environmental law, and administrative law and procedures. Drafted ordinances, rules, policies and amendments, and worked with a contractor to put the Los Alamos Municipal Code on the Internet. Assisted with complex legal work necessary to transfer the water system from DOE. Handled public records requests, and drafted memoranda of understanding and other intergovernmental agreements. Assisted Planning and Zoning Commission with hearings and making a record for appeal. Two short stints as Acting County Attorney, including three months in 1998.

New Mexico Environment Department, Administrative Law Judge (2000-2014)

Conducted permitting, adjudicatory, and rule making hearings in a broad set of programs in every part of the state: air quality, solid waste, hazardous waste, liquid waste, ground water, surface water, drinking water, food service, endangered species, construction programs, and petroleum storage tanks. Also conducted air quality rule making, permitting, and enforcement hearings for the Albuquerque-Bernalillo County Air Board, dozens of hearings for the Department of Health (rule making and adjudication), and dozens of hearings for the Taxation and Revenue Department Motor Vehicle Division (driver's license revocation).

As the supervisor of the Department Hearing Clerk and the Administrator to Boards and Commissions, both of whom function like court clerks serving those appointed by the Governor, I assured procedural propriety in compliance with the New Mexico Open Meetings Act and the New Mexico Inspection of Public Records Act.

Professional Appointments

New Mexico Bar Public Law Section Board—2016-current

New Mexico State Bar Committee on Public Legal Education—1995-2000

New Mexico State Bar Medical Review Commission—1987-1991

Non-profit Board Appointments or Elected Positions

Los Alamos County Labor Management Relations Board—2014-2017, Chair 2018

Los Alamos County Personnel Board—2014

Los Alamos County Board of Public Utilities--Board member 2003-2008, Chair in 2005

Albuquerque-Bernalillo County Water Utility Authority Labor Management Relations Board—2015-current

Pajarito Environmental Education Center--Board member from 2006, Secretary 2009-11, Vice-President 2012-14, President 2014-2016

Sage Montessori School--Board Member and Secretary 2009-2011

Northern New Mexico United Way Board—Board member 1999-2002

Unitarian Church of Los Alamos—current Board member and Past President

Lynn M. Finnegan
5385 Quemazon
Los Alamos, NM 87544

April 24, 2019

County Manager Harry Burgess
Los Alamos County Municipal Bldg.
1000 Central Avenue, Suite 350
Los Alamos, NM 87544

Re: Letter of Interest – Probate Judge

Dear Mr. Burgess:

Please accept this correspondence as my Letter of Interest for the appointment to the position of Probate Judge, with a term expiring December 31, 2022.

I am a 1986 graduate of Florida State University College of Law (with high honors) and have been licensed to practice law in the state of New Mexico since 1993. My husband and I moved to Los Alamos in 1992 and I joined the law firm of Mary Walz, P.A. shortly thereafter. In the year 2000, I opened my own law practice. I have legal experience in both the public and the private sector: while in Florida, I held positions at the Court of Appeals, the Public Defender's Office, the Department of Natural Resources and the College of Law. Upon arrival to Los Alamos, I transitioned to the private practice of law. I began work in the area of estate planning, property law, and probate with the law office of Mary Walz, and continued it as my major area of practice when I opened my own law office. I estimate that 85% of my law practice since entering the private sector has been in the area of estate planning and probate, with probate cases increasing gradually in recent years as my clients aged.

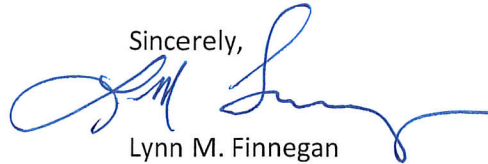
In 2014, my husband accepted a short-term position with the International Atomic Energy Agency (IAEA) in Vienna, Austria. I spent a year closing down my very active law practice and was able to join him in 2015. As you might imagine, Vienna proved to be an amazing opportunity for both of us. In addition to the international culture and travel opportunities, it provided me with time to reassess my career. In May 2018, I was admitted as a postulant for ordination in the Episcopal Church and I am now enrolled as a seminary student in a distance learning program. The course of study is for three years, with an expected graduation date of June 2021.

I am interested in the position of Probate Judge for several reasons. While my significant legal background in the area of estate planning and probate is a distinct asset, my primary interest is that the position will give me an opportunity to be part of the legal process I miss the most since closing my law office: interaction with the public. A rewarding part of engaging with grieving spouses, parents, and children who seek assistance with a probate is to be able to assure them the legal system (at least in the area of probate!) is neither complicated nor overwhelming. The court system is foreign to most people and appears even more daunting in times of stress or grief. As Probate Judge, I will not be able to give legal advice or complete documents, but I will be able to provide general information on the probate process that I hope will de-mystify it. Conversely, I have first-hand experience with family dynamics that can accompany a death and know that some situations require a commanding presence. My hope is that anyone engaging with the Probate Court will feel both respected and relieved.

My second reason for submitting this Letter of Interest is that the position of Probate Judge will allow me to continue to be tangentially engaged with the law while I continue to pursue my seminary studies. Those seeking ordination in the Episcopal Church are permitted to be "bi-vocational" and many priests and deacons hold other employment. I worked hard to obtain my law degree and, despite my sabbatical in Vienna, I am not quite ready to completely disengage from the law! The part-time duties of the office of Probate Judge seem like an ideal balance at this time in my life.

Prior to submitting this letter, I had extensive conversations with current Probate Judge Ann Nobile and former Probate Judge (now state representative) Chris Chandler. I also have re-acquainted myself with the NM Probate Code, the description of the duties of office provided on the county website, and the very helpful Probate Judge Manual written by Merri Rudd (of which I was already familiar). In my conversations with Ann and Chris, I learned of the extra-added bonus of Probate Judge: officiating at weddings, something which both of them spoke of enthusiastically, and which I too would embrace with enthusiasm.

Thank you for your consideration of my application. I truly believe the position of Probate Judge to be a service to the public for which I am well-suited and I look forward to speaking with the County Councilors on May 7th.

Sincerely,

Lynn M. Finnegan

Los Alamos County Council Appointment Process for

Selection of Elected Officials

1. When there's a vacancy in the office of an elected official, the County Council will solicit letters of interest and applications from the public.
2. When the recruiting process is complete, the County Council will appoint a committee to develop a set of interview questions specific to the elected office and that appropriately demonstrates the applicants' skills, knowledge and interest in the position.
3. The County Council will then schedule a public interview and decision process at an upcoming council meeting.
4. At the appointed Council meeting, the applicants will attend and present their application to the Council using the following process:
 - Each applicant will make a three minute statement to share their interest and qualifications for the office.
 - Applicants will then answer questions from the County Council. Each applicant will answer each question. Questions will be prepared in advance by the Council. The questions will focus on issues relevant to the vacant office as well as items that may be relevant to the community.
 - There will be an opportunity for public comment after applicants have made their statements and answered questions. Public comment is limited to three minutes per citizen.
 - After public comment, the Council will take a roll call vote.
 - The applicant with the most votes will be appointed to fill the vacancy.
 - In order to be selected, an applicant must receive a minimum of 4 votes. If no applicant receives 4 votes after the first roll call vote, the applicant with the fewest votes will be eliminated and the Council will take additional roll call votes until a final selection is made.



County of Los Alamos

Staff Report

May 07, 2019

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.: 1)

Index (Council Goals):

Presenters: Harry Burgess, County Manager

Legislative File: 11837-19

Title

County Manager's Report for April 2019

Body

The County Manager's Office compiles a monthly report of activities conducted by County staff and publishes this report for the benefit of our citizens. Highlights of this report will be emphasized for Council as a means to increase the distribution of this information.

Attachments

A - April County Manager's Update

County Manager's Monthly Update

LOS ALAMOS COUNTY

APRIL - 2019

This update contains information about Los Alamos County, and is intended to keep you informed regarding key issues, the status of various capital projects, employee recognitions and significant events that have occurred during the past several weeks. This update is distributed on a monthly basis; however the County maintains a website at www.losalamosnm.us where you can also check for periodic updates on the issues outlined below as well as other current topics. In the event that you have questions concerning the information in this update, or any other questions about Los Alamos County activities, please feel free to contact the County Manager at (505) 663-1750, or via lacmanager@lacnm.us.

CMO

Relocation of the Los Alamos Visitor Center

The Los Alamos County Tourism Strategic Plan, accepted by County Council in February 2018, recommended that the Los Alamos Visitor Center (located at 109 Central Park Square) be relocated since the current visitor center, located in a shopping center, is not in a location where visitors look for or expect to find visitor information. The Council appointed citizen Tourism Implementation Task Force performed a trade-off analysis in order to provide Council with a recommendation for an alternate location for the Los Alamos visitor center. It was determined that by moving the LAVC to a County-owned facility, costs would be decreased by eliminating the leasing cost. The only County-owned facility on the recommended list was the current NMSU Cooperative Extension office in the Community Building (475 20th Street, Suite A; adjacent to the Los Alamos Teen Center) so it was decided to relocate the Los Alamos Visitor Center to this location.

The County's Facilities division staff recently completed renovations to the space which included removal of a wall, painting two accent walls with brand colors, painting of mural, and installation of diaper changing station. Special thanks to Jim Zerr and Keith Yeske for this effort.

As of Saturday, April 6, 2019, the Los Alamos Visitor Center is operating in the renovated space in the Community building. An official ribbon cutting will be scheduled at a later date.

The following offices have been moved to accommodate this relocation:

- NMSU Cooperative Extension – now at 1251 Bathtub Row (known at Red Cross cottage)
- Los Alamos Arts Council – now in Room 201 of Fuller Lodge (second floor)
- Manhattan Project National Historical Park Administrative offices – now in Room 111 of Fuller Lodge (first floor)

This project was really a team effort! Special thanks to Matthew Valencia and Patrick McGurie for their assistance with moving the above offices; to Steve Huebner for oversight of installation of furniture at the Red Cross Cottage; to Julie Brothers for keeping track of all the keys that were turned in and reissued; and to Custodial staff for ensuring each space was cleaned prior to move in day.

COUNTY CLERK

Women's History Month Celebrated in March

Nationwide every March, we celebrate “Women’s History Month”, honoring women’s contributions in American history. Locally, it is important to honor the important role women played during the Manhattan Project. On March 19th, we celebrate “Women in Public Office Day”, and the Los Alamos County Clerk’s Office takes pride in recognizing all the amazing elected women (and future elected women) representing Los Alamos. Thank you for paving the way for future generations.



Pictured Left to Right: State Representative Chris Chandler, County Council Chair Sara C. Scott, County Councilor Katrina Schmidt, County Clerk Naomi D. Maestas, Probate Judge Anne Nobile, Municipal Judge Elizabeth Allen, and Magistrate Judge Pat A. Casados.

2019 New Mexico Legislative Session Update

The 2019 session of the New Mexico Legislature sure was a busy one for County Clerks. Among the many bills monitored by Clerk Maestas and the NM County Clerk Affiliate, the following is a list of bills that have an impact on the County Clerk’s Office and have been signed by Governor Michelle Lujan Grisham.

SB672 – EARLY & AUTO VOTER REGISTRATION

Allows voter registration during early voting and, starting in 2021, voters may also register to vote on Election Day. However, anyone registering right before voting would need to present a state identification card as well as proof of their address and sign an affidavit attesting they had not already voted in the election. The new law also expressly prohibits voters from switching party affiliation when updating registration during an election. The law will also ensure voter registration information is automatically updated when voters renew their driver’s licenses, unless a motorist opts out of the process. And it calls on the Human Services Department to set up a way so people who are receiving assistance, such as through the Supplemental Nutrition Assistance Program, are given an opportunity to register to vote when visiting department offices.

HB293 – DUPLICATES FOR INSTRUMENTS OF WRITING

This bill amends Section 14-8-4 NMSA 1978 deleting the current provision that allows a duplicate of an instrument of writing to be filed and recorded to the same extent as the original and creating new requirements for the filing of duplicates of instruments of writing. This bill requires that a duplicate may be filed if the original is unavailable and the duplicate is accompanied by an affidavit providing: (1) The name, phone number, and mailing address of the affiant; (2) Information regarding the execution of the original instrument to establish that the original instrument would be entitled to be recorded if it were available; (3) The reason that the original is unavailable; and (4) That the duplicate is a true and correct copy of the original instrument. This bill also provides that there shall not be an additional fee beyond any fee that would be required for the recording of the original instrument.

SB190 – INTIMATE PARTNER VIOLENCE SURVIVOR SUFFRAGE

Amends the Election Code to create the Intimate Partner Violence Survivor Suffrage Act and requires the Secretary of State to ensure that a participant who is eligible to vote in New Mexico is able to be securely registered to vote and to automatically receive a ballot for each election.

HB407– ELECTION CODE OVERHAUL

This is a 472-page bill that provides substantive and pro forma changes to several sections of the Election Code. There are 44 key items being addressed by the bill, visit <https://www.nmlegis.gov> for complete details.

PUBLIC WORKS DEPARTMENT

Administration Division

Chamber Business Breakfast at UNM-LA:



On March 14, 2019 Public Works Director Philo Shelton updated business members on road construction mitigation on NM502 and DP Road.

Transportation Board Recruiting New Members:

The Transportation Board meets the first Thursday of the month at 5:30 p.m. Meetings are held at 1000 Central Avenue, Room #110.

March 7, 2019 Transportation Board Meeting Highlights:

🌈 Eric Martinez, County Engineer provided an update on the NM 502 Project.

Airport Division

Fence Project – Update:



After some long delays due to weather and soggy conditions, crews were back to work on the fence project on Mar 25th. The crews are tackling the last remaining items including vehicle and pedestrian gates, some pavement work, relocation of two light poles and a short stretch of fence along airport road. We expect the project to be complete by mid-May. This project replaces the fence along Highway 502 and airport road with vinyl-coated eight-foot chain-link fence, replaces two powered vehicle gates and three pedestrian gates. An FAA Airport Improvement Grant and an NMDOT Aviation Grant is covering 95% of the project costs.

Custodial Division

- The Custodial Division supported 208 events during the month of March.
- Two vacant custodial positions were filled in March
- New flower boxes were purchased for the annuals on the patio at Fuller Lodge
- The Division started its new cleaning certification training program this month

Engineering & Project Management Division

Fire Station 3:

Due to unusually wet weather the contract has been extended until April 12, 2019 to complete all items and deliver the project completed. Only two items remain outstanding, roof ladders and the snow melt system cabling.

White Rock Senior Meals Center Kitchen Equipment Upgrade:

Work started in the kitchen on March 16th and was completed on March 25th. White Rock Seniors are be served through the Los Alamos Senior Center Kitchen during this period. The White Rock Kitchen will reopen on April 1st.

Mesa Library HVAC Improvements:

The project is substantially complete as of February 20th and final completion is pending minor work. The contractor is working on punch list items and making adjustments to the HVAC system as needed. Activation and testing of the chillers will occur in the Spring when cooling will be needed in the building, this is scheduled to be complete by June 1st and will not impact the occupancy of the building. Additional work on the elevator will be complete by the end of March including fire caulking, a damper, and a Shunt Trip breaker requested by the Fire Marshal as precautionary items.

Fire Station 2 Training Tower Work:

A consultant is being hired to verify the tie-offs and lowering structures on the tower meet OSHA safety requirements. County facilities crews will perform work to correct some door and wall panel issues and a concrete contractor will be hired to repair some minor concrete damages on the stairs.

Fire Station 3 Alternate Dispatch Area:

Plans to provide a secondary dispatch area at Fire Station 3 began two years ago to eliminate the need for an alternate dispatch location to reside at the Santa Fe Dispatch area. Planning and Design work to complete the infrastructure is needed before 911 lines are installed. This work is not yet scheduled.

Airport Re-roof:

Staff is working to secure design services for the re-roofing of the Airport due to some damage in January. The roof is at the end of its life and needs to be replaced. Work could occur as early as mid-June and complete at the end of July.

Aquatic Re-roof and Structural Repairs:

Staff is working to secure design services to re-roof the flat roof portion of the center's roof as well as correct some structural issues with a portion of the roof structure away from public areas which have been damaged by humidity from pool. An exhaust fan is anticipated to be installed in the electrical room to

exhaust humidity build-ups and create some air flow. This project is also considering a slanted roof to keep snow from sliding onto the adjacent flat roof and down spouts to deter icing damage on the canyon side of the building.

Canyon Rim Trail Phase 3:

The County has been working with the consultant to acquire parcels with private owners. Appraisals were received on January 23, 2019. County project management staff met with The American Legion the week of February 25th to discuss the appraised value discuss next steps concerning their membership. Formal offers are being drafted by the County and are anticipated to be sent to the property owners in April.

Canyon Rim Trail Underpass:

The project was awarded federal FY2018 funding under the Transportation Alternatives Program (TAP) for project study and design in the amount of \$320,000 and FY2020 TAP funding for project construction in the amount of \$2,020,000 for a total award of \$2,340,000.

A 90% plan submittal was submitted on February 1st and a plan review was held on March 8th. A cooperative maintenance agreement between NMDOT and the County is scheduled to Council approval on April 2nd. Final plans are anticipated in June 2019.

Tsikumu Village Road Improvements:

A pre-construction meeting was held on March 26th and the construction is scheduled to begin on April 1st with completion anticipated by mid-June 2019.

Tracts A-13/A-12 LASO Offsite Improvements Project:

Santa Fe Engineering, the County's design consultant, presented the design alternatives to the Transportation Board on January 3rd. The board requested a road diet be considered on Trinity Drive between Oppenheimer and Diamond Drive. The road diet scope was added and is currently be analyzed by SFE. The findings and a preferred alignment, based on the model's analysis, will be presented and a recommendation will be requested at the May 2019 Transportation Board meeting.

DP Road and Utility Infrastructure Improvements Project:

Other Grant opportunities will be considered as they become available. Review of A-9 60% design has been submitted back to developer.

SR4 and Truck Route:

NM 4/East Jemez Rd. (Truck Route) Intersection: Staff continues to work with DOE, NMDOT Bandelier, and Army Corps of Engineers to program, design and construct intersection upgrades to improve capacity and safety. Bohannon Huston completed a traffic study documenting a preliminary estimate for the preferred alignment of \$3.6Million including NMGR. DOE will evaluate whether the remaining SEP funds available would be sufficient to construct the project and if not would begin to explore other funding options. USACE and DOE have begun the design portion of the project with Bohannon Huston and final designs are anticipated late August of 2019. Bi-weekly project team meetings are being held with all stakeholders to keep this project on schedule.

NM 502 Reconstruction, Knecht St. to Tewa Loop:

Staff continues to coordinate with NMDOT on this state lead project. The contractor, Star Paving, began work on March 18, 2019. Agency coordination is ongoing for projects occurring on or near DP Road for

public outreach. A public meeting was held by the NMDOT Project team on March 20th at Fuller Lodge to discuss construction operations with the public.

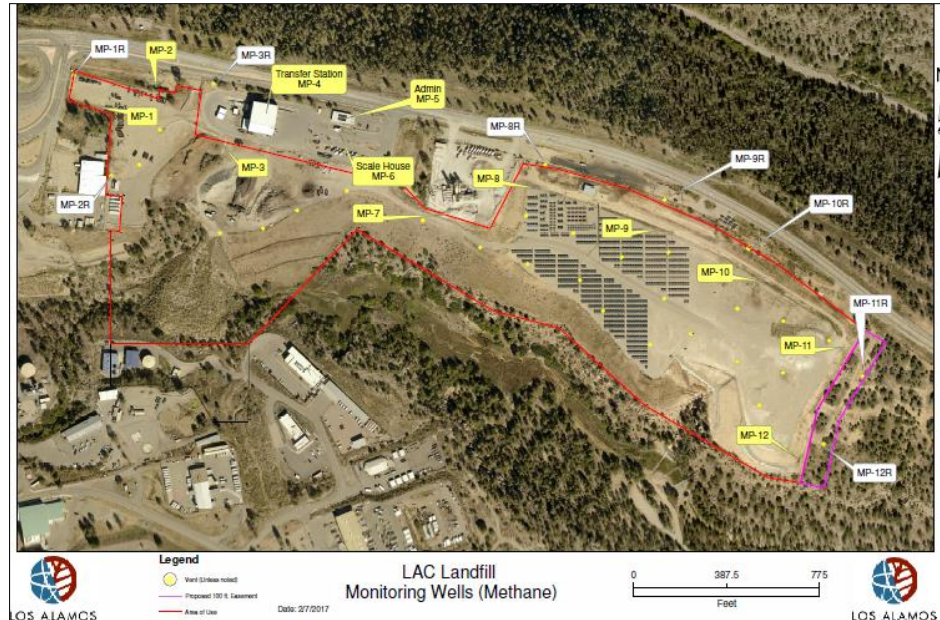
Environmental Services Division

Training:

Environmental Services Superintendent Armando Gabaldon completed his training to be a certified landfill operator. Equipment Operator Clint Chevalier received recertification in Household Hazardous Waste Management

Los Alamos County Landfill Gas (LFG) Update:

With the installation of the Landfill Gas Control and Collection system, the methane concentrations have decreases and are in compliance with NMED Solid Waste Rules. Environmental Services has received approval from New Mexico Environment Department (NMED) to reduce monitoring from weekly to quarterly as prescribed by NMAC Solid Waste Rules.



Los Alamos High School AP Environmental Science class Tours the Eco Station:



Los Alamos High School AP Environmental Science class visited the Eco Station to learn about waste generation and disposal. Environmental Services manager, Angelica Gurule, discussed the triple bottom line, people, planet, and profit. These are fundamental principles of how we do business. We try to balance the needs of our customers with what is the most financially responsible as well as what is right for the planet. The students also learned how recycle material is impacted from a global market and how recycling correctly gives

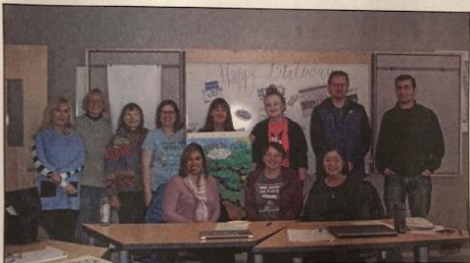
our material more value. Students walked away with knowledge of how waste and recycle materials are processed in Los Alamos.

Zero Waste Team Meeting and 1 Year Anniversary:



The Zero Waste team met March 20th and had new member Elchin Jafarov present on his composting system and business – “Turning Waste into Profit.” Once the meeting was done the team celebrated their 1-year anniversary.

Zero Waste Team Turns One!



The Zero Waste Team celebrates its one-year anniversary Wednesday morning at the Municipal Building. Team member Sue Barnes said it was a successful year. Barnes said the team set up a webpage on the Los Alamos County Environmental Services Division website, established a Facebook page, hosted numerous talks and participated in various events including the Bear Festival at the Los Alamos Nature Center. As the team proceeds into its second year, Barnes said, the team is focusing on food waste across the County. She added the community's response to the Zero Waste Team's work has been excellent. The team's mission is to educate the community on how it can reduce waste. Photo by Kirsten Laskey/la.allypost.com

The Zero waste Team is a group of citizens who engage the community on the importance of reducing waste and becoming more sustainable. In the first year the team has produced many articles for the LA Daily Post, engaged business owners about reducing food waste, created outreach material, and made community events such as Bear Fest and Chamisa Elementary Schools Recycle Fashion Show and Craft Fair zero waste events.

Future Goals for the team include supporting community or county wide composting of food waste and making all county sponsored events zero waste events.

Residential Sustainability Report



Residential Sustainability Report

Service Period: February 2019

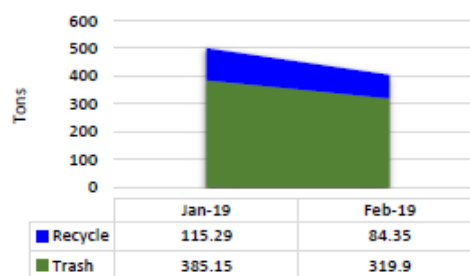
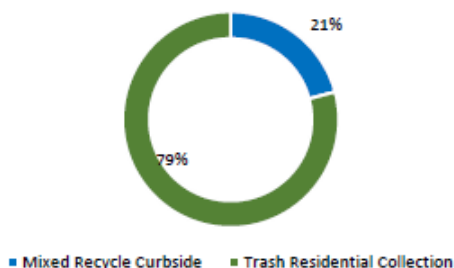


LOS ALAMOS

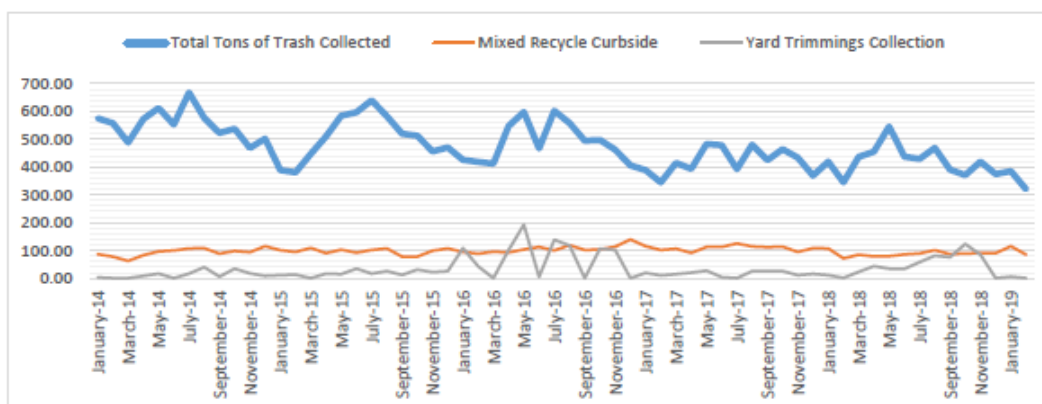
February Diversion Rate: 21%

The *diversion rate* is the percent of recyclable and compostable material diverted from the landfill.

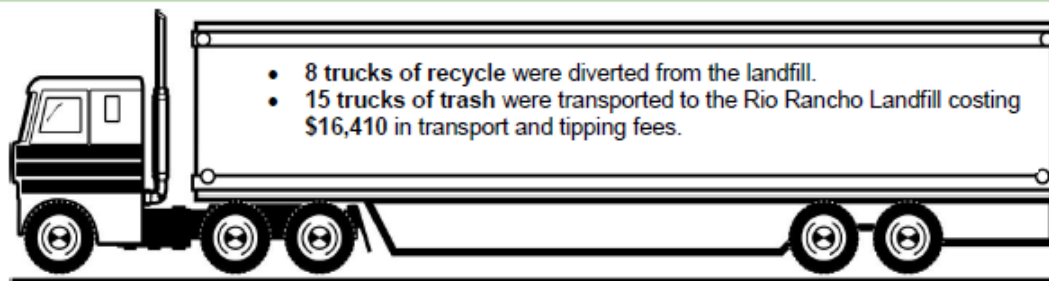
Monthly Collection Report



In February by recycling and composting Los Alamos County reduced CO2 emissions by ~290.16 tons



In 2019 by recycling and composting Los Alamos County reduced CO2 emissions by ~697.45 tons



For more information contact Environmental Services Division at 505.662.8163 or email solidwaste@lacnm.us

Facilities Division

New Visitor Center – Community Building Remodel:



The Los Alamos Visitor's Center is moving from its previous location at the Central & 15th St. shopping center to a location in Los Alamos County's Community Building opposite the Manhattan Project National Historic Park office on 20th St.

Work in preparation for the move included removing walls to improve flow and completely repainting the space to provide a welcoming environment for area visitors to learn about the community.

Court Audio Upgrades:



Facilities crew members are working with PACE Audio (contractor to the County) on a complete replacement and upgrade of the audio systems that serve the municipal and magistrate court facilities located in the Judicial Complex.

In addition to bringing the system into the digital age, the upgrade will provide the technological capabilities standard in District Courts statewide.

Airport Hangar Modifications:



Staff are working to make final modifications to the new airport hangar required to be in full compliance with the fire code. This activity will be the last at the hangar completing a project many months in the making and clearing the way for the space to serve as revenue producing rental property for the airport, while providing protective cover for the equipment operated by Classic Air Medical. Move in date is scheduled for April 1st.

Fleet Division

New marked unit for Police Department.



New units for Utilities



Traffic & Streets Division



Crews have been patching sections of asphalt on 33rd and 34th Street.



Crews were called to assist with removing a tree from power lines at the top of Ski Hill Road.



Crews were called out to remove a fallen tree on West Road by the Ice-Skating Rink.





Crews were called out to remove a tree that fell on a Jeep.



Crews were called out to remove a fallen tree from Diamond Drive.



Crews were called out to remove a fallen tree on 33rd Street.



Crews were called out to remove a fallen tree on 46th Street.



Crews removed snow that was dumped on Deer Trap Trail Head during the snow storms in December, January and February.

Transit Division

Shuttle Service:

The Transit Division performed 30-minute shuttle service from Sullivan Field to Pajarito Mountain for Skiasta on March 16, 2019. In addition, a Dial-A-Ride service was performed the same evening for St. Patrick's Day.

Great weather brought several people out to celebrate. Ridership for Skiasta increased by 115 people this year and was a total of 378 with St. Patrick's Day celebration transporting approximately 24. Los Alamos Police Department did perform saturation patrols and zero arrests were made. Way to go Los Alamos!

New Mexico Transit Association will be hosting the annual Transit ROAD-EO. Transit drivers from around our state come together once a year to show off their driving skills in a course designed to maneuver 40' transit buses.

Atomic City Transit will be supporting six drivers for competition and the winners of the ROAD-EO will go on to represent New Mexico in the annual national competition. This year's ROAD-EO will be held at Buffalo Thunder on Sunday March 31, 2019. Good luck to the following contestants: Julie AlderseBaes, Justin Chavez, Corrine Salazar, Ramon Trujillo, Laura Dison, and Jonathan Gonzales.

WELCOME TO THE TEAM



Sidney Snyder, Transit Operator Trainee started with Transit on February 25th. She passed her CDL and is learning the bus routes.



Virginia Espinoza, Senior Office Specialist started with Transit in early March. Welcome to the County.

On March 20, 2019 Atomic City Transit employees attended Bloodborne Pathogen training.

We also had a visit from the Eco Station with a presentation on how to recycle correctly and add to our goal of zero waste. Thank you, Josh for all the information.

ZERO WASTE



COMMUNITY DEVELOPMENT DEPARTMENT

Building Safety Division

Four (4) commercial permits were issued in March 2019, with a total valuation of \$36,645.00 compared to seven (7) permits issued in March 2018, with a total valuation of \$109,570.00.

Thirty-two (32) residential permits were issued in March 2019, with a total valuation of \$331,031.00 compared to forty-five (45) permits issued in March 2018, with a total valuation of \$651,634.00.



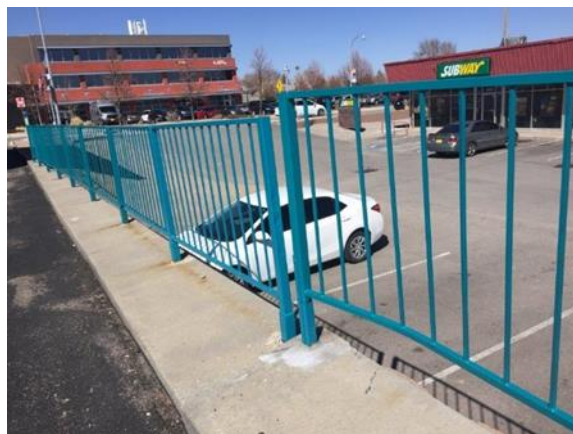
Sonic repairs completed

Code Compliance:

Before and after pictures with code compliance intervention



Before



After



Before



After



Before



After

Housing and Special Projects Division

Housing Rehabilitation Program (Home Renewal Program):

Work has been completed on five homes for the 2017 program and is expected to finish on three more homes before the end of March. For the 2018 program for the five approved projects, work is scheduled to begin this spring on repairs and improvements for energy efficiency, accessibility and general repair.



Installing energy efficient windows for Los Alamos home

Homebuyer Assistance Program:

Three home closings are anticipated from now until June 2019. For the next fiscal year if additional funding is available more income eligible households will be encouraged to apply.

Affordable Housing Multi-Family Development:

Two affordable rental housing projects are planned for DP Road to be financed with State low-income housing tax credits and built by Bethel Developments. Building permit submittal is anticipated in late May for the first project, “Canyon Walk Apartments” on Tract A-9, 120 DP Road for 70 units focused on workforce housing. Building permit application submittal is anticipated in June 2019 and construction start in August 2019. For the second project, “The Bluffs” the State will announce mid to late June whether the project received a tax credit financing award. The Bluffs’ plan is for 64 units for age 55 and over on 2.79 acres of Tract A-8-b at 135 DP Road. Several other construction projects are planned for DP Road which will be overseen by County departments and other agencies. In order to ensure proper coordination and minimize disruption to local business owners and customers, Community Development staff will be meeting regularly with relevant County departments and agencies.



Locating Utilities for “The Bluffs” affordable housing project

Housing Needs Study:

The County requires current information about the housing market and housing needs in order to direct public resources for housing development and meet Council’s Strategic Goals for Housing. It is anticipated that by early May the County will advertise for a Housing Market Analysis to be conducted over the summer. The Study would identify housing demand and gaps, and housing preferences and types needed for the different demographic segments of the population.

The County intends to use the Housing Market Analysis findings to help inform what types of housing needs to be supported for future development.

Planning Division

The Planning and Zoning Commission did not meet in March. The next regularly scheduled meeting is April 10th, which will include Commissioner training to be provided by the County Attorney's office.

On March 4, 2019 the Board of Adjustment approved a Waiver related to the Lot Split of the Los Alamos Shrine Club property at 1459 Trinity. This was the last of several cases pertaining to this property and will allow the redevelopment of the property to proceed.

Planning staff met with the architect for a new Wendy's restaurant, anticipated to be built on the site of the former McDonald's at 1247 Trinity.

Staff also held a pre-application meeting with the architects and developers for "The Hill" – 150± new market rate apartments to be built on the former LASO site, east of the Medical Center on Trinity.

Planning Cases Applied for in the Month of March:

Subdivision- 1
Temporary Use Permit - 1
Waiver - 0

Building Permit and Business License Review:

During the month of March Planning Division staff reviewed and acted on 18 Building Permits and 11 new Business License applications.

CDD Administration and Special Projects

Boards and Commissions

There are currently vacancies for the Planning and Zoning Commission and the Art in Public Places Board. Vacancies have been advertised. Boards and Commissions FY20 Work Plans have gone to Julie Habiger for her review.

Business Licenses

95 business licenses were processed in January. This includes both new applications as well as renewals of existing business licenses.

ECONOMIC DEVELOPMENT

Economic Development

Los Alamos, New Mexico is #5 in Realtor.com's annual ranking of America's Best Small Towns. The Economic Development Administrator participated in an interview with the Realtor.com News Team data journalist out of New York, providing examples of what makes our community a great place to live. To read the full story, go to

<https://www.realtor.com/news/trends/top-10-affordable-small-towns-where-you-d-actually-want-to-live-2019-edition/>

Economic Development Marketing

Tourism Marketing • Local Flavor magazine:



LtoR: Amber Rushton, Melanie Pena, Cullen Curtiss, Marianne Tennenbaum, Patty Karlovitz, Kelly Stewart, Linda Deck, Katie Bruell at the Fleur de Lys (not shown: Linda Matteson and Ryn Herrmann)

As part of its efforts to establish strong, cross-promotional partnerships with key tourism marketers in Santa Fe, Economic Development Marketing set up a group *interview with Local Flavor magazine* publisher/editor Patty Karlovitz and associate editor Cullen Curtis at Fleur De Lys Friday, March 8. Representatives from Los Alamos attractions and the Discoveries Action Team shared the people and experiences that make Los Alamos a special place to visit. Look for new articles about Los Alamos in upcoming issues of *Local Flavor*, currently distributed for free at several locations around town. If there is a Los Alamos location where you think *Local Flavor* should be distributed, please contact Kelly Stewart, kelly.stewart@lacnm.us, (505) 662-8087.



<https://deadline.com/2019/03/perpetual-grace-ltd-trailer-ben-kingsley-series-steve-conrad-epix-video-1202570171/>

Los Alamos Film Office • Click the link above to check out the first official trailer for ***Perpetual Grace, LTD*** (aka “Our Lady, LTD”). As reported in previous monthly reports, this 10-episode Epix original noir series follows James (Simpson), a young grifter, as he attempts to prey upon Pastor Byron Brown (Kingsley), who turns out to be far more dangerous than James suspects. It turns out Byron and his wife Lillian (Weaver), known as Pa and Ma, have used religion to bilk hundreds of innocent people out of their life savings. According to actor Ben Kingsley, ““They are like the Macbeths in Shakespeare’s greatest play.” And according to a lucky media rep who enjoyed an advance screening of the series, Kingsley’s character “Pa” is a seriously menacing figure with Bard-plus spicy language to boot, and New Mexico serving as the story’s modern Wild West backdrop.

Expect to see several scenes of a bus depot—all filmed at the Los Alamos County Airport parking lot. Also look for some of the County’s own (i.e., Facilities Manager Jim Zerr and his daughter) who are in scenes involving NASA scientists and recruits!

The production has been filming primarily in Santa Fe, Espanola and three different weeks in Los Alamos in December, January and February, filming at the Airport and LANB, and staging at the Los Alamos Main Gate Park. During the 10 days in December and January when the production was in Los Alamos, they spent over \$11,000 on meals, gas, ice melt, copy services and site rentals for parking, staging and filming.

Kudos go to several members of the Public Works Department who helped find and access locations, and juggled ever-changing filming schedules with snow removal operations—even removing and replacing streetlight bulbs—to serve the location and lighting requirements of the production. LAPD officers provided traffic control operations to accommodate filming and access for pilots and travelers.

While every filming project is different in nearly every way, the Los Alamos Film Office is charged with standardizing and managing contracts, permits, processes and procedures to minimize negative impacts to County operations, staff and, most importantly, County residents.

Los Alamos ScienceFest 2019 theme: Eureka! • When the Los Alamos ScienceFest planners convened after the 2018 event, “Eureka!” was suggested as a theme for the following year as the perfect expression of joy in discovery. This year, when the group reconvened to begin planning the 2019 event, it was discovered that the expression originated during the mid- to late-200’s b.c.! Legend has it that the famed mathematician, physicist, engineer and inventor Archimedes exclaimed “Eureka!” (meaning “I have found it”) while running naked through the streets of Syracuse, Greece after discovering the hydrostatic principle of displaced water while taking a bath! Turns out, this town has an affinity for bathtubs and an abundance of physicists and engineers who all know and love Archimedes. The event planners at Los Alamos MainStreet and Creative District are forging partnerships with Bathtub Row Brewing Co-Op and many other businesses and associations to leverage the “Eureka!” and Archimedes story. The County’s marketing and branding experts are developing additional promotions and campaigns to cultivate curiosity and create aha moments through social media, public relations and digital and broadcast campaigns with content that begins with Archimedes, incorporates LANL’s discoveries and then ties in the unique programming of this year’s ScienceFest. Stay tuned!

Branding • The **Discoveries Action Team (DAT)** met December 20 and January 19. Beginning on February 21, DAT started a new process, establishing a different focus for each gathering, starting with working meetings, where members spend the entire 90 minutes working on specific projects. Other meetings will focus on vetting new ideas or bringing new members up to speed, or reporting in on progress made on projects!

The most recent achievement to come out of DAT is a LANL Summer Students on-line resource designed to orient and inform summer students before, during and after their extended visit to Los Alamos. The idea was raised during a DAT meeting, then championed and researched by LACDC, and designed and produced by the County’s Communications and Public Relations Office. The user-friendly web resource is being promoted by LANL as part of their summer student recruitment efforts.

Discover the Next Great Idea at the next Discoveries Action Team at Council Chambers on Thursday, March 21st held at the regular time, over the lunch hour (11AM-12:30PM). All new ideas must be submitted in advance using the idea form available at <http://wherediscoveriesaremade.com/>!

BRAG ABOUT BRANDING

Whenever you realize you’re having an “**aha moment**,” share it!!! Send it to kelly.stewart@lacnm.us and I’ll help you get it out there!

Remember, on any on-line or social media, please use any of the following hashtags that best apply to your message:

#LiveLosAlamos #WorkLosAlamos #PlayLosAlamos #StayLosAlamos
#LearnLosAlamos #SafeLosAlamos #GiveLosAlamos #lovelosalamos #100ahamoments

Then, always follow that action-oriented hashtag with: “#wherediscoveriesaremade and #NewMexicoTrue (This aligns your message with bigger efforts that will provide Los Alamos more positive exposure!)

Spread the Love! Go to Instagram and check out **@LoveLosAlamos**, the new account started by three members of the FY17-FY18 Leadership Los Alamos class! The concept is simple: post photos of the things you love about Los Alamos, then hashtag #lovelosalamos #wherediscoveriesaremade! Instagrammers—spread the love! And if you haven't got an Instagram account, this is a good reason to join!!

COMMUNICATIONS & PUBLIC RELATIONS DIVISION

The division has been very busy this last month as many projects begin to ramp up before the summer, including: LANL Student Collateral (a new feature for incoming summer students using Adobe Spark, put together with the MainStreet/Chamber of Commerce, that should launch by April), the Spring into Adventure booklet (CSD – featuring spring programming), helping out Schools with promotion of School Bus Safety (proclamation, photo op, sharing out on social media), some information for the February snow events (social media, media relations), the startup of Cone Zone (traffic updates newsletter released on Fridays) as well as setting up project pages for Road Construction, a new feature on the website (to assist residents during the summer with updates and sharing out info on the NM502 roundabout). Work on outreach for the roundabout was also significant this month for the PIO, in coordinating the various entities. The PIO will also be assisting IT with a new intranet project happening later this year and attended a kick off meeting. Budgets for CPR and supporting documents were developed, and two surveys for Open Forum were launched along with supporting ads and press. The PIO is also working on getting the committee set up for the Jim Billen Trail Naming public hearing in April.

COMMUNITY SERVICE DEPARTMENT

Aquatics

New Mexico Swimming 2019 Championship Meet – March 2nd & 3rd, 1199 attendees:

The Walkup Aquatic Center hosted the New Mexico “B” short course championship meet. This meet attracted novice swimmers and their families from all over the state.



Los Alamos High School Freshmen PE Kickoff – March 4th, 315 freshmen:

During the 3-week Freshman PE sessions, 9th grade students learned hands-only CPR, safe rescue techniques, and stroke development. The final day of class included relay races and gutter-ball (a modified water polo game).



Spring Forward Warm Water Weekend – March 9 & 10th, 862 attendees:

Because it was the time-change weekend, the theme was “Spring Forward.” There was a floating island and a large, colorful flower scattered around the shallow end for kids and adults to enjoy.



Pre-Pi/Pirate Wacky Wednesday – March 13th, 42 attendees

In honor of Pi Day, the Aquatic center hosted a Pre-Pi/Pirate Wacky Wednesday. There were pirate ships and pizza slices for the kids to enjoy. Pirate and slices of pizza inflatables in the water for the patrons.



Pajarito Mountain Ski Patrol Training – March 17th, 8 participants:

Pajarito Mountain Ski patrol conducted an in-water training at the Aquatic Center to cross-train their staff on immobilizing spinal injuries on the mountain.



Lifeguard Certification Training – March 25th through March 29th, 16 participants:

Lifeguard candidates participated at the Aquatic Centers lifeguard certification class, including Dan Erickson, the new PROS Manager. All of the candidates passed the class.



Recreation

Family Night at the Nature Center – March 20th, 110 attendees:

It was a packed house at the Nature Center where CSD employees took over the Nature Center and made S'mores and played games and watched a movie in the Planetarium with the kids.



Golf

Golf Course Opening Day – March 9th & 10th, 83 attendees / March 23 & 24, 133 attendees:

Golfers warm up as they ready themselves for their first round of golf for the year. The golf course opened the front nine holes and practice facility, with a lot of happy golfers dusting off their golf clubs and enjoying the sunshine.



Parks

Removed six trees and approximately 30-40 pallets of retaining wall block and landscaping rock from the median where the roundabout will be constructed. The trees have been transplanted to the dog park, Main Gate Park and around town.



Parks crews removed the new solar holiday trees and have been busy trimming plantings around the pond to get it ready for the summer.



Crews were busy cleaning up debris after the wind storms, where trees fell down.





Open Space

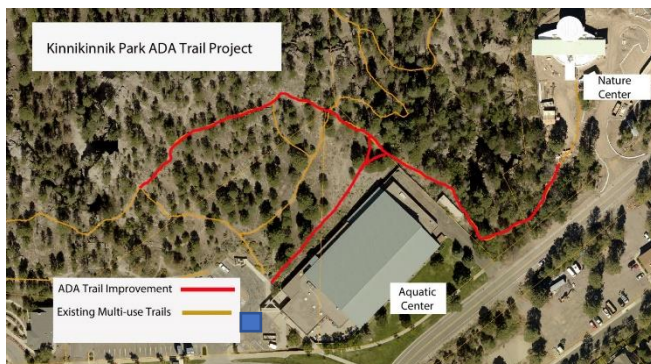
Hazard and Fallen Tree Mitigation:

Many trees have been cleared from trails throughout Los Alamos County Open Space after the winter storms.



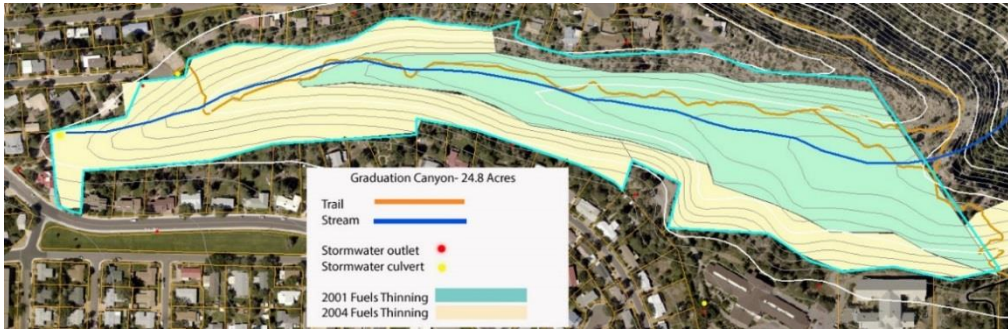
Kinnikinnik Park ADA Trail Improvement Project:

Bids are being reviewed and once finalized, the project to improve the trail path will begin.



On Call Environmental Consulting Services- Graduation Canyon Restoration Project:

Natural Channel design completed a Schematic Design and Schedule for the upcoming project. Work will begin mid-April.



Library

Sean Gaskell Musical Performance, March 2nd, 46 attendees:

Kora player Sean Gaskell talked about the history and construction of this African instrument which is similar to a harp. His concert included many traditional Gambian pieces and some he had composed himself.



Authors Speak with Walt Whitman (played by Bruce Noll) – March 21st, 19 attendees:

Whitman scholar Bruce Noll portrayed the iconic American poet Walt Whitman, reciting Whitman's poetry from memory as well as answering questions from the audience about Whitman's life and work.



Pi Day/ Mathamuseum, March 14, 73 people attended:

Mathamuseum co-founder Gordon McDonough volunteered his time and expertise at Mesa Public Library on Pi Day, bringing math puzzles and games. Albert Einstein, whose 140th birthday it was, also made a brief appearance, to the delight of Melissa Mackey, who was wearing a pi-themed dress.



Social Services

“Of Butterflies and Roses” by Claudia I. Haas – March 27, 24 Participants:

Dramatic play reading by Cassandra Bowman, Mandy Marksteiner, narrated by Tomas Farish



“Paint the Purple Mountain” – March 25th, 12 participants:

Canvas and Chamomile painting class led by Susanne Harrison

Los Alamos Public Schools

New Mexico Youth Summit on Opioid Awareness – March 6th, 47 participants:

Youth Summit was designed by the Mark Wahlberg Youth Foundation and DEA 360 Strategy to educate students about the dangers of opioid addiction and encourage them to be part of the solution to ending the epidemic.

DWI Program

Pi Day – March 14th, 25 Participants:

Various community members and Los Alamos County DWI Program came together in support of youth for a celebration of National Pi Day. Local celebrities such as Brian Brogan, CSD Director, Commander Oliver Morris, LAPD, Dr. Kurt Steinhaus, LAPS Superintendent, Suzanne Lynne, Principle of Chamisa Elm., George Marsden, YMCA Teen Center Director, James Robinson, County Councilor, Katrina Schmidt, County Councilor, Jordan Redmond YAC Director and many others.



Cultural Services

The Family Star Party – March 12, 2019 – 94 attendees:

A new program in the planetarium was debuted. These will be held monthly before PEEC's Family Nights and expect to continue to draw a large crowd.

Educational Field Trips – All 9th graders from LAHS physics classes watched a planetarium show as part of their curriculum. In addition, multiple classes from Santa Fe Indian School also viewed the shows in the planetarium.

Nature Playtimes continue to be popular, with about 20-30 families attending each week

CALENDAR OF UPCOMING MEETINGS AND EVENTS

April 15 – Budget Hearings, 6:00 p.m., Council Chambers

April 16 – Budget Hearings (Continued) 6:00 p.m., Council Chambers

April 18 – Discoveries Action Team Monthly Meeting – Full Meeting with Champion Reports, 11:00 a.m., - 12:30 p.m., Fuller Lodge

April 22 – Budget Hearings (Continued) 6:00 p.m., Council Chambers

April 23 – Budget Hearings (Continued) 6:00 p.m., Council Chambers

April 25 – Public Hearing: Jim Billen Trail Petition, 5:30 p.m., Pajarito Rm, Fuller Lodger

April 27 – Earth Day Celebration, 10:00 a.m. – 2:00 p.m., Nature Center



County of Los Alamos

Staff Report

May 07, 2019

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.: 1)
Index (Council Goals): * 2019 Council Goal - Other
Presenters: County Council - Regular Session
Legislative File: 11851-19

Title

Approval of the 2019 Federal Agenda

Recommended Action

I move that Council adopt the Los Alamos County 2019 Federal Agenda.

County Manager's Recommendation

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

Board, Commission or Committee Recommendation

The County Council's Federal Legislative Committee recommends approval of the motion as presented.

Body

Annually, the Los Alamos County Council adopts a "Federal Agenda." This document is used as a guide for our intergovernmental efforts at the federal level. The Federal Agenda is developed through a Council committee that meets to produce the message and recommended County priority topics. The Federal Agenda provides direction from the County Council to staff and our legislative support contractor when working with various Federal officials and entities, providing for a consistent voice in our messaging. The proposed 2019 Federal Agenda is attached.

Los Alamos County has many important relationships with the federal government. The County must therefore continuously work to understand, comply with, and provide input to federal laws, actions, and regulations that impact our operations. Furthermore, the Los Alamos National Laboratory (LANL) is a privately managed and federally funded national laboratory, and is the largest employer in the County as well as an important economic engine for Northern New Mexico. The significance of LANL, not only to the County but to the State of New Mexico and the Nation, necessitates that the County work closely with the New Mexico delegation and the Department of Energy in respect to federal legislation and issues that affect LANL. This is especially true given that management of the laboratory has recently transitioned. Over the years, the County has developed a valuable working relationship with our New Mexico Congressional delegation and the support we have received from them has been invaluable.

For 2019, the committee and staff are recommending the following priorities, which are further elaborated within Attachment A:

- Fund and Support LANL Missions
- Fund Environmental Cleanup
- Address Interdependent Needs of LANL and the County

Members of the Federal Legislative Committee are scheduled to travel to Washington DC during June and therefore consideration of this agenda will be an important guidebook for the conversations that occur during that trip.

Fiscal and Staff Impact/Planned Item

The fiscal and staff impacts vary depending on the specifics of the legislation.

Attachments

A - 2019 Proposed LAC Federal Agenda

2019 LOS ALAMOS COUNTY (FY20) FEDERAL PRIORITY ISSUES

SUPPORTING LOS ALAMOS NATIONAL LABORATORY



**Fund and Support LANL
Missions**



**Fund Environmental
Cleanup Priorities**



**Address Interdependent
Needs of LANL and the
County**

- Land Transfer
- Research Facilities
- Housing
- SMR Energy Option
- Manhattan Project Park

2019 LOS ALAMOS COUNTY (FY20) FEDERAL PRIORITY ISSUES SUPPORTING LOS ALAMOS NATIONAL LABORATORY

The following are the 2019 top priorities for the Incorporated County of Los Alamos, New Mexico (the County) which support the Los Alamos National Laboratory (LANL) mission:

- **Fund and Support LANL Missions** - Fully fund national security and science at LANL including the plutonium pit mission
- **Fund Environmental Cleanup** - Provide \$220 million for defense environmental cleanup at LANL
- **Address Interdependent Needs of LANL and the County**
 - Transfer land to the County
 - Create housing and economic development opportunities that support hiring, retention, and ongoing operations at LANL
 - Include downtown and surrounding areas such as Los Alamos Canyon
 - Cooperatively develop (the County and LANL) and privately finance additional research and laboratory facilities at the Los Alamos Commerce and Development Corporation Research and Science Park
 - Commit to SMR power purchase rates and agreement timelines
 - Provide funding for the Manhattan Project National Historical Park Funding (\$4 million for Legacy Management) and add the “Tunnel Site” as an Eligible Site to preserve and share this important history

I. Fund and Support National Security and Science at LANL

Fully funding the laboratory provides LANL employees with the resources necessary to continue their work in meeting our nation’s national security mission. Additionally, investing in the modernization of LANL means the creation of new jobs and the retention of employees - an important component of maintaining the economic base in northern New Mexico.

LANL continues to be the “Plutonium Science and Production Center of Excellence” for the United States.¹ As the top national defense laboratory in the country, it is critical that the plutonium pit production mission continues at LANL.

¹ National Defense Authorization Act for Fiscal Year 2019 (H.R. 5515), Sec. 3120.

The County requests that Congress continue to fund LANL at or above the FY 19 level (\$2.25 billion) to continue LANL's modernization in FY 2020 and meet the needs of the Laboratory's ongoing and increased role in the plutonium mission.

II. Fund \$220 Million for Environmental Cleanup at LANL

Appropriation of \$220,000,000 (the same level as FY 18 and 19) for environmental cleanup at LANL is required to address human health, the environment and State legal agreements.

The County continues to prioritize the cleanup of key land transfer parcels in addition to the highest risk sites in the County. New Mexico's Congressional Delegation and the NM Environment Department (NMED) also support provision of adequate LANL cleanup funding to protect human health and the environment.

Key issues include the risk assessment and cleanup of DP Road areas (including an assessment of the MDA-T site, as previously requested), the clearance of munitions and explosives of concern from Rendija Canyon, and the cleanup of other potential land transfer parcels.

Land transfer activities have and will continue to benefit both the Laboratory and the community; significant contributions include enabling new business opportunities that support Laboratory operations, growing needed community services, and providing some diversification of the County's tax base. Further transfers are necessary to expand these benefits and address housing which is a particularly critical need for the Laboratory and the community (additional details are provided in the following section). Because potential transfers are predicated on the ability to clean up the properties, EM activities must be funded at levels that will allow these efforts to continue.

Funding to support the Regional Coalition of LANL Communities (RCLC) should also continue. The RCLC has engaged local and pueblo government leaders around Northern New Mexico in environmental cleanup at a level never achieved by any other program. The organization is a critical part of Northern New Mexico's advocacy for future cleanup actions at LANL.

III. Address Interdependent Needs of LANL and the County

a. Transfer Land to Los Alamos County for Beneficial Reuse

Over the past ten years, land transferred by NNSA to the County has substantially enabled economic development, support of the schools, development of housing, and other mutually beneficial activities and thereby provided important support for both LANL employees and the broader community.

The County requests that NNSA consider additional land transfers for: (a) expansion of housing development, (b) potential relocation of NNSA Support Facilities to an offsite location, and (c) economic development pursuant to 10 CFR 770. County officials have engaged with local representatives of both Triad National Security and NNSA regarding this request and these important benefits to both Laboratory operations and the community. Examples of benefits of these transfers include:

- Facilitating current hiring efforts of the Laboratory by providing opportunities for employees to reside within the County
- Allowing NNSA to relocate NNSA support facilities offsite to create areas for development within the secure NNSA campus
- Developing an accessible path to the Manhattan Project era “Tunnel Vault” site which will permit access to safe areas of the Tunnel Vault and support preservation and sharing of Manhattan Project history
- Creating additional recreational (e.g. mountain bike trails) and related tourism activities

b. Research Park Development

The County wants to work with NNSA and Triad to create a new research facility and office space for NNSA operations. The new facility would be located at the forty acres of land known as the Research Park area, which is immediately adjacent to current Laboratory facilities. The Los Alamos Commerce and Development Corporation currently leases the land and owns and operates Phase 1 office, Laboratory and parking facilities at this site. These additional facilities will help address LANL’s aging infrastructure challenges by providing LANL and its partners with significant new facilities to support mission activities.

The County requests that NNSA work to facilitate development of Phase II of the Research Park. Such assistance could include timely adaptation of the existing site plan to allow for additional construction, as well as consideration of leasing terms that would better support financing options for construction of Phase II office, laboratory and parking facilities on the Research Park site.

LANL lease facilities at the Research Park will enhance LANL’s ability to attract and retain highly skilled employees to safely perform NNSA’s national security mission. It will also allow NNSA to be more focused on other critical infrastructure needs at LANL.

c. Creating Housing for LANL Employees

Construction of additional housing within the County is required due to the current housing demand – a demand that is primarily being driven by current Laboratory mission needs but also the evolving economic base and the demographics of the community. Individuals that work in the County but live elsewhere would benefit from the increased availability of all types of housing. The County is actively investigating land transfers, public-private partnerships,

subsidies/incentives for development and other state and federal government programs to support this endeavor.

As NNSA seeks to recruit and retain the next-generation of employees critical to national security and through LANL mission activities, it is essential that NNSA be able to attract top talent and their families to the community. The County is investing in a variety of municipal services that benefit the Laboratory, its employees, and the broader community including current development of previously transferred land to address the housing shortage. However, housing development typically requires local incentivization of projects, either through infrastructure installation or reduced land prices. **The County requests that NNSA support options to help mitigate these costs or otherwise assist in creating new housing opportunities within the community.**

d. Support SMR Development and NNSA Power Purchasing

The County Council, through its Department of Public Utilities, has worked with Utah Associated Municipal Power Systems (UAMPS) to participate in a project that is developing a first-of-its-kind small modular reactor installation to meet some of the power requirements of the County. The largest utility customer of the County's Department of Public Utilities is NNSA.

The County is asking that NNSA make a long-term commitment to purchase power, at the UAMPS required rates and agreement timelines, to enable continued County engagement in this project. NNSA's commitment will provide certainty to the project that both the DOE and NNSA support the development of small modular reactors and will also facilitate County development of contracting mechanisms for power from the UAMPS project.

e. Manhattan Project National Historical Park – Request \$4 million Funding and add the “Tunnel Site” as an Eligible Site

In 2015, the National Park Service established the Manhattan Project National Historical Park to help preserve and share the historical legacy of the Manhattan Project. DOE and the Department of the Interior (DOI) are now working together to ensure the Park's implementation.

The County requests continued support for the Park through DOE's Office of Legacy Management office. It is important for DOE and DOI to continue to work together and to include the County (along with Oak Ridge and the Hanford communities) in discussions regarding the development and implementation of the general management plan. **A \$4 million appropriation is requested to support the work at Los Alamos for the Manhattan Project National Historical Park (site access, safety and security).**

The Park does not currently include access to the Tunnel Vault located in Los Alamos Canyon – an important Cold War era facility. **The County also asks that Congress amend the Manhattan Project National Historical Park statute 16 U.S.C. § 410uuu to include the Tunnel Vault, located**

in Los Alamos Canyon at Technical Area 41. The proposed amendment language is set forth below:

Sec. ____ . AMENDING THE MANHATTAN PROJECT NATIONAL HISTORICAL PARK.

16 U.S.C. § 410uuu is amended by adding the following as subparagraph (c)(2)(B)(iv):

“(iv) the Tunnel Vault, located in Los Alamos Canyon, at Technical Area 41.”

Proposed Conference Report Language:

This amendment would reserve and make the Tunnel Vault, located at Los Alamos canyon, at Technical Area 41 eligible for access under the Manhattan Project National Historical Park and provide visitors access to a Cold War era facility from the Los Alamos community.

The addition of the Tunnel Vault would provide a unique insight into a Cold-War facility that could enhance the public’s experience of the Manhattan Project National Historical Park. Its location is immediately adjacent to the townsite and, therefore, is a potential tourist attraction that could offset the difficulties related to taking visitors into other historical areas of the laboratory where mission-critical work continues. The legislative action requested above would not transfer any land; it would inform future decisions regarding potential transfer and future inclusion in the park by advancing efforts to evaluate the site for any necessary cleanup or other considerations.

Questions: Please contact Harry Burgess at harry.burgess@lacnm.us with any questions.