



# County of Los Alamos

Los Alamos, NM 87544  
www.losalamosnm.us

## Agenda - Final County Council - Regular Session

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

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Tuesday, July 28, 2020

6:00 PM

“Due to COVID-19 concerns, meeting will be conducted remotely.  
Public can view proceedings at  
<http://losalamos.legistar.com/Calendar.aspx>,  
via Zoom at <https://zoom.us/j/97403972642>  
or locally on cable channel 8

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### COUNCIL REGULAR SESSION AND A JOINT SPECIAL SESSION WITH THE BOARD OF PUBLIC UTILITIES

1. OPENING/ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. STATEMENT REGARDING CLOSED SESSION

July 28, 2020 Closed Session Motion

4. PUBLIC COMMENT

5. APPROVAL OF AGENDA

6. PRESENTATIONS, PROCLAMATIONS AND RECOGNITIONS

- A. [12713-20](#) Briefing to Council by Aaron Walker, Chair of the Community Development Advisory Board.

**Presenters:** Aaron D. Walker, Chair of the Community Development Advisory Board

**Attachments:** [A - CDAB Presentation to Council July 2020](#)  
[B - CDAB FY20 Work Plan](#)

7. PUBLIC COMMENT FOR ITEMS ON CONSENT AGENDA

8. CONSENT AGENDA

Approval of Consent Agenda:



**Consent Motion -**

- A. [13090-20](#) Approval of the June 30, 2020 Quarterly Report as Required by the State of New Mexico Department of Finance and Administration's Local Government Division
- Presenters:** Helen Perraglio, Chief Financial Officer and Karen Kendall, Budget and Performance Manager
- Attachments:** [Los Alamos County Financial Summary FY2020 Q4](#)
- B. [13122-20](#) Approval of Amendment No. 1 to the Amended and Restated San Juan Generating Station Mine Reclamation Trust Agreement Designating Westmoreland San Juan Mining, LLC as Successor and Assignee of San Juan Coal Company as Beneficiary of the San Juan Mine Reclamation Trust Fund Pursuant to the Amended and Restated San Juan Generating Station Mine Reclamation Trust Funds Agreement
- Presenters:** Bob Westervelt, Deputy Utilities Manager - Finance/Admin
- Attachments:** [A - Amendment 1 to the Amended and Restated - SJGS Reclamation Trust Agreement](#)
- C. [13153-20](#) Consideration of Budget Revisions 2020-42 (CYFD Grant) and 2021-04 (Art in Public Places, State Shared Revenue)
- Presenters:** Helen Perraglio, Chief Financial Officer and Karen Kendall, Business Operations Manager
- Attachments:** [A - Budget Revision 2020-42 & 2021-04](#)
- D. [13154-20](#) Grant of Utility Easement and Acceptance of Ownership of a New Waterline Located at 113 Central Park Square
- Presenters:** James Alarid, Deputy Utilities Manager - Engineering
- Attachments:** [A - Vicinity Map](#)  
[B - Grant of Utility Easement](#)
- E. [13155-20](#) Vacation of Utility Easement within Lot 27, a Subdivision of Eastern Area No. 2
- Presenters:** James Alarid, Deputy Utilities Manager - Engineering
- Attachments:** [A - Vacation of Utility Easement](#)  
[B - Vicinity Map](#)
- F. [13181-20](#) Approval to Accept the FY2021 E911 Grant from the Department of Finance and Administration in an Amount Not To Exceed \$200,812 and Related Budget Revision 2021-06



**Presenters:** Helen Perraglio, Chief Financial Officer, Dino Sgambellone, Police Chief and Karen Kendall, Budget and Performance Manager

**Attachments:** [A - County of Los Alamos FY21 E-911 Grant Award Letter and Agreement](#)  
[B - Grant Matrix Form E-911](#)  
[C - Budget Revision 2021-06](#)

- G. [13188-20](#) Approval of the July 7, 2020 and July 14, 2020 County Council Minutes

**Presenters:** Naomi Maestas, County Clerk

**Attachments:** [A - County Council Minutes for July 7, 2020](#)  
[B - County Council Minutes for July 14, 2020](#)

- H. [13206-20](#) Authorization to apply for Coronavirus Aid, Relief, and Economic Security (CARES) Act funding which will be distributed by the State of New Mexico Department of Finance and Administration (DFA)

**Presenters:** Helen Perraglio and Karen Kendall

**Attachments:** [A - DFA Notification of CARES Act Funding](#)

9. **BUSINESS**

- A. [12926-20](#) Request for Proposal for Consulting Services to Update County Code Chapter 18

**Presenters:** Paul Andrus

**Attachments:** [A - Scope of work for consultant to re-draft County Code Chapter 18.pdf](#)  
[B - CDAB feedback on scope of work for consultant to re-draft County Code Chapter 18.pdf](#)

10. **COUNCIL BUSINESS**

A. ***Appointments***

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

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

- 1) [13198-20](#) County Manager's Report for July 2020

**Presenters:** Harry Burgess, County Manager



**Attachments:**[A - July County Manager's Update](#)[B - FY2020 4th Quarter Financial Overview](#)

**D. Council Chair Report**

**E. General Council Business**

**F. Approval of Councilor Expenses**

**G. Preview of Upcoming Agenda Items**

**11. COUNCILOR COMMENTS**

**12. PUBLIC COMMENT**

**13. ADJOURNMENT OF THE COUNTY COUNCIL SESSION**

**14. OPENING OF THE COUNTY COUNCIL - JOINT SPECIAL SESSION WITH THE BOARD OF PUBLIC UTILITIES**

**15. BUSINESS**

**A. [13182-20](#)** Joint Meeting Between Council and the Board of Public Utilities - Utah Associated Municipal Power Systems (UAMPS) Presentation on the Carbon Free Power Project

**Presenters:** Steve Cummins, Deputy Utilities Manager - Power Supply

**Attachments:** [A - CFPP July 28, 2020 Update Presentation](#)  
[B - Carbon Free Power Project Development Status And Overview July 15, 2020](#)  
[C - Amended Budget & Plan of Finance July 14, 2020](#)

**16. ADJOURNMENT OF THE JOINT SPECIAL SESSION/COUNCIL REGULAR SESSION**

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

July 28, 2020

Los Alamos, NM 87544  
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**Agenda No.:**

**Index (Council Goals):**

**Presenters:**

**Title**

July 28, 2020 Closed Session Motion

**Recommended Action**

**I move that Council approve the following statement for inclusion in the minutes:**

**"The matters discussed in the closed session held on July 28, 2020 that began at 5:00 p.m. were limited only to the topics specified in the notice of the closed session, and no action was taken on any matter in the closed session."**

This motion is fairly characterized as procedural, therefore only a hand vote is required rather than a full roll call vote.





# County of Los Alamos

## Staff Report

July 28, 2020

Los Alamos, NM 87544  
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**Agenda No.:** A.

**Index (Council Goals):**

**Presenters:** Aaron D. Walker, Chair of the Community Development Advisory Board

**Legislative File:** 12713-20

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### **Title**

Briefing to Council by Aaron Walker, Chair of the Community Development Advisory Board.

### **Body**

Council leadership has requested that each Board/Commission Chair make a presentation to the Council once a year focused on what has been completed and what they are currently working on, and what challenges or opportunities they see coming up in the future .

### **Attachments**

A - CDAB Presentation July 2020

B - Community Development Advisory Board FY20 Work Plan





# 2020 CDAB PRESENTATION

Aaron Walker – Chair

ATTACHMENT A



# PREVIOUS 12 MONTHS OF MEETINGS:

## 2019:

August – Canceled (Quorum)

September – Met

October – Met

November – Met

December – Canceled (Quorum)

## 2020:

January – Canceled (Quorum)

February – Met

March – Canceled (COVID-19)

April – Canceled (COVID-19)

May – Canceled (COVID-19)

June – Canceled (COVID-19)

July – Met

ATTACHMENT A

\*Fun Fact: Cancelled (2 Ls) is the preferred British spelling, while canceled (1 L) is the American version\*



# WHAT WE HAVE ACCOMPLISHED

- Updated work plan for FY21
- Approved comments on the draft RFP provided by CDD
- Discussed outreach and communication efforts (no action taken)



# WHAT HAS HINDERED US?

- Lack of Board Members
- The appearance of a double standard for board appointments
  - T-Board (7/24/20 meeting. One nomination, three vacancies)
  - Art In Public Places Board (6/30/2020 meeting. One nomination, two vacancies)
- COVID-19
- Lack of clear direction from council.
- High CDD turnover



# HOW DO WE ADDRESS HINDRANCES?

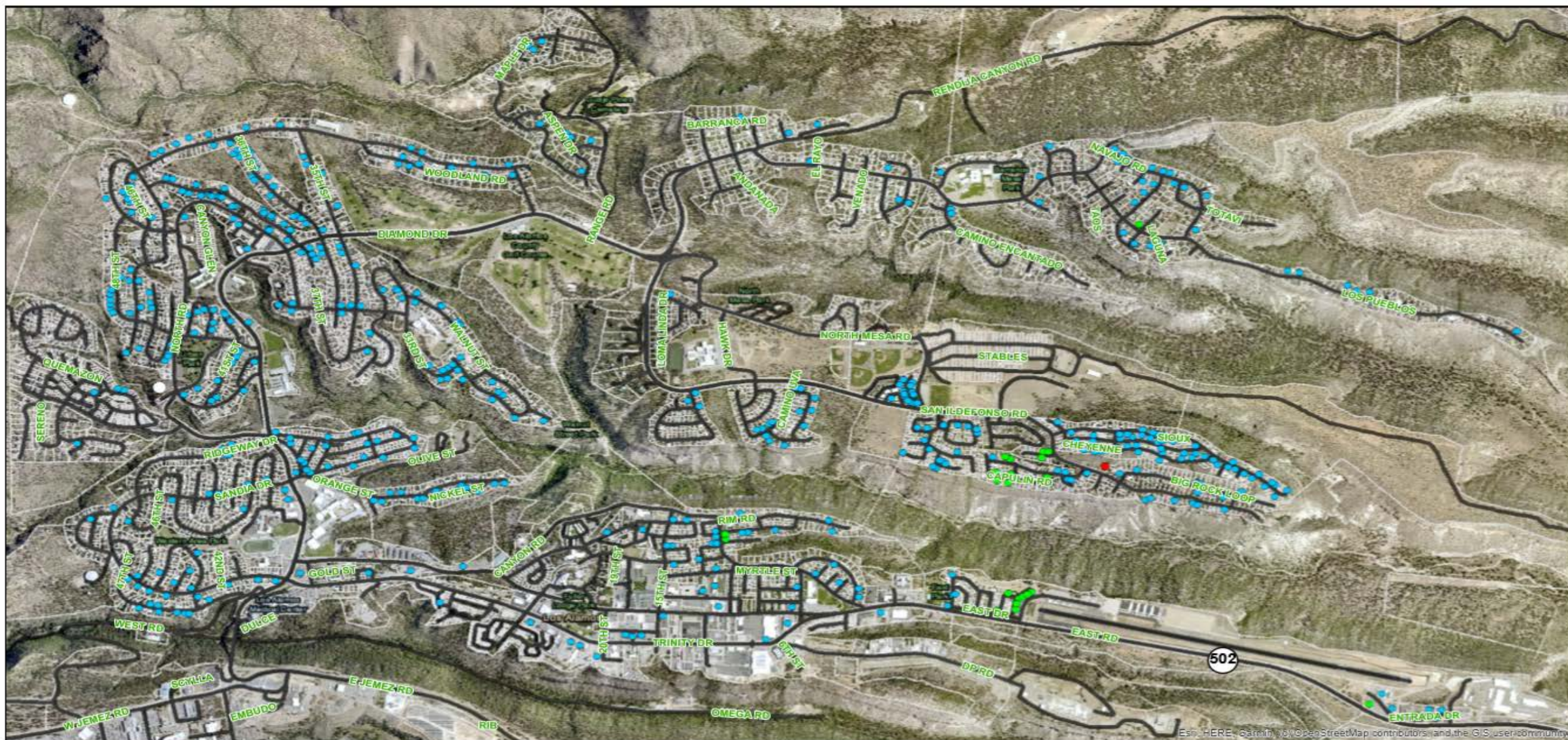
- Quick, efficient replacement of board members
- Standardized policy for board appointments that treat each board equally
- Definitive path forward from council (This is being worked on by Councilor Robinson)



# OTHER ISSUES

- Portions of Chapter 18 remain unequally enforced throughout Los Alamos County
- Varying answers from CDD:
  - “The code is the code” to defend a letter
  - “That part of the code is hard to enforce” to defend not writing a letter





LOS ALAMOS  
where discoveries are made

## CODE COMPLIANCE REPORTING JULY 1, 2019 - JULY 9, 2020

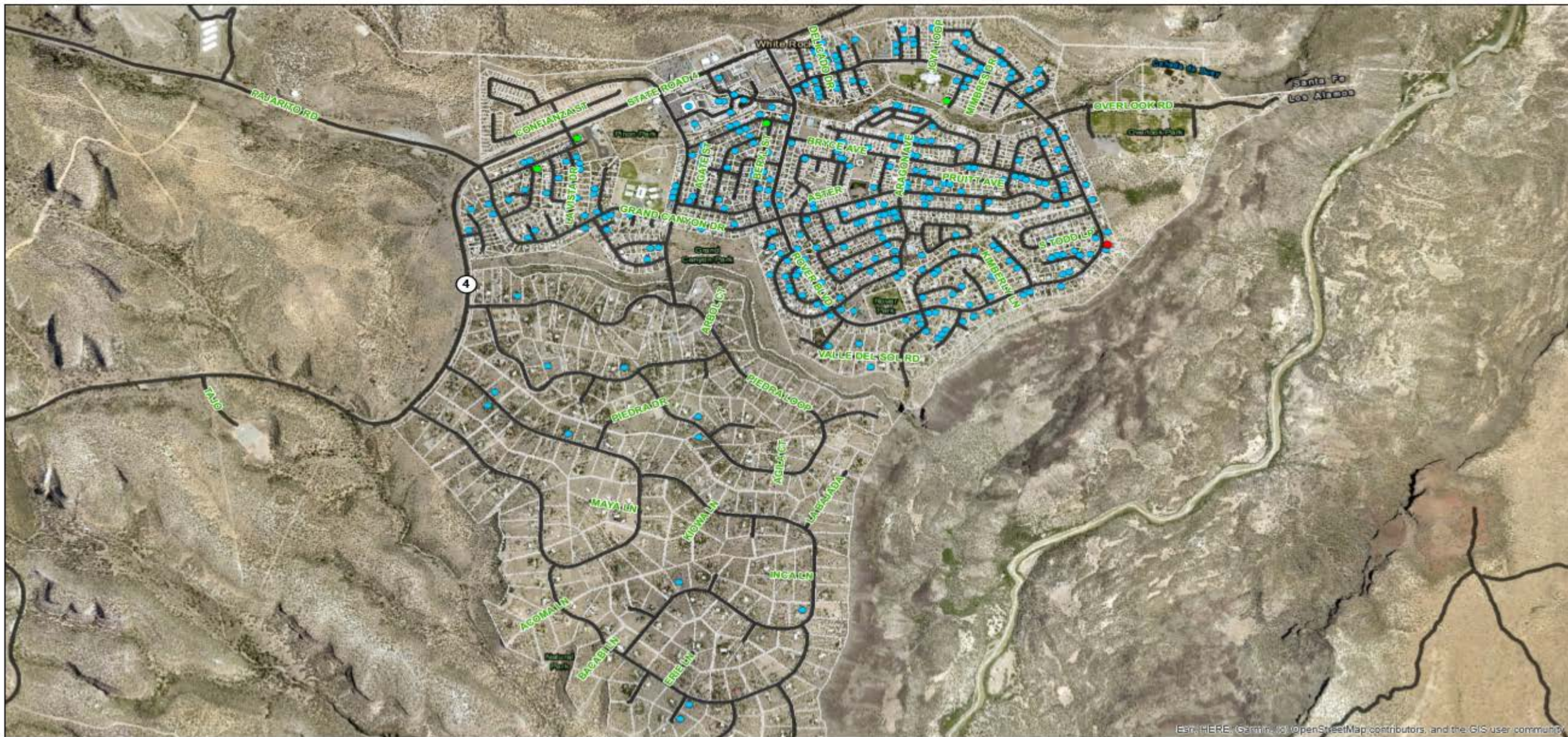
- Citation
- Notice of Violation
- Courtesy Notice
- Roads - centerlines

0 0.5 1 Miles





# WHITE ROCK



Esri, HERE, Garmin, © OpenStreetMap contributors, and the GIS user community



# POSITIVES!

- The tension between the board and CDD has come down significantly
- Some weight has been lifted from CDAB with the RFP for Chapter 18 rewrite
- Councilor Robinson is working on a definitive path forward with clarity, direction, and best of all, OPTIONS.
- Paul/Michael have been extremely responsive to questions/issues, especially during the COVID-19 shutdown
  - White Rock Smith's parking lot





# UPCOMING

- Three board appointments (Interviews beginning soon)
- CDAB involvement in Chapter 18 rewrite process
- Continued review of monthly cases
- CDAB approval of Councilor Robinson's path forward





# QUESTIONS?

ATTACHMENT A





**LOS ALAMOS**  
where discoveries are made  
**FY20 Work Plan for  
Los Alamos County  
Boards and Commissions**

**(Fiscal Year 2020: July 1, 2019 – June 30, 2020)**

**Board and Commission Name: Community Development Advisory Board**

**Date prepared: March 18, 2019      Date approved by Council: June 11, 2019**

**Prepared by: CDAB**

**This work plan will be accomplished in the following time frame: July 1, 2019 to June 30, 2020**

**Chairperson: Catherine Ozment**

**Members and terms:**

<b>Member</b>	<b>Start/End Dates</b>	<b>Term</b>
<b>Catherine Ozment</b>	<b>8/15/2018 – 8/14/2020</b>	<b>1</b>
<b>Andrea Pistone</b>	<b>8/15/2018 – 8/14/2019</b>	<b>1</b>
<b>William Dai</b>	<b>8/15/2018 – 8/14/2019</b>	<b>1</b>
<b>Cindy Hollabaugh</b>	<b>8/15/2018 – 8/14/2020</b>	<b>1</b>
<b>Jaime Kennedy</b>	<b>8/15/2018 – 8/14/2020</b>	<b>1</b>
<b>Denise Derkacs</b>	<b>8/15/2018 – 8/14/2019</b>	<b>1</b>
<b>Aaron Walker</b>	<b>8/15/2018 – 8/14/2020</b>	<b>1</b>

**Department Director: Paul Andrus, Community Development Department**

**Work plan developed in collaboration with Department Director?(Y/N?) Y**

**Staff Liaison: Paul Andrus, Community Development Department**

**Administrative Support provided by: Barbara Lai, Senior Management Analyst**

**Council Liaison: Antonio Maggiore      Reviewed by Council Liaison? Yes**



<b>1.0 Provide a brief Summary of your Board or Commission’s activities over the past twelve months. Please describe your Board or Commission’s accomplishments and identify constraints. List any “lessons learned” and identify the greatest challenges faced by the Board or Commission.</b>
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CDAB has been meeting since August 2018. Several items from the FY19 Work Plan have been completed or are in progress.

- Complete: Review documentation of past notices of violation and courtesy letters, including summary data and additional information at the level of detail requested by Board members. Staff provided maps of compliance cases in aggregate and over time.
- Complete: Review historical and current information related to public response, including LAC Community Survey results from 2016 and 2018 related to code enforcement.
- In progress: Review Chapter 18 of the County Code and Chapters 10 and 16, and any other applicable chapters of the County Code, as relevant to code enforcement efforts.
  - CDAB has approved and is implementing a process for this review that will lead to recommendations for Council in FY20. See 2.1 for detail.
- In progress: Review policies, procedures, and on-the-ground practices for County staff, and other elements of the Los Alamos County Code Compliance program as requested by Board members.
  - CDAB has identified several areas for additional consideration and collaboration with CDD staff, but more may emerge as this review continues. See 2.1.

During meetings, County staff have answered many questions from the board related to the ongoing review of documentation, policies, and on-the-ground practices. As a result, county code compliance staff have made proactive improvements that did not require formal recommendations to Council.

- Clarify role of CDD vs police for enforcement on public right-of-way.
- Calibrate amount of evidence considered actionable for compliance intervention.
- Begin efforts to document areas inspectors have visited.
- Continue to refine the courtesy letter, which has resulted in more phone calls from residents to discuss issues and resolution with staff.

As a new board, CDAB’s first work plan provided an initial framework that included all goals from the enabling ordinance. In practice, the Board’s priority was to establish an informed foundation. Thus, the first months focused on the review of historical and ongoing code cases, presentations from CDD staff and the County Attorney’s office, and understanding how code compliance is intertwined with other issues throughout the county.

CDAB’s purpose is to recommend to Council changes to code and/or policy that will be appropriate and effective for Los Alamos County. Perhaps the most important lesson learned in our first six months is that the grey areas of interpreting and applying property maintenance codes pose the greatest challenge to accomplishing our goal.



Interactions within the board and with the public have shown us that there is often an easy path to consensus on cut-and-dried cases. However, things become murkier when we consider cases and ordinances that require subjective judgement calls. We have had to question how to define public interest, where to draw the line between public interest and personal preference, and what constitutes a true health and/or safety hazard. We continue to discuss what to catch in the net of public policy and how to balance the different circumstances and needs of various neighborhoods throughout the county. These difficult conversations highlight a fundamental challenge that CDAB, and County Council, must eventually confront: in many cases, property maintenance codes touch on personal priorities, economic challenges, and aesthetic preferences, and those are difficult to legislate in a close-knit community like Los Alamos.

CDAB ambitiously seeks to facilitate a community-wide conversation about the values and expectations residents want to drive our code compliance program. However, the Board remains aware that our recommendations to Council must also be informed by the legal, historical, and personal complexities that made implementing this program so difficult to begin with. It is with those challenges in mind that CDAB moves into FY2020.

<b>2.0</b> <b>Describe the future work plans for this Board or Commission using the following items and showing the relationship to those items:</b> <i>(Please remember that Council approval of this work plan does not constitute official Council approval of proposed projects, assignments, or anticipated recommendations included in this work plan that have budget implications.)</i>
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<b>2.1</b> <b>List any special projects or assignments given to this Board or Commission by Council or the Department director:</b>
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CDAB's primary goal, as stated in the enabling ordinance, is "to make recommendations to County Council regarding the development, implementation, and enforcement of county property maintenance codes within the corporate boundaries of the county." The FY19 Work Plan indicates that these recommendations may include "possible changes and definitions to the County Code and compliance efforts."

#### Projects in progress from FY19 Work Plan

- Review all monthly property maintenance code enforcement reports including courtesy letters, notices of violation, citations, and photographic evidence, and receive additional information on these reports, including quarterly summaries, from staff as requested.
- Review Chapter 18, relevant ordinances from Chapters 10 and 16, and other relevant sections of County Code.
  - CDAB approved and is implementing a process for this review that begins with open-ended discussion of a few ordinances at each meeting, in which board members consider ideal goals of an ordinance and identify unintended consequences of certain policies. These discussions draw on both philosophical perspectives and examples from actual code cases. The review process continues with extensive public outreach and a consideration of codes in other communities, and ends with informed recommendations to Council. Identification of relevant ordinances outside Chapter 18 is ongoing.



- Review policies, procedures, and on-the-ground practices for County staff, and other elements of the Los Alamos County Code Compliance program as requested by Board members.
  - As a result of this ongoing review, CDAB has identified a number of areas for additional inquiry to determine whether recommendations to Council are appropriate at this time. For example, the board is looking closely at how complaints are handled, how best to achieve “equal enforcement,” and how different zoning and neighborhood types affect enforcement efforts.
- Review codes, policies, and procedures from other cities and counties.
  - A subquorum working group has been assigned to conduct this preliminary research (see 5.0). The group will report back with context from other communities before the board begins drafting possible changes to LAC Code and/or recommendations to Council.

Projects from FY19 Work Plan expected to begin in FY20

- Recommend programs to inform the community about property maintenance code requirements.
  - Review current and past County efforts to inform the community about code requirements.
- Recommend programs and policies for positive outreach activities, including but not limited to assistance programs, citizen volunteer groups, or county-sponsored clean-up activities.

**2.2 List the guiding documents/plans (with approval or revision dates listed) used by this Board or Commission.**

Guiding documents include the County Boards and Commissions Ordinance; Chapter 18 (Environment) of the Los Alamos County Code of Ordinances; and Los Alamos Code Ordinance No. 02-285. In addition, portions of Chapter 10 (Buildings and Building Regulations), Chapter 16 (Development Code), and any other applicable Chapters of the County Code as they relate to property maintenance code enforcement and other purposes of this committee.

**2.3 Other projects/assignments proposed by the Board or Commission: (*Any projects or activities proposed in this section should be discussed with the Council Liaison prior to listing it in this work plan.*) To assist with Council review of the work plans, please list the B&C's proposed projects or assignments in priority order.**

In FY20, CDAB will continue to work through the goals set by Council in the 2018 enabling ordinance and identified in the FY19 Work Plan.

**3.0 Identify any interfaces for the goals/tasks in this work plan with County Departments and other Boards and Commissions. Specify the coordination required.**

**Environmental Sustainability Board:** FY2020 brings CDAB a variety of opportunities to collaborate with and learn from ESB. CDAB hopes to work with ESB to coordinate projects, such as community clean-up days, that advance shared goals. Additionally, ESB can help identify existing resources to assist community members with property maintenance and may be able to



collaborate if CDAB recommends new programs. ESB also oversees programs that can affect residents' ability to comply with property maintenance codes—such as brush collection and reduced access to recycling—so it will be essential for the two boards to understand how those issues interact. The ESB liaison to CDAB is Warren Mazanec.

Work with ESB and Parks and Rec to educate the public and increase awareness regarding the use of pesticides and herbicides.

**Planning & Zoning:** Per recommendation from Attorney's office, any recommendations that would change Chapter 16 will be presented to P&Z before Council. P&Z oversees issues that can affect residents' ability to comply with Chapter 18 property maintenance codes, so it will be essential for CDAB to ensure any solutions recommended to Council are properly contextualized with P&Z's concerns.

<b>4.0 List any special public information or involvement meetings or efforts to be conducted by this Board or Commission:</b>
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Because this is a relatively new Board, and a timeline and schedule for specific public outreach activities has not yet been approved by the Board, this section will be completed in detail at a later date. Associated costs to carry out any public outreach plan may require additional time, staff, resources and a possible budget request in order to support advertising for public meetings, surveys, or advancing other recommendations. The plan will be discussed in April and May and is expected to be prepared by the Board's Communications and Outreach committee. It may also require some interaction with Council to agree upon what will be an acceptable level of public involvement, prior to any final recommendations going to the Council for possible Code changes.

CDAB plans to schedule frequent public involvement functions to gather input from the community about possible changes to the code. Options include the County's farmer's market and summer concert booths and use of the County's Open Forum web interface, as well as town halls, forums, and other opportunities for in-person outreach.

Working with code compliance staff, CDAB may hold public meetings to inform the community of property maintenance requirements and processes for resolving issues.

<b>5.0 List the current subcommittees for this Board or Commission.</b>
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CDAB has assigned the following subquorum working groups, but may create more as the need arises:

**Public outreach and communication:** Aaron Walker, Cindy Hollabaugh, Denise Derkacs

**Review of codes in other communities:** Denise Derkacs, Jaime Kennedy

**Inspection routes:** Andrea Pistone, Jaime Kennedy, William Dai

\*This group's goal is to consider policy and procedure recommendations to address concerns about selective enforcement, including possible inspection routes and other alternatives to the current process. CDAB views this as a relatively short-term project. After drafting recommendations for the Board to consider bringing to Council, this group will shift their attention to identifying volunteer and community resources.



**Volunteer and community resources:** Andrea Pistone, Jaime Kennedy, William Dai

\*This group's goal is to identify resources from the County as well as local volunteer groups that are available to help residents resolve property maintenance issues. Combined with CDAB's insight gained from ongoing review of cases, this information will enable the board to identify gaps in support and recommend new programs if needed.

**5.1 For subcommittees with members that are not members of the parent board or commission:**

**List the subcommittee members and their terms.**

**Explain how sub- committee members are selected or appointed.**

**Provide a description of each subcommittee's charter or purpose.**

**Describe the expected duration for the subcommittee and their work plan(s) demonstrating how they support the Board or Commission:**

**Attachment A: Provide a copy of your Board or Commission's "Purpose" and "Duties and Responsibilities" from Chapter 8 of the County Code:**

**Attachment B: Using the chart below, place an X in the column on the right if the Council Goal is related to the work of the \_\_\_\_\_ Board or Commission:**

**Mark all that apply on the chart on the following page.**

(From 2019 Strategic Leadership Plan)



**ARTICLE XV. - COMMUNITY DEVELOPMENT ADVISORY BOARD**

**Sec. 8-301. - Purpose.**

A community development advisory board is established in order to make recommendations to county council regarding the development, implementation, and enforcement of county property maintenance codes within the corporate boundaries of the county.

(Ord. No. 02-285, § 2, 5-15-2018)

**Sec. 8-302. - Membership, terms and qualifications.**

- (1) The community development advisory board shall be composed of seven citizens with an attempt to provide equal representation from both the Los Alamos townsite and the White Rock community. No board member shall be appointed that is an employee of the county, either as staff or by contractor. Members shall be appointed by the county council for staggered terms of three years. Three initial appointments shall expire after one year. The determination of which initial expiring appointments will be decided by the council chairperson at the time of appointment. Vacant board positions will be appointed by the county council. The remaining four members on the board will expire their term after two years and rotation of appointments shall continue. Board members can be reappointed for no more than two terms.
- (2) Each member of the community development advisory board shall file a complete list of real estate interests in the county held by the member and, to the extent possible, a complete list of real estate interests in the county held by any person related to the member within the third degree of consanguinity or affinity (natural or adopted children, parents, brothers, sisters, aunts, uncles, nieces, nephews, grandchildren, grandparents, great-grandchildren, great-grandparents). The list shall include participation in partnerships, limited partnerships, syndications, joint ventures, etc., for the purpose of investment in real estate interests. The list shall be filed during the month of April of each year with the county manager and retained as required by the state Public Records Act, NMSA 1978, 14-3-1 et seq. A member of the community development advisory board is disqualified from participating or voting on any matter which would result in a substantial change, either increase or decrease, in the value of any real estate interests owned by the member or the real estate interests of any person related to the member within the third degree of consanguinity or affinity. Further, a member of the community development advisory board is disqualified from participating or voting on any matter which would result in a substantial change, either increase or decrease, in the values of real estate interests owned by others with whom the member has a business or professional relationship with respect to the matter under consideration.

(Ord. No. 02-285, § 2, 5-15-2018)

**Sec. 8-303. - Duties and responsibilities.**

The community development advisory board shall serve in an advisory capacity to the county council and shall have the following functions, responsibilities and duties:

- (1) Making of recommendations to the county council regarding:
  - a. Policies for the development, implementation and enforcement of county property maintenance codes;
  - b. Recommend possible changes and definitions to the county code relating to CDD and Code Enforcement efforts; and
  - c. Recommend programs and policies for community development with regard to positive outreach activities, such as assistance programs, citizen volunteer groups, and county sponsored clean-up activities.



- (2) Receive and provide citizen input to staff and county council on ways and means for improving the county's property maintenance and code enforcement program. For this purpose, the community development advisory board shall gather public input in ways appropriate to the circumstances, which may include public meetings dedicated to specific topics.
- (3) Recommend ways to involve and educate the community on property maintenance issues.
- (4) Receive all monthly property maintenance code enforcement reports including issued notices of violation and citations and photographic evidence, and review as appropriate.
- (5) Report to county council as requested by council on community development advisory board findings, activities, and recommendations.
- (6) Such other activities, duties and responsibilities related to community development department activities as may be assigned by the county council.

(Ord. No. 02-285, § 2, 5-15-2018)



<b>Communication and Transparency</b>	
<b>Ongoing Improvement in Communication and Transparency in County Policy Setting</b>	
<b>Increasing the Amount and Types of Housing Options</b>	
This includes a variety of housing options for all segments of the community, from affordable, entry level, and live-work housing to new options for those interested in downsizing or moving closer to central areas of the community.	
<b>Enhancing Support and Opportunities for the Local Business Environment</b>	
This includes appropriate support for existing businesses, growing new businesses, and supporting technology start-ups and spin-offs.	X
<b>Addressing Long-Term Building Vacancies in Key Areas of Our Community</b>	
Land availability in Los Alamos County, and in particular the downtown areas, is limited and there is a desire to work towards better utilization, opportunities for new businesses, and improved aesthetics.	X
<b>Protecting and Maintaining Our Open Spaces, Recreational, and Cultural Amenities</b>	
Los Alamos County open spaces and cultural attractions are greatly valued by the community provide opportunities for recreational and economic growth; appropriately allocating resources to ensure their health and sustainability is important to our citizens.	
<b>Supporting Social Services Improvement</b>	
Behavioral, mental and physical health and social services are important quality of life components; there are key areas where appropriate types and levels of county support could help address current needs.	X
<b>Investing in Infrastructure</b>	
Appropriately balancing maintenance of existing infrastructure with new investment in county utilities, roads, facilities and amenities will help improve environmental stewardship, sustainability, and quality of life.	
<b>Planning for Appropriate Levels of County Services</b>	
Making sure we understand the level of services our citizens want will allow us to make appropriate investments in processes and staff to achieve them.	X





# County of Los Alamos

## Staff Report

July 28, 2020

Los Alamos, NM 87544  
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Agenda No.:

Index (Council Goals):

Presenters:

### Title

Approval of Consent Agenda:

### 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

July 28, 2020

Los Alamos, NM 87544  
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**Agenda No.:** A.

**Index (Council Goals):**

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

**Legislative File:** 13090-20

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### **Title**

Approval of the June 30, 2020 Quarterly Report as Required by the State of New Mexico Department of Finance and Administration's Local Government Division

### **Recommended Action**

**I move that Council approve the June 30, 2020 Quarterly Report to be submitted as required to the State of New Mexico Department of Finance and Administration's Local Government Division**

### **County Manager's Recommendation**

The County Manager recommends that Council approve the June 30, 2020 Quarterly Report to be submitted as required to the State of New Mexico Department of Finance and Administration's Local Government Division.

### **Body**

NMSA 1978, Section 6-6-2 defines the powers and duties of the Local Government Division (LGD) of the New Mexico Department of Finance and Administration. One of those powers is the authority to require periodic financial reports, at least quarterly, of local public bodies.

In order to comply with LGD requirements, this quarterly report (in a format prescribed by LGD), including the accompanying unaudited financial statements, is being presented for Council's approval. It is important to note that the financial data presented is not complete, nor fully adjusted for the fiscal year end. The County will be closing and adjusting its FY2020 books over the next couple of months as the annual financial audit is conducted. At the conclusion of the audit, complete financial statements will be presented to the Council in the form of the Comprehensive Annual Financial Report (CAFR).

### **Alternatives**

If the Council chooses not to approve the June 30, 2020 Quarterly Report, the LGD could withhold approval of the FY2021 budget, as well as future budget submittals. The County would also risk audit comments for failure to comply with NMSA 1978, Section 6-6-2 which grants the Local Government Division the authority to require periodic financial reports of local public bodies and prescribe their form.

### **Fiscal and Staff Impact/Planned Item**

There is no fiscal impact. The quarterly report is a planned activity for the Financial Division staff.

### **Attachments**

A - Los Alamos County Financial Summary FY2020



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Los Alamos County  
FY2020 4th Quarter Financial Summary  
- Governmental Funds  
UNAUDITED

Los Alamos County Fund Number	01x	117	121	141	142	143	144	145	146	151	17x	182
Fund Name	General Fund/ Cemetery	Road - Maj Street Maint	Lodger's Tax	Law Enforcement Protection	DWI Distribution	Police Seizure	Fire Marshal	Fire EMS	Community Health Council	Health Care Assistance Fund	Econ Development	Property Tax Valuation
LGBMS Fund Number	11000	20400	21400	21100	22300	29900	20900	20600	29900	22000	29900	20300
CASH	32,854,894	575,968	515,280	2,934	62,483	-	764,796	94	5,846	-	6,418,401	593,366
INVESTMENTS	994,363											
ASSETS	12,257,477	98,046	25,139							367,358	1,655,345	
<b>TOTAL ASSETS</b>	<b>46,106,734</b>	<b>674,014</b>	<b>540,419</b>	<b>2,934</b>	<b>62,483</b>	<b>-</b>	<b>764,796</b>	<b>94</b>	<b>5,846</b>	<b>367,358</b>	<b>8,073,746</b>	<b>593,366</b>
LIABILITIES	2,509,229	-	3,479		1,797		17,812			8,087	1,435,522	2,209
BEGINNING FUND BALANCE	34,234,912	168,408	510,867	11,799	42,641	-	84,408	-	-	689,513	5,645,943	579,307
CURRENT YEAR SURPLUS(DEFICIT)	9,362,593	505,606	26,073	(8,865)	18,045	-	662,576	94	5,846	(330,242)	992,281	11,850
<b>TOTAL LIAB &amp; FUND BALANCE</b>	<b>46,106,734</b>	<b>674,014</b>	<b>540,419</b>	<b>2,934</b>	<b>62,483</b>	<b>-</b>	<b>764,796</b>	<b>94</b>	<b>5,846</b>	<b>367,358</b>	<b>8,073,746</b>	<b>593,366</b>
REVENUE	65,203,931	505,606	316,704	40,400	92,549	-	888,690	9,894	5,846	1,990,094	226,446	202,064
EMPLOYEE SALARIES	21,796,480				32,974	-				61,772	-	81,617
EMPLOYEE BENEFITS	8,505,924				14,689					31,205	-	32,235
PROF/CONTRACT SERVICES	8,698,112	-	286,899		28,255			-		2,528,014	501,806	48,396
MATERIALS & SUPPLIES	2,175,112			30,434	8,536	-	7,631	9,800		15,769	4,177	20,886
INTRA/INTERFUND SVCS	9,114,235		3,732							576		7,080
CAPITAL OUTLAY	1,405,147			18,831			218,483			-		-
DEBT/FISCAL CHARGES	29,825											
LOANS/GRANTS											228,182	
<b>TOTAL EXPENDITURES</b>	<b>51,724,835</b>	<b>-</b>	<b>290,631</b>	<b>49,265</b>	<b>84,454</b>	<b>-</b>	<b>226,114</b>	<b>9,800</b>	<b>-</b>	<b>2,637,336</b>	<b>734,165</b>	<b>190,214</b>
<b>EXCESS REV OVER (UNDER) EXPENDITURES</b>	<b>13,479,096</b>	<b>505,606</b>	<b>26,073</b>	<b>(8,865)</b>	<b>8,095</b>	<b>-</b>	<b>662,576</b>	<b>94</b>	<b>5,846</b>	<b>(647,242)</b>	<b>(507,719)</b>	<b>11,850</b>
<b>OTHER (SOURCES) &amp; USES</b>												
TRANSFERS IN	(1,919,721)				(9,950)					(317,000)	(1,500,000)	
TRANSFERS OUT	6,019,709											
NON BUDGETED EXPENDITURES	16,515										-	
<b>TOTAL OTHER (SOURCES) &amp; USES</b>	<b>4,116,503</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>(9,950)</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>(317,000)</b>	<b>(1,500,000)</b>	<b>-</b>
<b>EXCESS REV/SOURCES OVER (UNDER) EXPENDITURES/USES</b>	<b>9,362,593</b>	<b>505,606</b>	<b>26,073</b>	<b>(8,865)</b>	<b>18,045</b>	<b>-</b>	<b>662,576</b>	<b>94</b>	<b>5,846</b>	<b>(330,242)</b>	<b>992,281</b>	<b>11,850</b>



Los Alamos County  
FY2020 4th Quarter Financial Summary  
- Governmental Funds  
UNAUDITED

Los Alamos County Fund Number	184	185	186	187	191	192	194	231	311	391
Fund Name	Recording Equipment	Bench Warrant	Aquatic Center Gift	Library Gift	Las Conchas Fire	September 2013 Flooding	Covid-19 Emergency Fund	GRT Revenue Bond	Capital Improvement Projects	Capital Projects Permanent
LGBMS Fund Number	22500	29900	29900	29900	29900	29900	29900	40200	39900	39900
CASH	104,413	410	36,656	3,759	82,882	-	-	276,821	14,110,416	3,293,082
INVESTMENTS				-				3,856,206		27,566,086
ASSETS				18				-		
<b>TOTAL ASSETS</b>	<b>104,413</b>	<b>410</b>	<b>36,656</b>	<b>3,777</b>	<b>82,882</b>	<b>-</b>	<b>-</b>	<b>4,133,027</b>	<b>14,110,416</b>	<b>30,859,168</b>
LIABILITIES	-	407				502,967			634,550	
BEGINNING FUND BALANCE	94,796	-	35,224	15,895	69,993	(580,296)	-	311,770	21,916,230	30,165,442
CURRENT YEAR SURPLUS(DEFICIT)	9,617	3	1,432	(12,118)	12,889	77,329	-	3,821,257	(8,440,364)	693,726
<b>TOTAL LIAB &amp; FUND BALANCE</b>	<b>104,413</b>	<b>410</b>	<b>36,656</b>	<b>3,777</b>	<b>82,882</b>	<b>-</b>	<b>-</b>	<b>4,133,027</b>	<b>14,110,416</b>	<b>30,859,168</b>
REVENUE	28,641	2,366	1,432	182	12,889	82,570		877	88,163	693,726
EMPLOYEE SALARIES		23,002								
EMPLOYEE BENEFITS		5,361								
PROF/CONTRACT SERVICES	12,766					5,241	25,572		5,945,442	
MATERIALS & SUPPLIES	-						74,428		61,057	
INTRA/INTERFUND SVCS										
CAPITAL OUTLAY	6,258							730,379	1,038,028	
DEBT/FISCAL CHARGES								-		
LOANS/GRANTS										
<b>TOTAL EXPENDITURES</b>	<b>19,024</b>	<b>28,363</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>5,241</b>	<b>100,000</b>	<b>730,379</b>	<b>7,044,527</b>	<b>-</b>
<b>EXCESS REV OVER (UNDER) EXPENDITURES</b>	<b>9,617</b>	<b>(25,997)</b>	<b>1,432</b>	<b>182</b>	<b>12,889</b>	<b>77,329</b>	<b>(100,000)</b>	<b>(729,502)</b>	<b>(6,956,364)</b>	<b>693,726</b>
<b>OTHER (SOURCES) &amp; USES</b>										
TRANSFERS IN		(26,000)				-	(100,000)	(4,550,759)	(16,000)	
TRANSFERS OUT				12,300					1,500,000	-
NON BUDGETED EXPENDITURES										
<b>TOTAL OTHER (SOURCES) &amp; USES</b>	<b>-</b>	<b>(26,000)</b>	<b>-</b>	<b>12,300</b>	<b>-</b>	<b>-</b>	<b>(100,000)</b>	<b>(4,550,759)</b>	<b>1,484,000</b>	<b>-</b>
<b>EXCESS REV/SOURCES OVER (UNDER) EXPENDITURES/USES</b>	<b>9,617</b>	<b>3</b>	<b>1,432</b>	<b>(12,118)</b>	<b>12,889</b>	<b>77,329</b>	<b>-</b>	<b>3,821,257</b>	<b>(8,440,364)</b>	<b>693,726</b>



Los Alamos County  
FY2020 4th Quarter Financial Summary - Enterprise & Internal Service Funds  
UNAUDITED

Los Alamos County Fund Number	5xx	611	651	66x	681	72x	73x	8xx	
Fund Name	Joint Utilities Fund	Envionrmental Services	Transit	Fire Funds	Airport	Equipment/Fleet	Risk Funds	Agency Funds	TOTAL ALL FUNDS
LGBMS Fund Number	52100	50200	53200	51600	50400	69900	69900	79900	
CASH	17,838,805	751,480	1,299,784	-	771,623	6,104,445	10,493,529	182,787	97,144,954
INVESTMENTS	18,648,351	1,209,198					87,627	19,180	52,381,011
ASSETS	197,153,722	6,835,611	1,685,569	28,479,135	13,381,177	9,748,052	105,428		271,792,077
LIABILITIES	63,153,506	6,952,792	4,652,459	79,861,671	497,801	2,009,346	5,367,918		269,018,032
<b>NET POSITION</b>	<b>170,487,372</b>	<b>1,843,497</b>	<b>(1,667,106)</b>	<b>(51,382,536)</b>	<b>13,654,999</b>	<b>13,843,151</b>	<b>5,318,666</b>	<b>201,967</b>	<b>152,300,010</b>
REVENUE	57,427,211	4,582,647	2,779,678	23,984,786	274,895	4,390,346	9,942,566		173,775,199
EMPLOYEE SALARIES	7,406,447	943,363	1,663,253	12,992,024	79,971	622,415	168,249		45,871,567
EMPLOYEE BENEFITS	2,673,996	417,736	746,265	5,546,273	18,235	261,326	90,487		18,343,732
PROF/CONTRACT SERVICES	34,488,965	1,208,766	127,483	863,711	147,076	116,225	10,378,839		65,411,568
MATERIALS & SUPPLIES	1,495,415	176,094	66,915	842,197	6,871	1,103,427	3,891		6,102,640
INTRA/INTERFUND SVCS	3,477,184	963,588	1,260,058	4,603,610	127,248	561,644	6,240		20,125,195
CAPITAL OUTLAY	31,803	56,907	762,880	2,191	28,120	1,244,180	65,980		5,609,187
DEBT/FISCAL CHARGES	4,671,016	330,630			545				5,032,016
LOANS/GRANTS									228,182
<b>TOTAL EXPENDITURES</b>	<b>54,244,826</b>	<b>4,097,084</b>	<b>4,626,854</b>	<b>24,850,006</b>	<b>408,066</b>	<b>3,909,217</b>	<b>10,713,686</b>		<b>166,724,087</b>
<b>OPERATING INCOME (LOSS)</b>	<b>3,182,385</b>	<b>485,563</b>	<b>(1,847,176)</b>	<b>(865,220)</b>	<b>(133,171)</b>	<b>481,129</b>	<b>(771,120)</b>		
<b>OTHER SOURCES &amp; USES</b>									
TRANSFERS IN	(829,634)		(800,000)		(200,000)				(10,269,064)
TRANSFERS OUT	829,634	-		1,907,421					10,269,064
NON BUDGETED EXPENDITURES	(2,242,491)	(236,694)	-	3,150	-	-	(39,701)		(2,499,221)
<b>TOTAL OTHER SOURCES &amp; USES</b>	<b>(2,242,491)</b>	<b>(236,694)</b>	<b>(800,000)</b>	<b>1,910,571</b>	<b>(200,000)</b>	<b>-</b>	<b>(39,701)</b>		
<b>NET INCOME (LOSS)</b>	<b>5,424,876</b>	<b>722,257</b>	<b>(1,047,176)</b>	<b>(2,775,791)</b>	<b>66,829</b>	<b>481,129</b>	<b>(731,419)</b>		
<b>NET POSITION BEGINNING OF YEAR</b>	<b>165,062,496</b>	<b>1,121,240</b>	<b>(619,930)</b>	<b>(48,606,745)</b>	<b>13,588,170</b>	<b>13,362,022</b>	<b>6,050,085</b>		
<b>NET POSITION</b>	<b>170,487,372</b>	<b>1,843,497</b>	<b>(1,667,106)</b>	<b>(51,382,536)</b>	<b>13,654,999</b>	<b>13,843,151</b>	<b>5,318,666</b>		





# County of Los Alamos

## Staff Report

July 28, 2020

Los Alamos, NM 87544  
www.losalamosnm.us

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**Agenda No.:** B.

**Index (Council Goals):** \* 2020 Council Goal - Investing in Infrastructure

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

**Legislative File:** 13122-20

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### Title

Approval of Amendment No. 1 to the Amended and Restated San Juan Generating Station Mine Reclamation Trust Agreement Designating Westmoreland San Juan Mining, LLC as Successor and Assignee of San Juan Coal Company as Beneficiary of the San Juan Mine Reclamation Trust Fund Pursuant to the Amended and Restated San Juan Generating Station Mine Reclamation Trust Funds Agreement

### Recommended Action

**I move that Council approve Amendment No. 1 to the Amended and Restated San Juan Generating Station Mine Reclamation Trust Agreement**

### ..Utilities Manager's Recommendation

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

### Board, Commission or Committee Recommendation

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

### Body

Under the Terms of the San Juan Generating Station Mine Reclamation and Trust Funds Agreement between the San Juan project participants, each participant was obligated in 2012 to establish a Trust Fund with an approved Trustee to fund that participant's obligations under that agreement. Funding of those trusts was required over a subsequent time period, depending on each participant's election as an "Opt -In" or an "Opt Out" participant. Los Alamos established its required trust with BOKF, N.A., dba Bank of Albuquerque, in 2012 and funded it appropriately according to our obligation.

In 2016, as part of the San Juan restructuring, an Amended and Restated San Juan Generating Station Mine Reclamation and Trust Funds Agreement between the San Juan project participants was executed, recognizing the new different status of the various participants, and specifying the Trust funding obligations of each. Los Alamos' funding obligations remained unchanged, and our Trust remains fully funded at this time.

This current action is required because Westmoreland Coal Company, successor to San Juan Coal Company and named beneficiary under the trust agreement, filed for bankruptcy on October 9, 2018; and on March 2, 2019 the Bankruptcy Court issued an order approving Westmoreland's Reorganization Plan, which included sale of substantially all of its assets, including rights to the reclamation funds held in Trust on behalf of the Project Participants, to Westmoreland San Juan Mining, LLC. The Reorganization Plan Administrator issued a letter



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dated April 13, 2020, requesting each Project Participant execute an amended Trust Funds Agreement naming the purchaser as beneficiary under the Trust Agreement. This revised Trust Funds Agreement is required to execute that direction and request.

**Alternatives**

Should Council elect not to approve this amendment Los Alamos County would be in default under the Amended and restated San Juan Generating Station Mine Reclamation and Trust Funds Agreement and we would need to enter negotiations with the participants for resolution.

**Fiscal and Staff Impact/Planned Item**

There is no staff or fiscal impact. This amendment simply provides for the change in Named Beneficiary in accordance with the Bankruptcy Plan Administrator's direction letter.

**Attachments**

A - Amendment 1 to the Amended and Restated - SJGS Reclamation Trust Agreement



**AMENDMENT NO. 1  
TO AMENDED AND RESTATED SAN JUAN GENERATING STATION  
RECLAMATION TRUST AGREEMENT  
INCORPORATED COUNTY OF LOS ALAMOS, NEW MEXICO**

THIS AMENDMENT NO. 1 to the Amended and Restated San Juan Generating Station Reclamation Trust Agreement (“Amendment No. 1”) is entered into as of \_\_\_\_\_, by and between the Incorporated County of Los Alamos, New Mexico, a political division of the State of New Mexico (“Los Alamos”), in its capacity as a participant in the San Juan Project, and BOKF, N.A. dba Bank of Albuquerque (“Bank”), as Trustee (in its capacity as Trustee hereunder, the “Trustee”) for the benefit of Westmoreland San Juan Mining LLC, a Delaware corporation (“WSJM”), successor and assignee of San Juan Coal Company (“SJCC”), upon the terms and conditions set forth in this Amendment No. 1. and the Trustee are collectively referred to as the “Parties” or individually as a “Party.”

**RECITALS**

A. WHEREAS, Los Alamos and the Trustee are parties to that certain Amended and Restated San Juan Generating Station Reclamation Trust Agreement dated as of April 30, 2016 (“Trust Agreement”), pursuant to which established and is funding the Trust, as that term is defined in the Trust Agreement;

B. WHEREAS, funds held in the Trust are to be used for the sole purpose of providing funds to pay SJCC for the costs of reclaiming San Juan Mine, in accordance with obligations as set out in the Mine Reclamation Agreement;

C. WHEREAS, Westmoreland Coal Company (“WCC”) and certain of WCC’s subsidiaries, including SJCC (collectively, “Debtors”), filed for Chapter 11 bankruptcy on October 9, 2018 in the U.S. Bankruptcy Court, Southern District of Texas (“Bankruptcy Court”), Bankruptcy Case No. 18-35782;

D. WHEREAS, the Bankruptcy Court issued a Confirmation Order approving the Debtors’ Chapter 11 Plan of Reorganization (“Plan”) on March 2, 2019, which Plan included the sale by WCC and certain of its subsidiaries, including SJCC, of substantially all their assets to Westmoreland Mining, LLC and its direct subsidiaries;

E. WHEREAS, the administrator for the Plan (“Plan Administrator”) has issued a Direction Letter, attached hereto as Attachment A (“Direction Letter”) in which the Plan Administrator states, on behalf of SJCC, that (1) WSJM is a direct, wholly-owned subsidiary of the purchaser Westmoreland Mining, LLC, is a designated purchaser under the asset purchase agreement, and, pursuant to the Plan, is the successor, third-party beneficiary under the CSA, the RSA and the MRTFA and is therefore entitled to receive the monthly reclamation payments that were previously made to SJCC; (2) making future reclamation payments to WSJM will not adversely affect SJCC’s interest as a beneficiary under the IRTAs; and (3) modifying SJCC’s status as a beneficiary under the IRTAs is not inconsistent with the MRTFA;



F. WHEREAS, pursuant to the Direction Letter, SJCC (1) expressly assigned to WSJM its rights to the reclamation payments under the CSA, RSA, and the MRTFA; (2) irrevocably waived its rights to any such future payments and released each of the Parties, each reclamation trust and each IRTA from and against any rights, claims, or interest of SJCC that arise or might arise from payment of the reclamation amounts to WSJM, as the successor and assignee of SJCC; (3) requested that each Party expeditiously seek to amend its IRTA to designate WSJM as the beneficiary under the IRTA; and (4) directed each Party, from and after the effective date of such amendment, to cause payments from such Party's reclamation trust to be made to WSJM;

G. WHEREAS, Counsel for WSJM has issued an opinion to and the Trustee, attached hereto as Attachment B ("Opinion Letter"), opining "that the payment of the Reclamation Payments by the Parties and each Reclamation Trust to WSJM would comply with the terms of the Reclamation Documentation, modification of SJCC's status as a beneficiary under the IRTAs is not inconsistent with the MRFTA, and making future reclamation payments to WSJM will not adversely affect SJCC's interest as a beneficiary under the IRTAs due to the bankruptcy proceedings, court orders, and the analysis provided above.";

H. WHEREAS, based on the Direction Letter and the Opinion Letter, the Parties have agreed to amend the Trust Agreement to name WSJM and its successors and assigns as the sole Beneficiary of the Trust and make related modifications, as set forth in this Amendment No. 1.

## **AMENDMENT**

NOW, THEREFORE, for valuable consideration, the receipt of which is acknowledged, the Parties hereby agree as follows:

I. **Defined Terms.** All capitalized terms used in this Amendment No. 1 and not otherwise defined or modified herein shall have the meanings set forth in the Trust Agreement. As used in Recitals E, F and G, (a) "MRTFA" is synonymous with the Mine Reclamation Agreement; (b) "Reclamation Trust" is synonymous with the individual reclamation trusts, including the Trust; (c) "IRTA" is synonymous with the individual reclamation trust agreements, including the Trust Agreement; (d) "Reclamation Documentation" is synonymous with the MRTFA, IRTAs, CSA and RSA collectively; (e) "Parties" is synonymous with the parties to the MRTFA, including Los Alamos; and (f) "Reclamation Payments" is synonymous with the monthly payments to be made by PNM to SJCC for the reclamation work itemized in the RSA as set forth in Exhibit D.

J. **Amendment Effective Date.** This Amendment No. 1 shall become effective on the date signed by the Trustee.

K. **Parties.** The introductory paragraph of the Trust Agreement is hereby amended by inserting "Westmoreland San Juan Mining, LLC, a Delaware limited liability company ("WSJM"), successor to and assignee of" between the words "for the benefit of" and "San Juan Coal Company".

L. **Recitals.** The Recitals are amended as follows:



a. The second recital is hereby amended by deleting the last sentence and inserting the following: “PNM and SJCC subsequently entered into a Coal Supply Agreement ("CSA") for the supply of coal to the Project, which CSA has been transferred by SJCC to WSJM.”

b. The fifth recital is hereby amended by inserting “, which RSA has been transferred by SJCC to WSJM” at the end of the recital.

c. The seventh recital is hereby amended by deleting “have” before “entered” in the second line.

d. The following paragraph is hereby added as the eighth recital:

WHEREAS, pursuant to the Assignment, Assumption, Termination and Release Agreement among the Participants dated September 1, 2017, PNMR-D assigned to PNM, PNM assumed, and the Participants released PNMR-D from, PNMR-D’s reclamation obligations under the Mine Reclamation Agreement.

M. **Trust Beneficiary.** Section 2.1 of the Trust Agreement is hereby amended by replacing such section in its entirety with the following:

2.1 Identification of Beneficiary. The Beneficiary of this Trust (“Beneficiary”) is WSJM and its successors and permitted assigns.

N. **Notice.** Section 11.12 is hereby amended by deleting contact information for SJCC and inserting the following contact information for WSJM:

**If to WSJM:**

Westmoreland San Juan Mining, LLC  
Attn: Joe Micheletti, Chief Operating Officer  
9540 South Maroon Circle, Suite #300  
Englewood, CO 80112-5730

with a copy addressed as follows:

Westmoreland Mining, LLC  
Attn: Jeremy Cottrell, General Counsel  
9540 South Maroon Circle, Suite #300  
Englewood, CO 80112-5730

O. **Replacement of Certain References and Defined Terms.** The Trust Agreement is hereby amended by replacing “San Juan Coal Company” with “Westmoreland San Juan Mining LLC” in Section 11.12, Notices, and replacing the defined term “SJCC” with “WSJM” in the following sections of the Trust Agreement: Introductory paragraph under “Agreement,” page 2; Section 1.2, Purpose; Section 3.1, Principal Reclamation Trust Fund; Section 6.1(h), Account Statement; Section 6.1(n), Right of Interpleader; Section 6.1(p), Indemnification; Section 11.2, Spendthrift Clause; Section 11.12, Notices; Section 11.14, Entire Agreement; and Section 11.15, Third Party Beneficiaries.



P. **Governing Law.** The validity, construction, and effect of this Amendment No. 1, the administration thereof and the rights and obligations of the Parties will be governed by the laws of the State of New Mexico.

Q. **No Other Amendments; Confirmation.** Except as expressly amended by this Amendment No. 1, the provisions of the Trust Agreement shall remain in full force and effect. The Trust Agreement and this Amendment No. 1 shall be read, taken, and construed as one and the same instrument.

R. **Counterparts.** This Amendment No. 1 may be executed in any number of counterparts, and it will not be necessary that the signatures of both Parties be contained on any counterpart. Each counterpart will be deemed an original, but all counterparts together will constitute one and the same instrument.

[Signatures are on the following pages]



**IN WITNESS WHEREOF**, the Parties have caused this Amendment No. 1 to be executed on their behalf, and the signatories hereto represent that they have been duly authorized to enter into this Amendment No. 1 on behalf of the Party for whom they signed.

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

By: \_\_\_\_\_  
Its: \_\_\_\_\_  
Dated: \_\_\_\_\_

**BOKF, N.A., as Trustee**

By: \_\_\_\_\_  
Its: \_\_\_\_\_  
Dated: \_\_\_\_\_



ATTACHMENT A  
DIRECTION LETTER



April 13, 2020

To the Addressees Listed on Attachment A

Re: Direction Letter —  
Payment to Westmoreland San Juan Mining LLC for Reclamation Activities

To Whom It May Concern:

I write in my capacity as the plan administrator<sup>1</sup> for the confirmed chapter 11 plan (the “Plan”) of Westmoreland Coal Company and certain of its affiliates, including San Juan Coal Company (“SJCC”). Under the Plan, Westmoreland Coal Company and certain of its affiliates (including SJCC) sold substantially all of their assets to Westmoreland Mining LLC (“Westmoreland Mining”) and its affiliates.<sup>2</sup> Included in the assets sold to Westmoreland Mining were SJCC’s rights to receive reclamation payments (i) under a Coal Supply Agreement, dated July 1, 2015, (the “PNM CSA”) between Westmoreland Coal Company and Public Service

<sup>1</sup> Pursuant to the Plan, the plan administrator is the sole manager and sole officer of Westmoreland Coal Company and the other WLB Debtors (as defined in the Plan), including SJCC, succeeding to the powers of the WLB Debtors’ former managers, directors, and officers. *See* Plan Art. IV.I [Docket No. 1532].

<sup>2</sup> *See* Art. IV.C; Asset Purchase Agreement §§ 1.01 [Docket No. 1621] (““Purchased US Business” means the business, operations and ownership of the Sellers (wherever the business, operations and assets are situated or conducted) related to (i) the mining, processing, preparation, selling and shipping of coal and related operations conducted with regards to the US Mining Complexes, (ii) the mineral development drilling, exploration and related operations conducted with regards to the US Mining Complexes and (iii) the selling, marketing, purchasing and blending of coal and related operations, in each case with regards to the US Mining Complexes, including all operations of the Sellers located at Westmoreland’s Englewood, Colorado headquarters.”); Asset Purchase Agreement §§ 2.01 [Docket No. 1621] (“Upon the terms and subject to the conditions of this Agreement, Buyer agrees, and agrees to cause the relevant Designated Buyers, to purchase from the Sellers, and the Sellers agree to sell, convey, transfer, assign and deliver, or cause to be sold, conveyed, transferred, assigned and delivered, to Buyer, or the relevant Designated Buyers, at the Closing, free and clear of all Encumbrances, other than Permitted Encumbrances, all of the Sellers’ right, title and interest in, to and under the Purchased US Business and all of the Sellers’ **assets, properties, leases, rights, interests, Contracts and claims (in each case, other than the Excluded Assets)**, wherever situated or located, whether real, personal or mixed, whether tangible or intangible, whether identifiable or contingent, whether owned, leased, licensed, used or held for use in or relating to the Purchased US Business, and whether or not reflected on the books and records of Sellers, as the same shall exist immediately prior to the Closing, including the following . . . .”) (emphasis added); Asset Purchase Agreement §§ 2.15 [Docket No. 1621] (“Buyer shall be entitled to designate, in accordance with the terms and subject to the limitations set forth in this Section 2.15, one or more Affiliates to (i) purchase specified Transferred Assets (including specified Assumed Contracts and Assumed Leases), (ii) assume specified Assumed Liabilities, and/or (iii) employ certain Transferred Employees on and after the Closing Date . . . .”). Westmoreland San Juan Mining LLC signed the asset purchase agreement as a designated purchaser.



Company of New Mexico (“PNM”), (ii) under a Reclamation Services Agreement, dated July 1, 2015, (the “PNM RSA”) between Westmoreland Coal Company and PNM, and (iii) as the third party beneficiary of an Amended and Restated Mine Reclamation and Trust Funds Agreement, dated July 31, 2015, (the “MRTFA”) among PNM; Tucson Electric Power Company; The City of Farmington, New Mexico; M-S-R Public Power Agency; The Incorporated County of Los Alamos, New Mexico; Southern California Public Power Authority; City of Anaheim; Utah Associated Municipal Power Systems; and Tri-State Generation and Transmission Association, Inc. (each a “Party” and collectively, the “Parties”).

Westmoreland San Juan Mining LLC is a direct, wholly-owned subsidiary of the purchaser Westmoreland Mining, is a designated purchaser under the asset purchase agreement, and, pursuant to the Plan, is the successor third party beneficiary under the PNM CSA, PNM RSA, and the MRTFA and is therefore entitled to receive the monthly reclamation payments that were previously made to SJCC.<sup>3</sup> For the avoidance of doubt, SJCC hereby expressly assigns to Westmoreland San Juan Mining LLC its rights to the reclamation payments under the PNM CSA, PNM RSA, and the MRTFA.

In my capacity as plan administrator for the confirmed Plan of Westmoreland Coal Company and certain of its affiliates, including SJCC, on behalf of SJCC, the modifications to the San Juan Generating Station Reclamation Trust Agreements (collectively, “IRTAs”) between the individual Parties and their individual trustees to permit reclamation payments made to SJCC to now be made to Westmoreland San Juan Mining LLC will not adversely affect the interests of SJCC.

The plan administrator requests that each Party expeditiously seek to amend its IRTA to designate Westmoreland San Juan Mining LLC as the beneficiary under the IRTA. SJCC, as the current beneficiary of the PNM RSA, the MRTFA, and the IRTAs governing the rights, title, and interest in the reclamation payments, directs each Party, from and after the effective date of such amendment, to cause payments from such Party’s reclamation trust to be made to Westmoreland San Juan Mining LLC, and SJCC irrevocably waives its rights to all such payments. SJCC hereby releases each of the Parties, each reclamation trust<sup>4</sup> and each IRTA from and against any rights, claims, or interest of SJCC that arise or might arise from payment of the reclamation amounts to Westmoreland San Juan Mining LLC, as the successor and assignee of SJCC. SJCC further affirms and represents that making future reclamation payments to Westmoreland San Juan Mining LLC will not adversely affect SJCC’s interest as a beneficiary under the IRTAs and, as a result of the bankruptcy proceedings, court-approved asset sales, and the confirmed plan of reorganization, modifying SJCC’s status as a beneficiary under the IRTAs is not inconsistent with the MRTFA.

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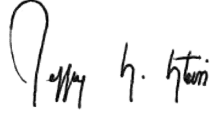
<sup>3</sup> See Plan Art. XIV.F; Asset Purchase Agreement § 2.15 (“The rights, benefits, and obligations of any Entity named or referred to in the Plan or the Confirmation Order shall be binding on, and shall inure to the benefit of any heir, executor, administrator, successor, or assign, Affiliate, officer, director, manager, trustee, agent, representative, attorney, beneficiaries, or guardian, if any, of each Entity.”).

<sup>4</sup> Reclamation trusts were established by each of the Parties, for the purpose of satisfying, together with the other Parties, reclamation payments owed by PNM to SJCC under Section 4.1 of the PNM RSA.



The Parties and the Trustees under the IRTAs may rely on this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey S. Stein". The signature is written in a cursive, somewhat stylized font.

Jeffrey S. Stein  
Plan Administrator  
Westmoreland Coal Company *et al.*,  
including San Juan Coal Company



EXECUTION COPY

ATTACHMENT A

ADDRESSEES

**Public Service Company of New Mexico**

Attn: Vice President, PNM Generation  
2401 Aztec N.E., Bldg. A  
Albuquerque, NM 87107

With a copy to:

Public Service Company of New Mexico  
c/o Secretary  
414 Silver Ave. S.W.  
Albuquerque, NM 87102

**Tucson Electric Power Company**

88 E. Broadway Blvd.  
MS HQE901  
Tucson, AZ 85701  
Attn: Corporate Secretary

**Incorporated County of Los Alamos, New Mexico**

c/o County Clerk  
1000 Central Ave., Suite 240  
Los Alamos, NM 87544

With a copy to:

Incorporated County of Los Alamos, New Mexico  
c/o Utilities Manager  
1000 Central Ave., Suite 130  
Los Alamos, NM 87544

**M-S-R Public Power Agency**

c/o General Manager  
1231 11<sup>th</sup> Street  
Modesto, CA 95354

**Southern California Public Power Authority**

c/o Executive Director  
1160 Nicole Court  
Glendora, CA 91740

**City of Farmington**

c/o City Clerk  
800 Municipal Drive  
Farmington, NM 87401

With a copy to:

Farmington Electric Utility System  
Electric Utility Director  
101 North Browning Parkway  
Farmington, NM 87401

**Utah Associated Municipal Power Systems**

c/o General Manager  
155 North 400 West, Suite 480  
Salt Lake City, UT 84103

**City of Anaheim**

c/o City Clerk  
200 South Anaheim Boulevard  
Suite 217 (2<sup>nd</sup> Floor)  
Anaheim, CA 92805

With a copy to:

Public Utilities General Manager  
201 South Anaheim Boulevard  
Suite 1101  
Anaheim, CA 92805

**Tri-State Generation and Transmission Association, Inc.**

c/o Chief Executive Officer  
1100 W 116th Avenue  
Westminster, CO 80234

OR

P.O. Box 33695  
Denver, CO 80233



The following Addressees are referred to collectively as the “Trustees”:

**Trustee for Public Service Company of  
New Mexico San Juan Generating  
Station Reclamation Trust Agreement:**

Wells Fargo Bank, N.A.  
3800 Howard Hughes Parkway, 3<sup>rd</sup> Floor  
MAC S4733-03A  
Las Vegas, NV 89169  
Attn: Gaye Borden

**Trustee for City of Anaheim San Juan  
Generating Station Reclamation Trust  
Agreement:**

U.S Bank National Association  
633 West Fifth Street, 24<sup>th</sup> Floor  
Los Angeles, CA 90071  
Attn: Global Corporate Trust Services  
Reference: San Juan Project Trust / City of  
Anaheim

**Trustee for City of Farmington San Juan  
Generating Station Reclamation Trust  
Agreement:**

Bank of Albuquerque  
100 Sun Avenue NE, Suite 500  
Albuquerque, NM 87109  
Attn: Donald Fennema  
Senior Vice President and Trust Officer  
Corporate Trust  
BOK Financial Services provided by  
BOKF, NA

**Trustee for Incorporated County of Los  
Alamos, New Mexico San Juan  
Generating Station Reclamation Trust  
Agreement:**

Bank of Albuquerque  
Corporate Trust  
100 Sun Avenue NE, Suite 500  
Albuquerque, NM 87109

**Trustee for M-S-R Public Power Agency  
San Juan Generating Station  
Reclamation Trust Agreement:**

U.S Bank National Association  
One California Street, 10<sup>th</sup> Floor  
San Francisco, CA 94711  
Attn: Corporate Trust Services

**Trustee for Southern California Public  
Power Authority San Juan Generating  
Station Reclamation Trust Agreement:**

U.S Bank National Association  
633 West Fifth Street, 24<sup>th</sup> Floor  
Los Angeles, CA 90071  
Attn: Global Corporate Trust Services  
c/o Linda Verstuyft

With a copy to:

Michelle Knutson  
Assistant Vice President | Relationship  
Manager  
U.S. Bank  
U.S. Bank Center Phoenix, LM-AZ-X16P  
101 N 1st Ave, Suite 1600  
Phoenix, AZ 85003

**Trustee for Utah Associated Municipal  
Power Systems San Juan Generating  
Station Reclamation Trust Agreement:**

Zions First National Bank-Trust  
Department  
One South Main Street, Suite 1200  
Salt Lake City, UT 84133-1109



**Trustee for Tucson Electric Power  
Company San Juan Generating Station  
Reclamation Trust Agreement**

**and for**

**Tri-State Generation and Transmission  
Association, Inc. San Juan Generating  
Station Reclamation Trust Agreement:**

U.S. Bank National Association  
Global Corporate Trust  
Attn: Michelle Mena-Rosado  
100 Wall Street, 6<sup>th</sup> floor  
New York, New York 10005



ATTACHMENT B

OPINION LETTER

ATTACHMENT A



# Kramer Levin



1177 Avenue of the Americas  
New York, NY 10036  
T 212.715.9100  
F 212.715.8000

## CONFIDENTIAL

To the Addressees Listed on Attachment A

Re: Payment to Westmoreland San Juan Mining LLC for Reclamation Activities

Dear Addressees:

We act as counsel to Westmoreland Mining Holdings LLC, a Delaware limited liability company ("WMH"), and its subsidiaries, including Westmoreland San Juan Mining LLC, an indirect wholly-owned subsidiary of WMH ("WSJM")<sup>1</sup>. We are delivering this letter at the request of the Parties (as defined below) in connection with the assignment and assumption of certain contracts referenced herein and related reclamation activity payments now payable to WSJM pursuant to the sale of the relevant assets in chapter 11, as further described below.

Reference is made to that certain Amended and Restated Mine Reclamation and Trust Funds Agreement, dated as of July 31, 2015 (the "MRTFA"), entered into by and among Public Service Company of New Mexico ("PNM") and eight other entities party thereto<sup>2</sup> (the "Parties").

You have asked whether the Parties and the Trustees would be in compliance with the terms of the Reclamation Documentation (defined below) if they made Reclamation Payments (defined below) to WSJM.

Based on the analysis in this letter, we are of the opinion that the Parties and the Trustees would be in compliance with the terms of the Reclamation Documentation if they made Reclamation Payments to WSJM.

### Background

We understand that certain of the Parties collectively own the San Juan Generating Station, a coal fired power plant located near Farmington, New Mexico (the "SJGS").

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<sup>1</sup> WSJM is a direct wholly-owned subsidiary of Westmoreland Mining, LLC ("Westmoreland Mining"), which is a direct wholly-owned subsidiary of WMH.

<sup>2</sup> These entities are: Tucson Electric Power Company; The City of Farmington, New Mexico; M-S-R Public Power Agency; The Incorporated County of Los Alamos, New Mexico; Southern California Public Power Authority; City of Anaheim; Utah Associated Municipal Power Systems; and Tri-State Generation and Transmission Association, Inc.





Coal for the operation of the SJGS comes from the mining facility referred to as the "San Juan Mine" located adjacent to the SJGS (the "San Juan Mine"). The coal is currently supplied to SJGS under a Coal Supply Agreement, dated July 1, 2015 (the "CSA"), between Westmoreland Coal Company ("WCC"), the parent company of San Juan Coal Company ("SJCC"), and PNM.

Under the CSA, PNM agreed to "compensate SJCC for all reclamation and related liabilities, obligations and costs associated with disturbance on the [San Juan Mine] resulting in any way from the supply of coal for [the SJGS]...." Concurrently upon entering into the CSA, PNM and WCC entered into a Reclamation Services Agreement, dated July 1, 2015 (the "RSA") pursuant to which SJCC provides reclamation services in connection with the San Juan Mine. Upon execution of the CSA and RSA, WCC immediately assigned its rights and obligations under both agreements to SJCC. Under the RSA, PNM agreed to pay SJCC "on a monthly basis" a sum for the work itemized in the RSA at Exhibit D (the "Reclamation Payments"). (RSA at § 4.1)

Pursuant to the MRTFA, the Parties agreed to share the responsibility for the Reclamation Payments. (MRTFA at § 3.0). Each Party is required to establish an individual reclamation trust (the "Reclamation Trusts") through an individual Reclamation Trust Agreement ("IRTA") for the purpose of satisfying, together with the other Parties, the Reclamation Payments payable by PNM to SJCC under Section 4.1 of the RSA. (MRTFA at § 4.1)

While SJCC is not a direct party to the MRTFA, under § 16.2 of the MRTFA SJCC is an intended third party beneficiary. The IRTAs do not have the same successors or assigns language relating to SJCC or to the defined term Beneficiary as is in the MRTFA. However, as required under § 2.1 of Exhibit 3 of the MRTFA (the Mandatory Provisions), SJCC is a beneficiary of each Reclamation Trust. SJCC is defined in the MRTFA as "San Juan Coal Company, a Delaware corporation, or its successors or assigns." (*Id.* at § 2.1.81) (emphasis added).

Each IRTA sets forth the procedures for payment to SJCC. The MRTFA Operating Agent<sup>3</sup> bills each Party for reclamation costs invoiced by SJCC at least ten business days prior to the date that SJCC is due payment. (IRTA at § 3.1). After reviewing and approving the invoice, each Party must direct the Trustee of the respective Reclamation Trust to pay the invoice "by making payment out of the assets of the Reclamation Trust, in immediately available funds, to SJCC." (IRTA at § 3.1). We understand that to date, many of the Parties have made regular payments to SJCC through the Reclamation Trusts as contemplated by the MRTFA, IRTAs, CSA, and the RSA (collectively, the "Reclamation Documentation").

On October 9, 2018, WCC, SJCC, and other subsidiaries of WCC (collectively, the "Debtors"), filed for Chapter 11 bankruptcy in the U.S. Bankruptcy Court for the Southern District of Texas (the "Bankruptcy Court"). The Bankruptcy Court issued a Confirmation Order approving the Debtors' Chapter 11 Plan of Reorganization (the "Plan") on March 2, 2019. The former first lien lenders of the Debtors formed WMH for the purpose of consummating (directly and indirectly through its subsidiaries) the transactions contemplated by the Plan and the PSA (defined below).

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<sup>3</sup> "Operating Agent" is defined in the MRTFA as "the Participant or other entity which has been selected by the Participants as the entity responsible for the operation and maintenance of the Project pursuant to the SJPPA; as of the Effective Date, PNM is the Operating Agent."





### Transfer to WSJM of the Assets of SJCC

In accordance with the Plan, on March 15, 2019, WCC and certain of its subsidiaries, including SJCC, sold substantially all of their assets (excluding certain mines and certain other assets not relevant here) to Westmoreland Mining and its direct subsidiaries, including WSJM. The sale was made pursuant to a Purchase and Sale Agreement dated March 15, 2019 (the "PSA").

Under § 2.01 of the PSA, Westmoreland Mining and its subsidiaries purchased substantially all of the assets of WCC and certain of its subsidiaries (including SJCC; collectively referred to in the PSA as "Sellers"), as set forth in greater detail in Article II of the PSA.<sup>4</sup> These include various contracts between SJCC and PNM, including the CSA and RSA.

Under the terms of two Contribution and Distribution Agreements, each dated the date of the PSA (the "CDAs"), SJCC and its affiliate San Juan Transportation Company ("SJTC") assigned to WSJM its rights and interest in the Purchased US Assets<sup>5</sup> and WSJM assumed the "Assumed Liabilities", which includes the reclamation obligations imposed on SJCC by the RSA.<sup>6</sup>

As the assignee of all of the relevant assets of SJCC, including its contractual rights, and having assumed all of the relevant liabilities of SJCC, in each case in respect of the San Juan Mine and its operations, WSJM is the successor and assign of SJCC for purposes of the Reclamation Documentation. By the terms of the MRTFA, WSJM has therefore succeeded to SJCC as the third party beneficiary under the MRTFA and each IRTA, including with respect to payment of the Reclamation Payments. With WSJM being the successor to SJCC, the Parties and each Reclamation Trust are required to make

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<sup>4</sup> The assets are termed "Purchased US Assets" and include "all of the Sellers' right, title and interest in, to and under the Purchased US Business and all of the Sellers' assets, properties, leases, rights, interests, Contracts and claims..... used or held for use in or relating to the Purchased US Business." Specifically, the Purchased US Assets include: "all right, title and interest of the Sellers' now or hereafter existing, in, to and under (i) the Contracts listed on Schedule 2.01(f), including ... all Contracts with customers of the Purchased US Business (including all Contracts for the sale of coal by the US Mining Complexes) whether or not listed on Schedule 2.01(f)." (See §2.01(f) of the PSA). The CSA and RSA are listed on Schedule 2.01(f) of the PSA, attached as Exhibit A. (See pgs. 16-17 of Schedule 2.01(f) to the PSA). As defined in the PSA, the Purchased US Business includes the San Juan Mine. (See definition of US Mining Complexes at pg. 17 of the PSA).

<sup>5</sup> Under the terms of the CDAs, SJCC and its affiliate did "contribute, convey, transfer, assign and deliver to" WSJM all of the right, title and interest of SJCC and its affiliate SJTC in and to the Purchased US Assets in which they have such right, title and interest. (See Section 1 of San Juan Complex of Preparatory Steps CDA).

<sup>6</sup> Specifically, WSJM did "assume from [SJCC and its affiliate] and agree[] to timely pay, perform and discharge in accordance with their respective terms, all of the Assumed Liabilities of [SJCC and its affiliate]." (See Section 3 of San Juan Complex of Preparatory Steps CDA). "Assumed Liabilities" includes all liabilities of the Sellers under contracts assumed by Westmoreland Mining and its subsidiaries arising after Closing and that are not on account of a breach by Sellers occurring before Closing, and all reclamation and similar post-mining liabilities under applicable law of the mining complexes acquired under the PSA. (See § 2.04 of the PSA).





payment of the Reclamation Payments to WSJM to the same extent as they were previously obligated to do so to SJCC.

The Bankruptcy Court's Confirmation Order

The sale transaction and the assignment of the Purchased US Assets, including without limitation SJCC's contracts and the rights to payments thereunder and obligations and liabilities thereunder as described above, to WSJM was approved by the Bankruptcy Court in its confirmation order approving the Plan (the "Confirmation Order"), and are binding and enforceable by the terms of the Confirmation Order. (See § XVIII and § XXII, ¶ 43 of the Confirmation Order).

The Confirmation Order expressly states that Westmoreland Mining and its designated purchaser subsidiaries acquired the Purchased US Assets subject to reclamation agreements.<sup>7</sup>

Certain provisions of the CSA (see § 14.9) and the RSA (see § 13) purport to restrict assignment of those contracts. However, under § 365(f) of the federal bankruptcy code, the bankruptcy trustee may assign a contract of the debtor notwithstanding a provision in the contract that prohibits, restricts, or conditions its assignment. 11 U.S.C. § 365(f). Consistent with § 365, the Confirmation Order provides for the assignment of the CSA and RSA "without the need for any further action or consent that may otherwise be required under applicable nonbankruptcy law."<sup>8</sup>

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<sup>7</sup> The Confirmation Order states:

Reclamation Agreements. Notwithstanding any provisions of the Plan or this Order to the contrary, the Purchaser [WMH and its subsidiaries] is acquiring the Transferred Assets subject to the terms and provisions of reclamation agreements executed by certain of the WLB Debtors and counterparties that include utilities and/or utility owners, which reclamation agreements, among other provisions, provide that funds generated under, or in connection with, coal supply, escrow, or other agreements related to mining operations of the WLB Debtors or their designees are dedicated to the payment and performance of certain obligations relating to such mining operations as set forth in such reclamation agreements.

(§ XXII, ¶ 43 of the Confirmation Order; emphasis added).

<sup>8</sup> The Confirmation Order states:

Entry of this Confirmation Order shall constitute approval of all assumptions, assignments, and rejections provided for under the Plan, including the assumption and assignment of the Executory Contracts or Unexpired Leases as provided in the Sale Transaction Documentation and the Plan Supplement, pursuant to sections 365(a) and 1123 of the Bankruptcy Code. Unless otherwise indicated, assumptions, assignments or rejections of Executory Contracts and Unexpired Leases pursuant to the Plan or Sale Transaction Documentation are effective as of the Plan Effective Date without the need for any further action or consents that may otherwise be required under applicable nonbankruptcy law. (§ XVIII of the Confirmation Order).





Therefore, the CSA and RSA have been assigned to the Purchaser, notwithstanding any provisions in the CSA and RSA that may otherwise require the consent of the counterparty to the assignment.

In accordance with the Confirmation Order, WSJM has acquired the San Juan Mine subject to the agreements relating to the reclamation activities. This includes both the obligation to conduct the reclamation activities previously undertaken by SJCC, as well as the right to the funds necessary to perform such reclamation activities, in each case to the extent previously received by SJCC. Consistent with the Confirmation Order, the Reclamation Payments under the Reclamation Documentation previously made by the Parties to SJCC should properly be made to WSJM.

#### Modification of the IRTAs

We understand that the Parties intend to seek an amendment of the IRTAs in order to name WSJM as beneficiary of each IRTA. Such a modification would not be inconsistent with the MRTFA, given that (i) the beneficiary of the MRTFA is "San Juan Coal Company [SJCC], a Delaware corporation, or its successors or assigns." (*Id.* at § 2.1.81) (emphasis added) and (ii) as detailed above, WSJM is the successor and assign of SJCC.

#### Letter from San Juan Coal Company

In accordance with a letter which is being simultaneously delivered to you by SJCC (the "SJCC Direction Letter"), SJCC has expressly directed the Parties and each Reclamation Trust, from and after the effective date of the amendment of the IRTAs, to make all future Reclamation Payments under the Reclamation Documentation to its assignee, WSJM, and to thereafter take all future direction (including without limitation payment instructions) from WSJM as its assignee. In addition, the SJCC Direction Letter states that SJCC's interest as Beneficiary, as defined in the IRTAs, is not adversely affected by the assignment of Reclamation Payments to WSJM, and it includes a release by SJCC of all claims against the Parties and each Reclamation Trust that might arise from payment of the reclamation amounts to WSJM, as assignee of SJCC.

The express assignment under the SJCC Direction Letter is consistent with the terms of the Reclamation Documentation, and provides an independent basis on which the Parties and each Reclamation Trust should make Reclamation Payments to WSJM.

#### Conclusion

Under the PSA and the CDAs, WSJM has succeeded to all the right, title, and interest of SJCC in and to SJCC's assets relating to the San Juan Mine and its operations (other than excluded assets not relevant here). As the successor and assign of SJCC, WSJM is a beneficiary of the payment obligations of the Parties and each Reclamation Trust under the Reclamation Documentation to the same extent as SJCC previously benefited from those obligations. The transfer and assignment to WSJM of SJCC's right, title and interest as aforesaid has been approved by order of the Bankruptcy Court, with express reference to the agreements relating to reclamation. SJCC has also expressly assigned to WSJM its rights to the Reclamation Payments in the SJCC Direction Letter and, from and after the effective date of the amendment of the IRTAs, directed all future payments be made to WSJM. Accordingly, it is our view that the payment of the Reclamation Payments by the Parties and each Reclamation Trust to WSJM would comply with the





terms of the Reclamation Documentation, modification of SJCC's status as a beneficiary under the IRTAs is not inconsistent with the MRTFA, and making future reclamation payments to WSJM will not adversely affect SJCC's interest as a beneficiary under the IRTAs due to the bankruptcy proceedings, court orders, and the analysis provided above.

This letter is being delivered to the Parties and the Trustees at their request in connection with the agreements described in the Reclamation Documentation and may not be relied on or otherwise used by any other person or by you for any other purpose, without our express prior written consent, except that the Parties may also rely on this letter for purposes of delivery of certifications to the Trustees of the respective Reclamation Trusts, as required by the IRTAs (§ 4.1) in connection with amendment of the IRTAs and/or other Reclamation Documentation to expressly permit Reclamation Payments to be made by the Parties to WSJM.

Please contact Charles S. Warren of our firm with any questions you may have regarding this letter.

Sincerely,

Kramer Levin Naftalis & Frankel LLP



ATTACHMENT A

ADDRESSEES

**Public Service Company of New Mexico**

Attn: Vice President, PNM Generation  
2401 Aztec N.E., Bldg. A  
Albuquerque, NM 87107

With a copy to:

Public Service Company of New Mexico  
c/o Secretary  
414 Silver Ave. S.W.  
Albuquerque, NM 87102

**Tucson Electric Power Company**

88 E. Broadway Blvd.  
MS HQE901  
Tucson, AZ 85701  
Attn: Corporate Secretary

**Incorporated County of Los Alamos, New Mexico**

c/o County Clerk  
1000 Central Ave., Suite 240  
Los Alamos, NM 87544

With a copy to:

Incorporated County of Los Alamos, New Mexico  
c/o Utilities Manager  
1000 Central Ave., Suite 130  
Los Alamos, NM 87544

**M-S-R Public Power Agency**

c/o General Manager  
1231 11<sup>th</sup> Street  
Modesto, CA 95354

**Southern California Public Power Authority**

c/o Executive Director  
1160 Nicole Court  
Glendora, CA 91740

**City of Farmington**

c/o City Clerk  
800 Municipal Drive  
Farmington, NM 87401

With a copy to:

Farmington Electric Utility System  
Electric Utility Director  
101 North Browning Parkway  
Farmington, NM 87401

**Utah Associated Municipal Power Systems**

c/o General Manager  
155 North 400 West, Suite 480  
Salt Lake City, UT 84103

**City of Anaheim**

c/o City Clerk  
200 South Anaheim Boulevard  
Suite 217 (2<sup>nd</sup> Floor)  
Anaheim, CA 92805

With a copy to:

Public Utilities General Manager  
201 South Anaheim Boulevard  
Suite 1101  
Anaheim, CA 92805

**Tri-State Generation and Transmission Association, Inc.**

c/o Chief Executive Officer  
1100 W 116th Avenue  
Westminster, CO 80234

OR

P.O. Box 33695  
Denver, CO 80233



The following Addressees are referred to collectively as the "Trustees":

**Trustee for Public Service Company  
of New Mexico San Juan Generating  
Station Reclamation Trust  
Agreement:**

Wells Fargo Bank, N.A.  
3800 Howard Hughes Parkway, 3<sup>rd</sup>  
Floor  
MAC S4733-03A  
Las Vegas, NV 89169  
Attn: Gaye Borden

**Trustee for City of Farmington San  
Juan Generating Station  
Reclamation Trust Agreement:**

Bank of Albuquerque  
100 Sun Avenue NE, Suite 500  
Albuquerque, NM 87109  
Attn: Donald Fennema  
Senior Vice President and Trust  
Officer  
Corporate Trust  
BOK Financial Services provided by  
BOKF, NA

**Trustee for M-S-R Public Power  
Agency San Juan Generating  
Station Reclamation Trust  
Agreement:**

U.S Bank National Association  
One California Street, 10<sup>th</sup> Floor  
San Francisco, CA 94711  
Attn: Corporate Trust Services

With a copy to:

Michelle Knutson  
Assistant Vice President |  
Relationship Manager  
U.S. Bank  
U.S. Bank Center Phoenix, LM-AZ-  
X16P  
101 N 1st Ave, Suite 1600  
Phoenix, AZ 85003

**Trustee for City of Anaheim San Juan  
Generating Station Reclamation Trust  
Agreement:**

U.S Bank National Association  
633 West Fifth Street, 24<sup>th</sup> Floor  
Los Angeles, CA 90071  
Attn: Global Corporate Trust Services  
Reference: San Juan Project Trust /  
City of Anaheim

**Trustee for Incorporated County of  
Los Alamos, New Mexico San Juan  
Generating Station Reclamation Trust  
Agreement:**

Bank of Albuquerque  
Corporate Trust  
100 Sun Avenue NE, Suite 500  
Albuquerque, NM 87109

**Trustee for Southern California Public  
Power Authority San Juan  
Generating Station Reclamation Trust  
Agreement:**

U.S Bank National Association  
633 West Fifth Street, 24<sup>th</sup> Floor  
Los Angeles, CA 90071  
Attn: Global Corporate Trust Services  
c/o Linda Verstuyft

**Trustee for Utah Associated  
Municipal Power Systems San Juan  
Generating Station Reclamation Trust  
Agreement:**

Zions First National Bank-Trust  
Department  
One South Main Street, Suite 1200  
Salt Lake City, UT 84133-1109



**Trustee for Tucson Electric Power  
Company San Juan Generating  
Station Reclamation Trust Agreement**

**and for**

**Tri-State Generation and  
Transmission Association, Inc. San  
Juan Generating Station  
Reclamation Trust Agreement:**

U.S. Bank National Association  
Global Corporate Trust  
Attn: Michelle Mena-Rosado  
100 Wall Street, 6<sup>th</sup> floor  
New York, New York 10005





# County of Los Alamos

## Staff Report

July 28, 2020

Los Alamos, NM 87544  
www.losalamosnm.us

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**Agenda No.:** C.

**Index (Council Goals):**

**Presenters:** Helen Perraglio, Chief Financial Officer and Karen Kendall, Business Operations Manager

**Legislative File:** 13153-20

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### **Title**

Consideration of Budget Revisions 2020-42 (CYFD Grant) and 2021-04 (Art in Public Places, State Shared Revenue)

### **Recommended Action**

**I move that Council approve Budget Revision 2020-42 as summarized on attachment A and that the attachment be made a part of the minutes of this meeting. I further move that Council approve Budget Revision 2021-04 as summarized on attachment A.**

### **County Manager's Recommendation**

The County Manager recommends that Council approve the budget revisions as requested.

### **Body**

A summary of the budget revisions is included on Attachment A.

### **Alternatives**

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

### **Fiscal and Staff Impact/Planned Item**

Fiscal and staff impact is described in the attachment.

### **Attachments**

A - Budget Revision 2020-42 & 2021-04



## Budget Revision 2020-42 and 2021-04

**Council Meeting Date: July 28, 2020**

	Fund & Department	Org Object	Revenue (decrease)	Expenditures (decrease)	Transfers In(Out)	Fund Balance (decrease)
FY2020						
1	General Fund - CYFD Grant	01150540 8369		\$ (148,922)		\$ 148,922
<b>Description:</b> The purpose of this budget revision is to modify the expenditure authority in <b>FY2020</b> to match the grant award.						
<b>Fiscal Impact:</b> The net impact in FY2020 on the General Fund is to decrease expenditures and increase fund balance by \$148,922.						
	Fund & Department	Org Object	Revenue (decrease)	Expenditures (decrease)	Transfers In(Out)	Fund Balance (decrease)
FY2021						
2	State Shared Revenue (Road) Fund	66360929 5165		\$ 580,000		\$ (580,000)
<b>Description:</b> The purpose of this budget revision is to carryover expenditure authority from FY2020 to FY2021. The funding for FY2020 was not spent due to Covid-19. The work will be completed this summer and the Department of Finance & Administration is aware that Los Alamos County will carryover budget into FY2021. The revenue source for this fund is motor vehicle and gasoline taxes.						
<b>Fiscal Impact:</b> The net impact in FY2021 on the State Shared Revenue Fund is to increase expenditures and decrease fund balance by \$580,000.						
3	CIP Fund - Art in Public Places	CP7001 8369 7601		\$ 73,435	\$ 13,700	
3	General Fund - MFM	01172410 8369 9631		\$ (13,700)	\$ (13,700)	
3	CIP Fund - Trinity Drive Improvements	CP**** 8369		\$ (3,200)		
3	CIP Fund - Canyon Rim Trail Underpass	CP5018 8369		\$ (10,100)		
3	CIP Fund - 20th Street Extension	CP*** 8369		\$ (2,000)		
3	CIP Fund - N. Mesa Road Improvement	CP**** 8369		\$ (8,435)		
3	CIP Fund - Sherwood Blvd Road Project	CP5008 8369		\$ (12,500)		
3	CIP Fund - Deacon Street	CP4003 8369		\$ (1,000)		
3	CIP Fund - DP Road Infrasctructure	CP4004 8369		\$ (22,500)		
<b>Description:</b> The purpose of this budget revision is to increase in the Art in Public Places FY2021 expenditure budget for Council approved road or Econ Dev infrastructure projects (0.5%) and capital projects (1%) not previously allocated to Art in Public Places.						
<b>Fiscal Impact:</b> The net impact on the FY2021 CIP Fund is to increase expenditures and transfers in by \$13,700. The impact on the FY2021 General Fund is to increase transfers out and decrease expenditures by \$13,700.						





# County of Los Alamos

## Staff Report

July 28, 2020

Los Alamos, NM 87544  
www.losalamosnm.us

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**Agenda No.:** D.

**Index (Council Goals):** \* 2020 Council Goal - Investing in Infrastructure

**Presenters:** James Alarid, Deputy Utilities Manager - Engineering

**Legislative File:** 13154-20

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### Title

Grant of Utility Easement and Acceptance of Ownership of a New Waterline Located at 113 Central Park Square

### Recommended Action

**I move that Council approve a grant of utility easement within Tract AA, a subdivision of Eastern Area No. 3 and accept ownership of the new waterline.**

### Utilities Manager Recommendation

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

### Body

The existing waterline in the north parking lot of Central Park Square is currently privately owned. The waterline was installed in approximately 1950 and has experienced leaks annually over the past decade. The owner of the property approached the DPU about replacing the waterline and conveying to the DPU to operate and maintain. The waterline was undersized and provides domestic water and fire protection to one of the largest structures in Los Alamos. The new waterline was placed into service in early June 2020. The new waterline was constructed to current DPU construction standards and increased in size from a 6" to 8", which will increase the available fire flow. Acceptance of the utility easement establishes legal access to DPU to operate and maintain the line. Per the Section 16-238. - Acceptance, conveyance of the waterline must be by a vote by the County Council. We have provided the applicable code below.

### **Sec. 16-238. - Acceptance.**

- (a) *County acceptance of the public improvements and utilities shall be by motion of the county council only. The county council shall accept only upon recommendation by the county engineer and utilities manager. The recommendation by the county engineer and utilities manager shall be contingent upon:*
- (1) *Fulfillment of the requirements for responsibility for maintenance as outlined under section 16-237;*
  - (2) *An opinion by the county attorney that satisfactory and proper conveyances have been made by the developer to the county;*
  - (3) *Public improvements that have been completed and are in good repair in accordance with approved plans and specifications;*
  - (4) *Utilities that have been completed and are in good repair with approved plans and specifications reviewed by the utilities department;*



- 
- (5) *As-built drawings dated, certified and stamped by a professional engineer having been submitted to and accepted by the county engineer and utilities manager;*
- (6) *All monuments that have been placed.*
- (b) *Except when a development is approved by the planning and zoning commission or county council as a phased development, a development shall not be recommended for acceptance by the county engineer or utilities manager or accepted by the county council in part; it shall be accepted only as a whole as indicated in the final plat or site plan, or special use permit and approved engineering drawings.*
- (c) *The developer will be charged an additional fee for reinspection when as-built plans do not conform to field inspection.*

**Alternatives**

If the easement is not approved the waterline will remain private.

**Fiscal and Staff Impact/Planned Item**

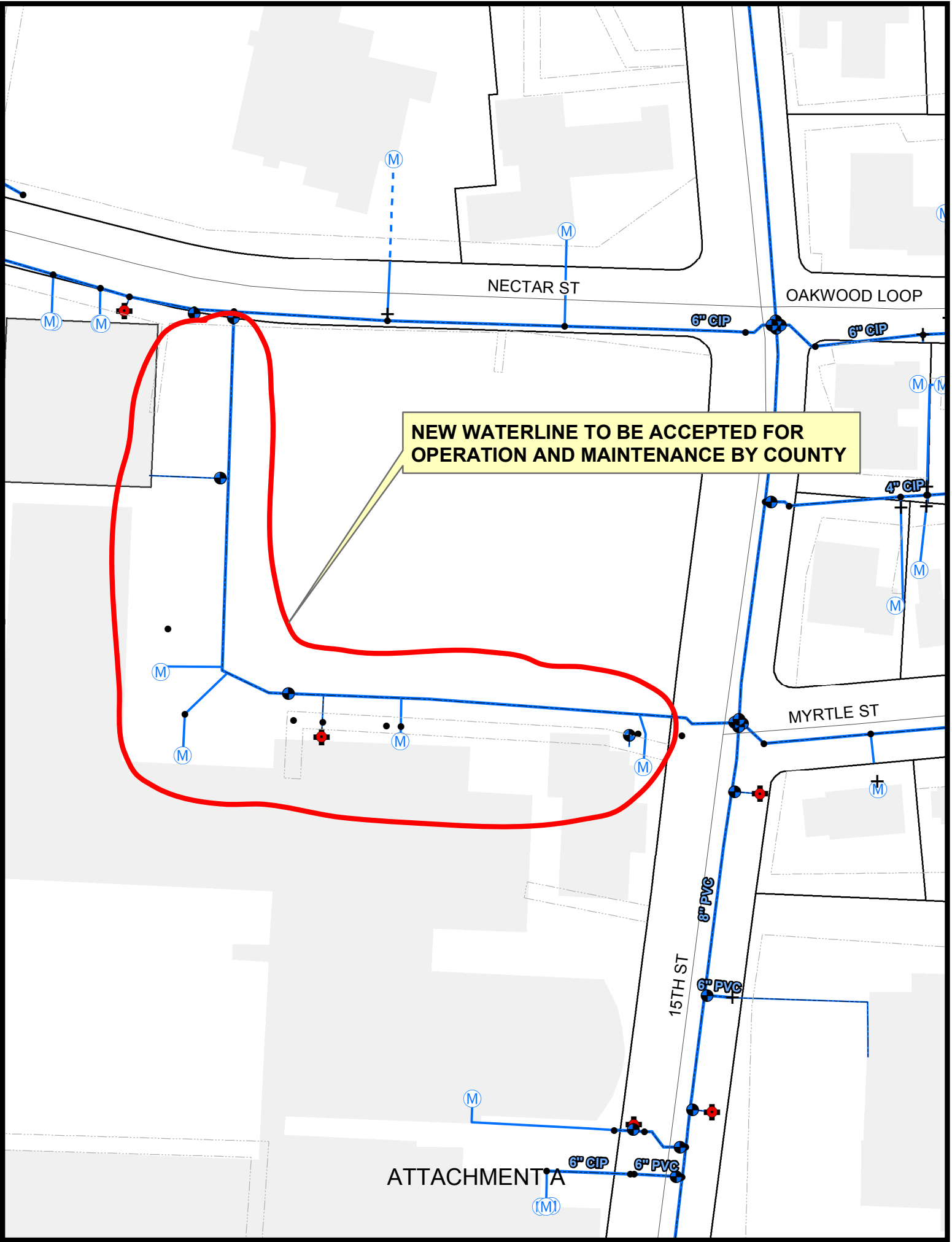
None

**Attachments**

A - Vicinity Map

B - Grant of Utility Easement





NEW WATERLINE TO BE ACCEPTED FOR  
OPERATION AND MAINTENANCE BY COUNTY

NECTAR ST

OAKWOOD LOOP

MYRTLE ST

15TH ST

ATTACHMENT A



## GRANT OF UTILITY EASEMENT

NAME: Central Park Square LLC, 130 Central Park Square, Los Alamos, NM 87544

PROPERTY ADDRESS: 113 Central Park Square, Los Alamos, NM 87544

TRACT: AA

SUBDIVISION: Eastern Area No. 3

FOR CONSIDERATION GIVEN, the undersigned owners(s) do hereby grant to the INCORPORATED COUNTY OF LOS ALAMOS, its successors and assigns, a utility easement over, across, in and upon the land shown on Exhibit "A" attached hereto. Said easement lies within Tract AA, Eastern Area No. 3 Subdivision, Los Alamos County, New Mexico, the plat thereof being filed for record in the Office of the County Clerk in Plat Book 1, Page 74, on the 21st Day of February 1966.

### UTILITY EASEMENT

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

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

### OWNER: TRACT AA

SIGNATURE: \_\_\_\_\_

*Philip Kunsberg*

DATE: \_\_\_\_\_

*June 22, 2020*

Central Park Square LLC authorized agent

STATE OF NEW MEXICO )

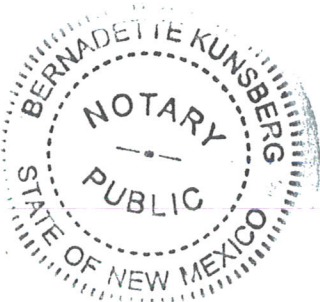
) ss

COUNTY OF LOS ALAMOS )

The foregoing instrument was acknowledged before me this 22nd day of June, 2020, by Philip Kunsberg, Central Park Square LLC authorized agent.

*Bernadette Kunsberg*  
\_\_\_\_\_  
Notary Public

My commission expires 2/29/2024



ATTACHMENT B



EXHIBIT "A"

SURVEY  
SHOWING  
GRANT OF 20' WIDE PUBLIC  
UTILITY EASEMENT

WITHIN  
A PORTION OF TRACT AA, EASTERN AREA NO.3,  
COMMONLY KNOWN AS CENTRAL PARK SQUARE  
LOS ALAMOS COUNTY, NEW MEXICO  
MAY 2020

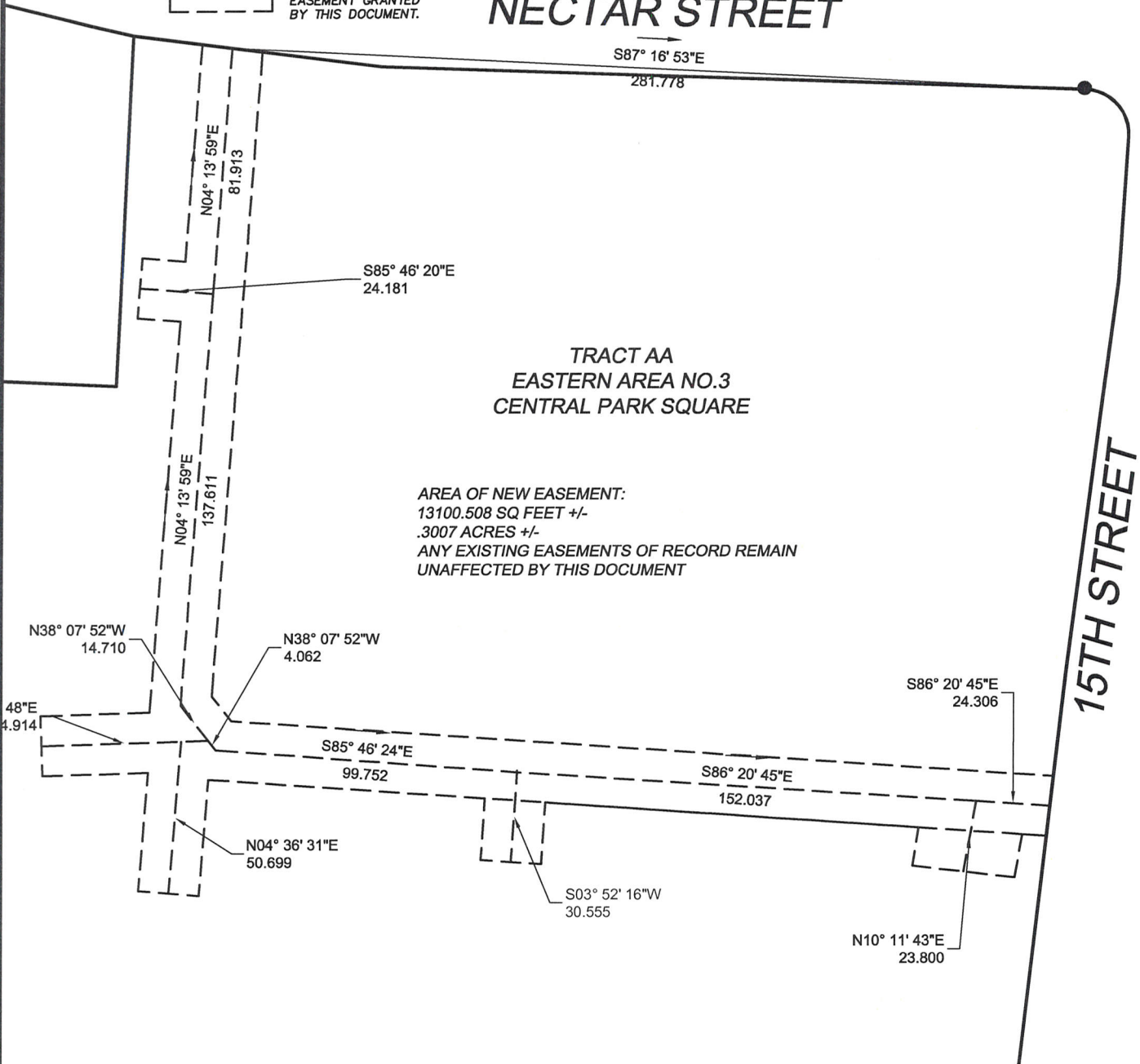


SCALE 1" =50'

LEGEND:

- BRASS CAP STAMPED  
AS NOTED, FOUND.
- 1/2" REBAR WITH YELLOW PLASTIC CAP  
STAMPED "PS 7014", FOUND.
- BATHEY T-BAR WITH CAP FOUND.
- BATHEY T-BAR, FOUND.
- NAIL WITH FLASHER STAMPED
- DENOTES PUBLIC 20' UTILITY  
EASEMENT GRANTED  
BY THIS DOCUMENT.

NECTAR STREET

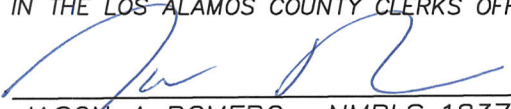


TRACT AA  
EASTERN AREA NO.3  
CENTRAL PARK SQUARE

AREA OF NEW EASEMENT:  
13100.508 SQ FEET +/-  
.3007 ACRES +/-  
ANY EXISTING EASEMENTS OF RECORD REMAIN  
UNAFFECTED BY THIS DOCUMENT

SURVEYOR'S CERTIFICATE

THE FOREGOING EXHIBIT WAS PREPARED FROM INFORMATION SHOWN ON THE  
PLAT FOR LOS ALAMOS COUNTY OF A PORTION OF TRACT AA,  
EASTERN AREA NO. 3 COMMONLY KNOWN AS CENTRAL PARK SQUARE.  
FILED AS, BOOK 1, PAGE 74 ON FEBRUARY 21, 1966  
IN THE LOS ALAMOS COUNTY CLERKS OFFICE.

  
JASON A ROMERO, NMPLS 18375  
1000 CENTRAL AVE, SUITE 160  
LOS ALAMOS, N.M. 87544  
4/10/20  
DATE







# County of Los Alamos

## Staff Report

July 28, 2020

Los Alamos, NM 87544  
www.losalamosnm.us

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**Agenda No.:** E.

**Index (Council Goals):** \* 2020 Council Goal - Investing in Infrastructure

**Presenters:** James Alarid, Deputy Utilities Manager - Engineering

**Legislative File:** 13155-20

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### **Title**

Vacation of Utility Easement within Lot 27, a Subdivision of Eastern Area No. 2

### **Recommended Action**

**I move that Council approve the Vacation of Utility Easement within Lot 27, a subdivision of Eastern Area No. 2.**

### **Utilities Manager Recommendation**

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

### **Body**

The portion of easement being vacated is no longer needed. The sewer line which once occupied the easement has been re-located into the street.

### **Alternatives**

If the easement vacation is not approved the encumbrance on the property will remain

### **Attachments**

A - Vacation of Utility Easement

B - Vicinity Map



**VACATION OF UTILITY EASEMENT**

NAME: Craigien L. Higgins and Katharine JW Higgins

PROPERTY ADDRESS: 1361 Sage Loop, Los Alamos, N.M. 87544

LOT: 27, SUBDIVISION: Eastern Area No. 2


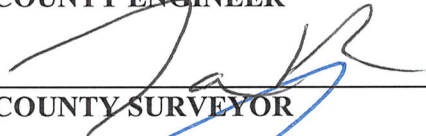

The Incorporated County of Los Alamos has determined that the County no longer requires and hereby vacates the utility easements described as follows:

**DESCRIPTION**

Those utility easements lying and being within Lot 27, Eastern Area No. 2, Los Alamos County, New Mexico, the Plat thereof filed for record in the Office of the Clerk at Plat Book 1, Page 57 on August 6, 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:**

 COUNTY ENGINEER	<u>7/15/2020</u> DATE
 COUNTY SURVEYOR	<u>7/15/20</u> DATE
 DEPARTMENT OF PUBLIC UTILITIES	<u>7/15/20</u> DATE

ATTEST:  
Naomi Maestas

INCORPORATED COUNTY OF LOS ALAMOS

By: \_\_\_\_\_  
County Clerk  
Recorded pursuant  
to NMSA 1978,  
14-9-7.

\_\_\_\_\_  
COUNCIL CHAIRPERSON      DATE



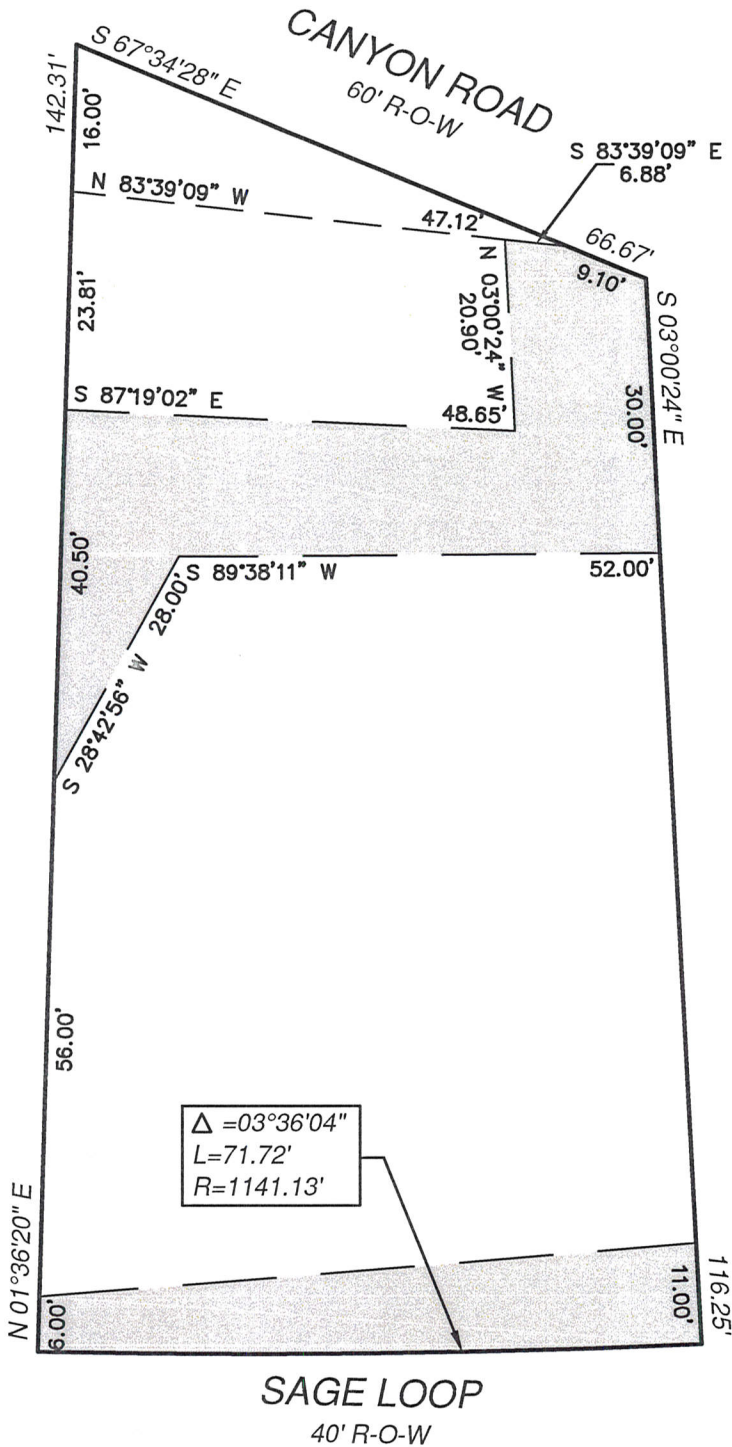
PLOT PLAN FOR  
VACATION OF UTILITY EASEMENT  
WITHIN  
**LOT 27, EASTERN AREA NO. 2**  
LOS ALAMOS, NEW MEXICO  
FOR  
**CRAIGEN L. HIGGINS AND KATHERINE JW HIGGINS**

EXISTING UTILITY EASEMENT  
UNCHANGED BY THIS  
DOCUMENT.

DENOTES UTILITY  
EASEMENT VACATED  
BY THIS DOCUMENT



SCALE 1" = 20'



AUTHORITY:  
THIS EXHIBIT WAS PREPARED FROM INFORMATION SHOWN ON THE PLAT OF EASTERN  
AREA NO. 2, SAID PLAT BEING FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK  
OF LOS ALAMOS COUNTY, NEW MEXICO IN PLAT BOOK 1, PAGE 57 ON THE 6TH DAY OF  
AUGUST, 1965 AND FROM INSTRUCTION PROVIDED TO US BY THE LOS ALAMOS COUNTY  
UTILITIES DEPARTMENT AND THE PROPERTY OWNER.

*Larry W. Medrano*

Digitally signed by Larry W Medrano  
Reason: I attest to the accuracy and  
integrity of this document  
Date: 2020.07.13 15:40:07-06'00'

LARRY W. MEDRANO, N.M.P.L.S. NO. 11993

DATE July 13, 2020

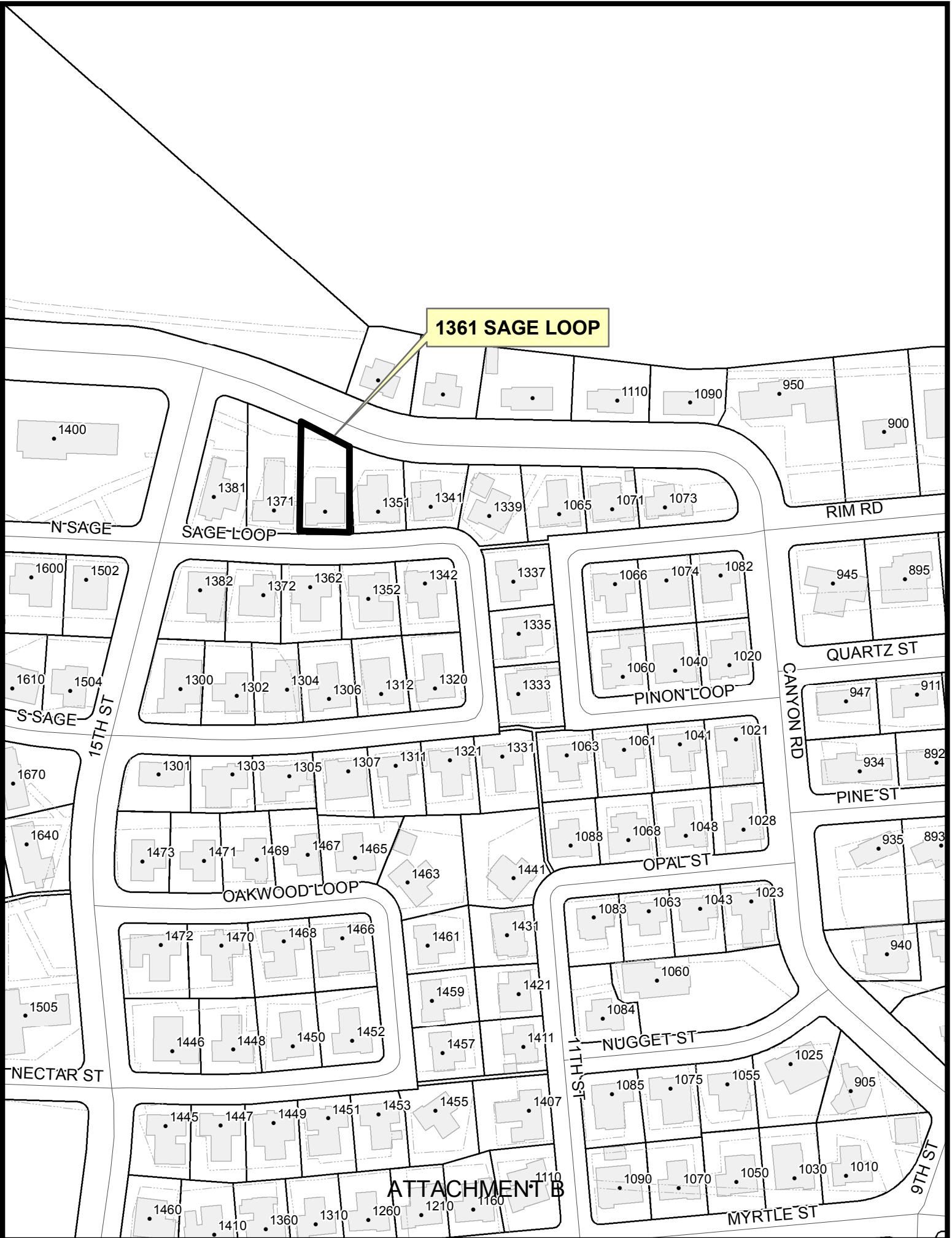
1362 Trinity Drive, Suite A2  
Los Alamos, NM 87544

505.661.4262 PHONE  
505.661.4263 FAX



M.B.E 6/09/2020





1361 SAGE LOOP

ATTACHMENT B





# County of Los Alamos

## Staff Report

July 28, 2020

Los Alamos, NM 87544  
www.losalamosnm.us

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**Agenda No.:** F.

**Index (Council Goals):**

**Presenters:** Helen Perraglio, Chief Financial Officer, Dino Sgambellone, Police Chief and Karen Kendall, Budget and Performance Manager

**Legislative File:** 13181-20

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### Title

Approval to Accept the FY2021 E911 Grant from the Department of Finance and Administration in an Amount Not To Exceed \$200,812 and Related Budget Revision 2021-06

### Recommended Action

**I move that Council approve the request to accept the Fiscal Year 2021 E911 Grant Agreement from the Department of Finance and Administration in an amount not to exceed \$200,812. I further move that Council direct the County Manager to execute the grant agreement. I further move that Council approve Budget Revision 2021-06 as summarized on attachment C and that the attachment be made a part of the minutes of this meeting.**

### County Manager's Recommendation

The County Manager recommends that Council approve the request to accept Fiscal Year 2021 E911 Grant Agreement from the Department of Finance and Administration and the budget revision as requested.

### Body

The Enhanced 911 (E911) Act, NMSA 1978, Section 63-9D-1 will enhance the 911 telephone emergency system and is necessary to expand the benefits of the basic 911 emergency telephone number, to achieve a faster response time which minimizes the loss of life and property, provides automatic routing to the appropriate public safety answering point ("PSAP"), provides immediate visual display of the location and telephone number of the caller and curtails abuse of the emergency system by documenting callers.

There currently is no application process for the E911 grant. The Department of Finance and Administration (DFA) notifies the Los Alamos County Police Department of the award amount each year. A summary of the budget revision is included on Attachment C.

### Alternatives

The alternative to accepting the grant agreement is not having the necessary funds to upgrade the 911 system equipment. Additionally, by not accepting the grant agreement there may not be funding to maintain the County's 911 system.

### Fiscal and Staff Impact/Planned Item

The grant does not require a match.

### Attachments



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A - County of Los Alamos FY21 E-911 Grant Award Letter and Agreement  
B - Grant Matrix E-911  
C - Budget Revision 2021-06



**MICHELLE LUJAN GRISHAM**  
GOVERNOR

**DONNIE J. QUINTANA**  
DIRECTOR



**DEBORAH K. ROMERO**  
ACTING CABINET SECRETARY

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

June 22, 2020

Kate Stoddard  
Consolidated Dispatch Center Manager  
Los Alamos Police/Fire Department  
2500 Trinity Drive, Suite A  
Los Alamos, New Mexico 87544

Subject: Fiscal Year 2021 E-911 Grant Agreement

Dear Ms. Stoddard,

Attached is the County of Los Alamos fiscal year 2021 (FY21) E-911 Grant Agreement. This Grant Agreement reflects the County of Los Alamos approved budget by the State Board of Finance for FY21. Please have the grant agreement signed by an Authorized Signatory of your fiscal agent, and return as soon as possible, preferably before June 30, 2020. We encourage a digital signature to allow for a more efficient process, however, if your fiscal agent requires a wet signature and an original copy that will be accommodated.

If you are using a digital signature, please sign and email the grant agreement to [Stephen.Weinkauf@state.nm.us](mailto:Stephen.Weinkauf@state.nm.us). If you are using an original wet signature, **print two (2) originals**, sign and mail to:

Stephen Weinkauf  
E-911 Bureau Chief  
Department of Finance and Administration  
Local Government Division  
Bataan Memorial Building, Suite 202  
Santa Fe, NM 87501

After the Local Government Division (LGD) signs the grant agreement, we will return the fully executed grant agreement to you for your records. Once the grant agreement is fully executed, LGD can begin making payments for FY21 expenses.

If you have any questions regarding this matter, please call Stephen Weinkauf at 505-660-3637.

Sincerely,

A handwritten signature in blue ink, appearing to read "Stephen Weinkauf".

---

Stephen Weinkauf, E-911 Bureau Chief  
Local Government Division

Attachment: FY21 E-911 Grant Agreement



STATE OF NEW MEXICO  
DEPARTMENT OF FINANCE AND ADMINISTRATION  
LOCAL GOVERNMENT DIVISION  
ENHANCED 911 ACT GRANT PROGRAM

GRANT AGREEMENT

Project No. 21-E-12

**THIS GRANT AGREEMENT** made and entered into by and between the Department of Finance and Administration (DFA) acting through the Local Government Division, Bataan Memorial Building, Suite 202, Santa Fe, New Mexico 87501, hereinafter called the “**Division**”, and the **County of Los Alamos**, hereinafter called the “**Grantee**”, and collectively referred to as the “**Parties**”.

**WITNESSETH:**

**WHEREAS**, this Grant Agreement is made by and between the DFA, acting through the Division, and the Grantee, pursuant to the authority in the Enhanced 911 Act, Sections 63-9D-1 *et seq.* NMSA 1978, (hereinafter referred to as the “Act”) as amended, and the Enhanced 911 Rules, Section 10.6.2 NMAC (hereinafter referred to as the “Enhanced 911 Requirements” or “E-911 Rules.”); and

**WHEREAS**, an enhanced 911 telephone emergency system is necessary to expand the benefits of the basic 911 emergency telephone number, to achieve a faster response time which minimizes the loss of life and property, provides automatic routing to the appropriate public safety answering point (“PSAP”), provides immediate visual display of the location and telephone number of the caller and curtails abuse of the emergency system by documenting callers; and

**WHEREAS**, this Grant Agreement funds the Public Safety Answering Point (PSAP) at the County of Los Alamos, which also provides E-911 related services to Los Alamos County, as well as E-911 related reimbursements for travel, training, and Geographic Information Systems (GIS) software and hardware; and

**WHEREAS**, the Grantee and the Division have the authority, pursuant to the Act, NMSA 1978, Sections 63-9D-1 *et seq.* , and the E-911 Rules, to enter into this Grant Agreement; and

**WHEREAS**, the Grantee complies with the definition of “Grantee” in Section 10.6.2.7(HH) NMAC, of the E-911 Rules; and

**WHEREAS**, the Division has the authority, pursuant to NMSA 1978, Section 63-9D-8, to administer the Enhanced 911 fund; and

**WHEREAS**, on June 16, 2020, the State Board of Finance awarded the Grantee **\$200,812** for enhanced 911 services and equipment.

**NOW, THEREFORE**, the Parties agree as follows:

**ARTICLE I - LENGTH OF GRANT AGREEMENT**

A. Unless terminated earlier pursuant to Article IV herein, the term of this Grant Agreement, upon being duly executed by the Division, shall be from **July 1, 2020**, through **June 30, 2021**.

B. In the event that, due to unusual circumstances, it becomes apparent that this Grant Agreement cannot be brought to full completion within the time period set forth in



Paragraph A above, the Grantee shall so notify the Division in writing at least thirty (30) days prior to the termination date of this Grant Agreement, for the purpose of allowing the Grantee and the Division to review the work accomplished to date and determine whether there is need or sufficient justification to amend this Grant Agreement and to provide additional time for completing the same. The Division's decision whether or not to extend the term of this Grant Agreement is final and non-appealable.

## **ARTICLE II – REPORTS**

A. PSAP Annual Report: No later than June 30th of each year, the Grantee shall submit to the Division a PSAP Annual Report, in the form attached hereto as Exhibit A, as may be changed from time to time upon the Division's written notice to the Grantee. The PSAP Annual Report shall include information described in Section 10.6.2.11.D NMAC, of the E-911 Rules, and any such other information as the Division may request, in sufficient detail to evaluate the effectiveness of the 911 equipment and services provided by the equipment vendor.

B. Federal 911 Resource Center Report: No later than January 30th of each year, the Grantee shall submit to the Division a Federal 911 Resource Center Report, in the form attached hereto as Exhibit B, as may be changed from time to time upon the Division's written notice to the Grantee.

## **ARTICLE III - CONSIDERATION AND METHOD OF PAYMENT**

A. In consideration of the Grantee's satisfactory completion of all work, purchase and maintenance of the equipment and services required to be performed in compliance with all the terms and conditions of this Grant Agreement, the Division shall pay the Grantee a sum not to exceed **\$200,812** from the Enhanced 911 fund in accordance with Article III (D). The funds are to be expended in accordance with the approved Expenditure Budget ("Budget"), attached to and incorporated by reference as Exhibit C, and in accordance with Section 10.6.2.11 NMAC of the E-911 Rules, "PSAP Equipment, Acquisition, and Disbursement of Funds." It is understood and agreed that the Grantee's expenditure of these monies shall not deviate from the line items of the Budget without the prior written approval of the Division, and the funds shall not be expended for ineligible costs via Section 10.6.2.11(F) NMAC of the E-911 Rules.

B. The funds mentioned in Paragraph A above shall constitute full and complete payment of monies to be received by the Grantee from the Division.

C. It is understood and agreed that if any portion of the funds set forth in Paragraph A above is not expended for the purpose of this Grant Agreement, after all conditions of this Grant Agreement have been satisfied or it has been demonstrated that the conditions of the Grant Agreement, for whatever reason, cannot be satisfied, the unexpended funds shall be reverted by the Division in accordance with the Act and the E-911 Rules.

D. Pursuant to NMSA 1978, Section 63-9D-8, as amended, payments will be made from the Enhanced 911 fund to, or on behalf of, participating local governing bodies or their fiscal agents upon vouchers signed by the director of the Division solely for the purpose of reimbursing local governing bodies or their fiscal agents, commercial mobile radio service providers or telecommunications companies for their costs of providing enhanced 911 service.

E. Payments may be made by the Division as follows: 1) on behalf of the Grantee to telecommunications companies, vendors and equipment providers; or 2) reimbursements to



the Grantee for actual costs or expenditures after the Division receives a completed Request for Payment Form, or an invoice certified correct by the Grantee and/or the Division for the E-911 equipment, equipment maintenance, and upgrades billed by the equipment provider. All purchases made by the Grantee for equipment, equipment maintenance, and upgrades require prior written approval by the Division to be eligible for reimbursement.

F. Payments will not be made to the Grantee for work, equipment, maintenance or services not specified in this Grant Agreement or in violation of or ineligible under the E-911 Rules.

#### **ARTICLE IV - MODIFICATION, TERMINATION AND MERGER**

A. Early Termination. Except as provided in Article IV (D) below, this Grant Agreement may be terminated by either Party upon written notice delivered to the other party at least thirty (30) days prior to the intended date of termination. Except as otherwise allowed or provided under this Grant Agreement, the Division's sole liability upon termination shall be to pay for eligible budget items purchased prior to the Grantee's receipt of the notice of termination, if the Division is the terminating party, or upon the Grantee sending a notice of termination, if the Grantee is the terminating party. A notice of termination will not nullify or otherwise affect either party's liability for pre-termination defaults under or breaches of this Grant Agreement. The Grantee shall submit an invoice for such eligible budget items within thirty (30) days of receiving or sending the notice of termination. Notwithstanding the foregoing, this Grant Agreement may be terminated immediately upon written notice to the Grantee if the Grantee becomes unable to or fails to perform the terms of this Agreement, as determined by the Division or if, during the term of this Grant Agreement, the Grantee or any of its officers, employees or agents is indicted for fraud, embezzlement or other crime due to misuse of state funds or due to the Appropriations paragraph herein. *THIS PROVISION IS NOT EXCLUSIVE AND DOES NOT WAIVE THE DIVISION'S OTHER LEGAL RIGHTS AND REMEDIES CAUSED BY THE GRANTEE'S DEFAULT/BREACH OF THIS GRANT AGREEMENT, INCLUDING BUT NOT LIMITED TO, RETURN OF MISSPENT GRANT FUNDS BY THE GRANTEE TO THE DIVISION.*

B. Termination Management. Immediately upon receipt by either the Division or the Grantee of a notice of termination of this Grant Agreement, the Grantee shall: 1) not incur any further obligations for expenditure of funds under this Grant Agreement without written approval of the Division; and 2) comply with all directives issued by the Division in the notice of termination as to the performance under this Grant Agreement.

C. This Grant Agreement incorporates all agreements, covenants and understandings between the parties concerning the subject matter of this Grant Agreement and all such agreements, covenants and understandings have been merged into this written Grant Agreement. No prior agreements, covenants, or understandings oral or otherwise, of the parties or their agents shall be valid and enforceable unless embodied in this Grant Agreement.

D. The terms of this Grant Agreement are contingent upon sufficient appropriations and authorization being made by the Legislature of New Mexico for the performance of the Grant Agreement. If sufficient appropriations and authorizations are not made by the Legislature, the Division may *immediately* terminate this Grant Agreement, in whole or in part, regardless of any existing legally binding third-party contracts entered into by or between the Grantee and a third party, by giving the Grantee written notice of such immediate early termination. The Division's decision as to whether sufficient appropriations are available shall be final and non-appellable. The Grantee shall include a substantively identical clause in all contracts between it and third parties that are (i) funded in whole or in



part by funds made available under this Grant Agreement and (ii) entered into between the effective date of this Grant Agreement and the termination date or early termination date.

## **ARTICLE V - CERTIFICATION**

The Grantee assures and certifies that it will comply with all state laws, the E-911 Rules, and all other laws, rules, policies and procedures with respect to the acceptance and use of State funds. Further and without limiting the foregoing, the Grantee gives assurances and certifies with respect to the Grant that:

- A. It will comply with the New Mexico Procurement Code, NMSA 1978, Sections 13-1-28 through 13-1-199.
- B. It will adhere to all financial and accounting requirements of the DFA.
- C. It will comply with all requirements set forth in the Act and prescribed by the Division in its E-911 Rules, or other guidelines and procedures in relation to receipt and use of State Enhanced 911 Grant Funds.
- D. It shall not at any time utilize or convert any equipment or property acquired or developed pursuant to this Grant Agreement for other than the uses specified, without the prior written approval of the Division.
- E. It will comply with NMSA 1978, Section 63-9D-4D and provide GIS addressing and digital mapping data to the appropriate PSAP and to the Division.
- F. It accepts responsibility for coordinating and providing accurately maintained GIS addressing, road centerline, boundary and other data in the service area to the Division per Section 10.6.2 NMAC. This information will be compliant with the statewide dataset used by the local PSAPs.
- G. It agrees and acknowledges that all GIS data provided to the Division's statewide dataset in support of the E-911 program is public data and shall be shared with other governmental agencies.
- H. It will finance any amount exceeding the approved funding for the 911 equipment costs.
- I. It will not make any changes in the E-911 system configuration without first submitting a written request to the Division and obtaining the Division's written approval of the proposed change(s).
- J. It will provide to the Division documentation of total insurance coverage for all hardware and software and other equipment purchased with E-911 funds. Insurance should, at a minimum, cover non-routine maintenance defects including, but not limited to, all acts of God, floods, fire, lightning strikes and water damage.
- K. It will provide all the necessary qualified personnel, material, and facilities to run the E-911 PSAP.
- L. It will submit all project related contracts, subcontracts, and agreements to the Division for administrative review and approval prior to execution for compliance with the E-911 program requirements and not for legal sufficiency. Amendments to existing contracts also must be submitted to the Division for review and approval prior to execution.



M. It will comply with the PSAP consolidation requirement pursuant to Section 10.6.2.15 NMAC of the E-911 Rules.

#### **ARTICLE VI - RETENTION OF RECORDS**

The Grantee shall keep and preserve such records as will fully disclose the amount and disposition of the total funds from all sources budgeted for a period of six (6) years from the termination of the Grant Agreement, the purpose of undertaking for which such funds were used, the amount and nature of all contributions from other sources, and such other records as the Division shall prescribe.

#### **ARTICLE VII – REQUIRED TERMINATION CLAUSE IN CONTRACTS FUNDED IN WHOLE OR PART BY FUNDS MADE AVAILABLE UNDER THIS GRANT AGREEMENT**

A. The Grantee shall include the following or a substantially similar termination clause in all contracts that are (i) funded in whole or in part by funds made available under this Grant Agreement and (ii) entered into after the effective date of this Grant Agreement:

“This contract is funded in whole or in part by funds made available under a Department of Finance and Administration, Local Government Division (Division) Grant Agreement. Should the Division or the [insert name of Grantee] terminate the Grant Agreement, the [insert name of Grantee] may terminate this contract by providing the Contractor written notice of the termination in accordance with the notice provisions in this contract. In the event of termination pursuant to this paragraph, the Grantee’s only liability shall be to pay the Contractor for acceptable goods/equipment and/or services delivered and accepted prior to the termination date.”

#### **ARTICLE VIII - REPRESENTATIVES**

A. The Grantee hereby designates the person listed below as the official Grantee representative responsible for the overall supervision of this Grant Agreement:

Name: Kate Stoddard  
Title: Consolidated Dispatch Center Manager  
Los Alamos Police/Fire Department  
Address: 2500 Trinity Drive, Suite A  
Los Alamos, New Mexico 87544  
  
Phone: 505-661-3435  
Fax: 505-661-3434  
Email: [Katherine.stoddard@lacnm.us](mailto:Katherine.stoddard@lacnm.us)

B. The Division designates the person listed below responsible for the overall administration of this Grant Agreement, including compliance and monitoring of the Grantee:

Name: Stephen Weinkauff, or his successor  
Title: E-911 Bureau Chief  
Address: Department of Finance and Administration  
Local Government Division  
Bataan Memorial Building, Suite 202  
Santa Fe, New Mexico 87501  
  
Phone: 505-827-8060  
Fax: 505-827-4948  
Email: [Stephen.Weinkauff@state.nm.us](mailto:Stephen.Weinkauff@state.nm.us)



**IN WITNESS WHEREOF**, the Grantee and the Division do hereby execute this Grant Agreement.

**THIS GRANT AGREEMENT** has been approved by:

**GRANTEE**

\_\_\_\_\_  
Authorized Signatory

\_\_\_\_\_  
Date

\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Title, Organization)

**DEPARTMENT OF FINANCE AND ADMINISTRATION, LOCAL GOVERNMENT DIVISION**

By: \_\_\_\_\_  
Donnie Quintana, Local Government Division Director

\_\_\_\_\_  
Date



## Exhibit A

### PSAP Annual Report

PSAP Annual Report Form For: \_\_\_\_\_

Date of Report: \_\_\_\_\_

Section	PSAP Input
<b>Section 10.6.2.11 D(8)</b>	
PSAP Name	
Date of PSAP Report	
Exact address of the PSAP (No P.O. boxes)	
Number, make, and model of E911 and Radio Dispatch positions (if a position is used for both call taking and dispatching, list it as such).	
Type of equipment to include make and model.	
Telephone switching equipment.	
MIS System	
Mapping server	
Radio System	
UPS (for 911 Equipment)	
Back-up Generator	
Version of E911 operating system software.	
Number and type of dedicated/switched voice/data circuits.	
Routing central office and PSAP end office.	
Maintenance control center to include name of company, physical address, telephone number, email address, and your point of contact for E911 equipment and voice logging recorder, if different from E911 equipment maintainer.	
PSAP manager or coordinator and alternate: contact names, addresses, phone numbers, and their PSAP email address.	
MSAG coordinator name, address, phone number, and email address.	
GIS representative to include physical address, telephone number, and email address.	
Type and manufacturer of CAD system, if any, and type and manufacturer of voice logging recorder.	



<b>Section 10.6.2.11 D(9)</b>	
Each PSAP shall maintain at least one 10-digit administrative number. This number shall also be used to receive incoming emergency calls transferred to the PSAP by other PSAPs for certain alternate and default routing arrangements. The preferred way to transfer an emergency call is via one-button transfer via 911 trunk, but the above method can be used for PSAPs that do not have one-button transfers the above mentioned PSAP.	
Provide the administrative number(s).	
<b>Section 10.6.2.11 D(14)</b>	
The PSAP shall maintain a list of fixed and auto-dial transfer features.	
List of fixed transfers.	
List of auto-dial transfers.	
<b>Section 10.6.2.11 D(18)</b>	
<b>Special circumstances.</b>	
(a) In accordance with the ADA each PSAP shall establish procedures to handle calls from speech and hearing impaired individuals. <u>Include a copy of your procedures.</u>	
(b) PSAPs shall develop procedures for handling unanswered or silent 911 calls. <u>Include a copy of your procedures.</u>	
<b>Miscellaneous Section</b>	
List the PSAP insurance provider name, POC, and policy numbers as proof of hazard and liability insurance for the PSAP facility.	
List any back-up PSAP(s) and attach any MOU(s) documenting agreement(s).	



PSAP Annual Report Continued

9-1-1 PSAP Activity-PSAP Input Here			
	Wireline 9-1-1 Calls	Wireless 9-1-1 Calls	Total 9-1-1 Phone Calls
<i>Jul</i>			
<i>Aug</i>			
<i>Sep</i>			
<i>Oct</i>			
<i>Nov</i>			
<i>Dec</i>			
<i>Jan</i>			
<i>Feb</i>			
<i>Mar</i>			
<i>Apl</i>			
<i>May</i>			
<i>June</i>			
<i>Total</i>			
<b>Month Avg.</b>			
<b>Day Avg.</b>			



## Exhibit B

### Federal 911 Resource Center Report

Call Types	Annual Total of Calls from January 1 through December 31
Wireline	
Wireless	
Voice over Internet Protocol (VoIP)	
Multiline Telephone System (MLTS)	
Telematics	
Other	
Total of All Call Types	



# Exhibit C

## Expenditure Budget

<b>New Mexico E-911 Program Grant</b>		<b>Exhibit C</b>	
<b>Local Government Division</b>			
<b>Department of Finance and Administration</b>			
<b>Grantee:</b>	County of Los Alamos	<b>Grant Award:</b>	200,812
<b>Address:</b>	2500 Trinity Drive	<b>Project Number:</b>	21-E-12
	Los Alamos, New Mexico 88	<b>Grant Period:</b>	July 1, 2020 - June 30, 2021
<b>Telephone:</b>	(505) 662-8222		
<b>Number of Funded PSAP Positions:</b>		<b>6</b>	
<b>Budget Line Items</b>		<b>Total Budgeted Amount</b>	
<b>Capital</b>			
E-911 Equipment Upgrades			
Firewall and Router Equipment			
Dispatch Software			
Recorder			
UPS/Generator			
<b>Capital Subtotal</b>		<b>-</b>	
<b>Recurring Network/Managed Services</b>			
Voice Network		46,678	
Data MPLS Network		9,652	
Wireless Cost Recovery		504	
<b>Recurring Network/Circuit Subtotal</b>		<b>56,834</b>	
<b>Recurring Maintenance</b>			
System Maintenance		104,517	
<b>Recurring Maintenance Subtotal</b>		<b>104,517</b>	
<b>Services/Training</b>			
911 Related Training		9,000	
911 Related GIS		3,000	
911 Consulting Services		10,800	
GIS Consulting Services		13,861	
Interpretive Services		400	
Minor Equipment		2,400	
<b>Services/Training Subtotal</b>		<b>39,461</b>	
<b>TOTAL</b>		<b>200,812</b>	







- A. Describe the purpose of the grant and what will be accomplished: This grant does not have an application process, as it is "awarded" by the State every year in compliance with NMSA 63-9D-8. The purpose is to provide and maintain emergency 911 services, including communication equipment, training, and other necessary expenditures to ensure E911 services are delivered in Los Alamos County.

B. Grant Budget

Expense Type	Grant	Match/In Kind Requirement	Budget Authority (Yes or No)
Operational	\$200,812	\$0.00	NO
Outside Services	\$	\$	
Capital Outlay	\$	\$	
TOTAL	\$	\$	

- C. Source of Match/In Kind: No Grant Match Required
- D. Will a budget revision be required if grant awarded? Yes X No \_\_\_\_\_
- E. Do the resources exist in your department to accomplish the goals of the grant? Yes.
- F. Will resources (\$ or people) from another department be required? Yes \_\_\_ No X  
If yes, describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- G. Frequency of reporting requirement Monthly \_\_\_\_\_ Quarterly \_\_\_\_\_ Annually X
- H. Frequency of pay requests for reimbursement Monthly \_\_\_\_\_ Quarterly X Annually \_\_\_\_\_
- I. What, if anything, is the County's obligation (personnel or \$) beyond the life of the grant? Maintenance of equipment is funded through recurring E-911 grant each year, as required by the State.
- J. Is the County the final recipient of the grant proceeds or will there be a sub-recipient?  
Yes; however, the State is responsible for processing all payments to Vendors on behalf of the County. The County records all expenses in its general ledger based on the project ledger expense reports provided by the State
- K. Who within the department will have responsibility for this grant?  
Programmatic Reporting? Katherine Stoddard  
Financial Reporting? David Griego



**MICHELLE LUJAN GRISHAM**  
GOVERNOR



**DEBORAH K. ROMERO**  
ACTING CABINET SECRETARY

**DONNIE J. QUINTANA**  
DIRECTOR

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

June 22, 2020

Kate Stoddard  
Consolidated Dispatch Center Manager  
Los Alamos Police/Fire Department  
2500 Trinity Drive, Suite A  
Los Alamos, New Mexico 87544

Subject: Fiscal Year 2021 E-911 Grant Agreement

Dear Ms. Stoddard,

Attached is the County of Los Alamos fiscal year 2021 (FY21) E-911 Grant Agreement. This Grant Agreement reflects the County of Los Alamos approved budget by the State Board of Finance for FY21. Please have the grant agreement signed by an Authorized Signatory of your fiscal agent, and return as soon as possible, preferably before June 30, 2020. We encourage a digital signature to allow for a more efficient process, however, if your fiscal agent requires a wet signature and an original copy that will be accommodated.

If you are using a digital signature, please sign and email the grant agreement to [Stephen.Weinkauf@state.nm.us](mailto:Stephen.Weinkauf@state.nm.us).  
If you are using an original wet signature, **print two (2) originals**, sign and mail to:

Stephen Weinkauf  
E-911 Bureau Chief  
Department of Finance and Administration  
Local Government Division  
Bataan Memorial Building, Suite 202  
Santa Fe, NM 87501

After the Local Government Division (LGD) signs the grant agreement, we will return the fully executed grant agreement to you for your records. Once the grant agreement is fully executed, LGD can begin making payments for FY21 expenses.

If you have any questions regarding this matter, please call Stephen Weinkauf at 505-660-3637.

Sincerely,

A handwritten signature in blue ink, appearing to read "Stephen Weinkauf".

---

Stephen Weinkauf, E-911 Bureau Chief  
Local Government Division

Attachment: FY21 E-911 Grant Agreement



**Council Meeting Date: July 28, 2020**

	Fund & Department	Org Object	Revenue (decrease)	Expenditures (decrease)	Transfers In(Out)	Fund Balance (decrease)
1	General Fund - Police E-911 Grant	01165901 8369 3453	\$ 200,812	\$ 200,812	\$ -	\$ -
<b>Description:</b> The purpose of this budget revision is to increase the Police, General Fund budget for the E-911 state grant.						
<b>Fiscal Impact:</b> The net impact on the General Fund is to increase revenue and expenditures by \$200,812.						





# County of Los Alamos

## Staff Report

July 28, 2020

Los Alamos, NM 87544  
www.losalamosnm.us

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**Agenda No.:** G.

**Index (Council Goals):** \* 2020 Council Goal - N/A

**Presenters:** Naomi Maestas, County Clerk

**Legislative File:** 13188-20

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### **Title**

Approval of the July 7, 2020 and July 14, 2020 County Council Minutes

### **Recommended Action**

I move that Council approve the County Council Minutes for July 7, 2020 and July 14, 2020.

### **Clerk's Recommendation**

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

### **Attachments**

A - July 7, 2020 County Council Minutes

B - July 14, 2020 County Council Minutes



## Minutes

### County Council – Work Session

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

---

Tuesday, July 7, 2020

6:00 PM

“Due to COVID-19 concerns, meeting will be conducted remotely.

Public can view proceedings at

<http://losalamos.legistar.com/Calendar.aspx>,

via Zoom at <https://zoom.us/j/95581200413>

or locally on cable channel 8

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#### 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 Ryti, Councilor Izraelevitz, Councilor Maggiore,  
Councilor Martin, Councilor Robinson, and Councilor Sheehey**

#### 2. PLEDGE OF ALLEGIANCE

Led by: All.

Councilor Scott made opening remarks regarding the procedure of the meeting due to COVID-19.  
Mr. Harry Burgess, County Manager, spoke.

#### 3. PUBLIC COMMENT

Mr. George Chandler, no address provided, spoke regarding the Item 5.A.

#### 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 with the following vote:

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



## 5. PRESENTATIONS

### A. Dekker, Perich, Sabatini Presentation on the Downtown Master Plans and Development Code Update

Mr. Harry Burgess, County Manager, spoke.  
Mr. Paul Andrus, Community Development Director, spoke.  
Mr. Will Gleason, AICP, LEED AP, Principal-In-Charge, spoke.  
Ms. Katrina Arndt, AICP, Project Manager, spoke.  
Ms. Jessica Lawlis, Technical Standards/Zoning, spoke.  
Mr. Dale Dekker, AIA, AICP, Lead Designer, spoke.  
Mr. Dan Guimond, Market & Real Estate Analyst, spoke.

**No action taken.**

## RECESS

**Councilor Scott called for a recess at 8:20 p.m. The meeting reconvened at 8:30 p.m.**

## 6. BUSINESS

### A. Action to Suspend Council Rules for Work Session

Mr. Alvin Leaphart, County Attorney, spoke.

Public Comment:  
None.

**A motion was made by Councilor Ryti, seconded by Councilor Maggiore, that Council suspend their procedural rules for this work session, July 7, 2020, so that formal action may be taken.**

**The motion passed with the following vote:**

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

### B. Consider Petition Regarding the Use/Distribution of Plastic Bags, Plastic Straws, and Styrofoam Containers

Mr. Harry Burgess, County Manager, spoke.  
Councilor Sheehey spoke.  
Mr. Alvin Leaphart, County Attorney, spoke.

Public Comment:  
None.

**A motion was made by Councilor Maggiore, seconded by Councilor Izraelevitz, that Council acknowledge the petition, and thank the committee for their petition and take no further action.**



A SUBSTITUTE motion was made by Councilor Sheehey, that Council thank the petitioners, particularly the high school Eco Club, for bringing our attention to this issue. The Council, through our FY2021 budget process has taken the following actions: 1) The Environmental Sustainability Board, with help from County staff, is expanding their public education campaign on recycling and minimizing food waste and unnecessary use of plastic bags, containers, and straws. This will include engaging with local retailers and restaurants to help them minimize waste of food and plastic materials. 2) The County approved funding for washable utensils and trays for use at Los Alamos Public Schools. 3) The County approved funding for a feasibility study of food composting that includes evaluating available technologies, costs and benefits. The County is also offering education and equipment to the public for backyard composting. In addition, it is proposed that Council approves the attached Proclamation (Attachment B).

The SUBSTITUTE motion failed for the lack of a second.

A motion was made by Councilor Maggiore to call the question.

The motion failed for the lack of a second.

A SECOND SUBSTITUTE motion was made by Councilor Ryti, seconded by Councilor Izraelevitz, that Council thank the petitioners, particularly the high school Eco Club, for bringing our attention to this issue. The Council, through our FY2021 budget process has taken the following actions: 1) The Environmental Sustainability Board, with help from County staff, is expanding their public education campaign on recycling and minimizing food waste and unnecessary use of plastic bags, containers, and straws. This will include engaging with local retailers and restaurants to help them minimize waste of food and plastic materials. 2) The County approved funding for washable utensils and trays for use at Los Alamos Public Schools. 3) The County approved funding for a feasibility study of food composting that includes evaluating available technologies, costs and benefits. The County is also offering education and equipment to the public for backyard composting.

A procedural motion to consider the SECOND SUBSTITUTE motion passed with the following vote:

Yes: 5 - Councilor Scott, Councilor Ryti, Councilor Martin, Councilor Robinson, and Councilor Sheehey

No: 2 - Councilor Maggiore and Councilor Izraelevitz

The SECOND SUBSTITUTE motion passed with the following vote:

Yes: 6 - Councilor Scott, Councilor Ryti, Councilor Izraelevitz, Councilor Martin, Councilor Robinson, and Councilor Sheehey

No: 1 - Councilor Maggiore



Public Comment:

Public comment was emailed to the County and read into the record by Ms. Linda Matteson, Acting Community Services Director / Assistant to County Manager.

Ms. Jody Benson, 3547 Pueblo Drive, spoke.

## **7. PUBLIC COMMENT**

Mr. Aaron Walker, 413 Pruitt Avenue, spoke regarding the Master Plan.

Councilor Scott reported there have been new COVID cases and spoke regarding mass gatherings; staying indoors; wearing masks; and social distancing.

## **8. ADJOURNMENT**

The meeting adjourned at 10:11 p.m.

INCORPORATED COUNTY OF LOS ALAMOS

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Sara C. Scott, Council Chair

Attest:

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Naomi D. Maestas, County Clerk

Meeting Transcribed by: Francella M. Montoya, Senior Deputy Clerk



## Minutes

### County Council – Regular Session

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

---

**Tuesday, July 14, 2020**

**6:00 PM**

“Due to COVID-19 concerns, meeting  
will be conducted remotely.

Public can view proceedings at  
<http://losalamos.legistar.com/Calendar.aspx>  
or locally on cable channel 8

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#### **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: 6 - Councilor Scott, Councilor Izraelevitz, Councilor Maggiore, Councilor Robinson,  
Councilor Ryti, and Councilor Sheehey**

**Absent: 1 - Councilor Martin**

#### **2. PLEDGE OF ALLEGIANCE**

Led by: All.

Council Chair Scott made opening remarks regarding the procedure of the meeting due to COVID-19.  
Mr. Harry Burgess, County Manager, spoke.

#### **3. STATEMENT REGARDING CLOSED SESSION**

**A motion was made by Councilor Ryti, seconded by Councilor Izraelevitz, that Council approve the following statement for inclusion in the minutes: “The matters discussed in the closed session held on July 14, 2020 that began at 5:00 p.m. were limited only to those topics specified in the notice of the closed session, and no action was taken on any matter in that closed session.”**

**The motion passed by with the following vote:**

**Yes: 6 - Councilor Scott, Councilor Ryti, Councilor Izraelevitz, Councilor Maggiore,  
Councilor Robinson, and Councilor Sheehey**

**Absent: 1 - Councilor Martin**



**4. PUBLIC COMMENT**

None.

**5. APPROVAL OF AGENDA**

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

The motion passed with the following vote:

**Yes: 6 - Councilor Scott, Councilor Ryti, Councilor Izraelevitz, Councilor Maggiore, Councilor Robinson, and Councilor Sheehey**

**Absent: 1 - Councilor Martin**

**6. PRESENTATIONS, PROCLAMATIONS AND RECOGNITIONS**

None.

**7. PUBLIC COMMENT FOR ITEMS ON CONSENT AGENDA**

None.

**8. CONSENT AGENDA**

**Consent Motion:**

A motion was made by Councilor Izraelevitz, seconded by Councilor Robinson, that Council approve the items on the Consent Agenda as amended and that the motions contained in the staff reports be included for the record.

- A.** Consolidated Proposed Action on Incorporated County of Los Alamos Resolutions No. 20-07, 20-08 and 20-09, Resolutions of Support for County Participation in the 2020-2021 New Mexico Department of Transportation Local Government Road Fund for Improvements of Various County Roads in Los Alamos, New Mexico Under the School Bus Route Program, County Arterial Program, and Cooperative Agreement Program

**I move that Council approve Incorporated County of Los Alamos Resolutions No. 20-07, 20-08 and 20-09, Resolutions of Support for County Participation in the 2020-2021 New Mexico Department of Transportation Local Government Road Fund for Improvements of Various Roads in Los Alamos, New Mexico Under the School Bus Route Program, County Arterial Program, and Cooperative Agreement Program.**



- B. Incorporated County of Los Alamos Resolution No. 20-10 Endorsing the North Central Regional Transit District's FY2021 Budget Proposal, Approving the FY2021 Los Alamos County Regional Transit Plan and Directing Staff to Submit the FY2021 Los Alamos County Regional Transit Plan to the North Central Regional Transit District Board of Directors

**I move that the County Council Incorporated County of Los Alamos Resolution No. 20-10 Endorsing the North Central Regional Transit District's FY2021 Budget Proposal, Approving the FY2021 Los Alamos County Regional Transit Plan and Directing Staff to Submit the FY2021 Los Alamos County Regional Transit Plan to the North Central Regional Transit District Board of Directors. (amended update attached)**

- C. Board/Commission Appointment - Transportation Board

**I nominate David North to fill one of three vacancies on the Transportation Board which began March 1, 2020 and will end on February 28, 2022.**

- D. Authorize enrollment in, and execution of Microsoft Enterprise Enrollment Agreement (EA) for a term of three (3) years and approve a purchase in an amount not to exceed \$734,861.58, plus Applicable Gross Receipts Tax, for the purpose of procuring products and licensing through a Microsoft Software Assurance Enterprise Subscription and Microsoft Office 365 with the Microsoft Enterprise Mobility Suite and Azure

**I move that Council authorize enrollment in, and execution of Microsoft Enterprise Enrollment Agreement (EA) for a term of three (3) years and approve a purchase in an amount not to exceed \$734,861.58, plus Applicable Gross Receipts Tax, for the purpose of procuring products and licensing through a Microsoft Software Assurance Enterprise Subscription and Microsoft Office 365 with the Microsoft Enterprise Mobility Suite and Azure.**

- E. Board/Commission Appointment - Board of Adjustment

**I nominate Beverly Neal-Clinton to fill one (1) vacancy on the Board of Adjustment and move that Council appoint the nominee to the vacant position.**

- F. Amendment to the FY21 Salary Plan with the revision and re-grading of the Emergency Management Specialist job description

**I move that Council approve the amendment to the FY21 Salary Plan with the revision and re-grading of the Emergency Management Specialist job description.**

- G. Approval of County Council Minutes for June 30, 2020

**I move that Council approve the County Council Minutes for June 30, 2020.**

- H. Amendment 4 to the Purchase, Sale and Development Agreement with LAH Investors, LLC ("The Hill")

**I move that Council approve Amendment 4 to PURCHASE, SALE AND DEVELOPMENT AGREEMENT FOR REAL PROPERTY LOCATED IN THE INCORPORATED COUNTY OF LOS ALAMOS COMMONLY REFERRED TO AS A-13-2 AND A-12 SITES, with LAH Investors.**



- I. Approval of Change Order No. 2 to IFB No. 20-12 for the Purpose of the DP Road Lift Station Replacement Project with Paul Parker Construction, in the Amount of \$172,396.23, for a Total Revised Contract Amount of \$409,554.43, plus Applicable Gross Receipts Tax

**I move that the Council Approve Change Order No. 2 to IFB No. 20-12 for the Purpose of the DP Road Lift Station Replacement Project with Paul Parker Construction, in the Amount of \$172,396.23, for a Total Revised Contract Amount of \$409,554.43, plus applicable gross receipts tax.**

**Approval of the Consent Agenda:**

**The motion passed with the following vote:**

**Yes: 6 - Councilor Scott, Councilor Ryti, Councilor Izraelevitz, Councilor Maggiore, Councilor Robinson, and Councilor Sheehey**

**Absent: 1 - Councilor Martin**

**9. COUNCIL BUSINESS**

**A. Appointments**

- 1) Board/Commission Appointment(s) - Board of Public Utilities

Councilor Scott called for a roll call vote to approve the interview questions.

**The roll call passed with the following vote:**

**Yes: 6 - Councilor Scott, Councilor Ryti, Councilor Izraelevitz, Councilor Maggiore, Councilor Robinson, and Councilor Sheehey**

**Absent: 1 - Councilor Martin**

*Each applicant made an opening statement then was asked four questions by Council.*

Mr. Alvin Leaphart, County Attorney, spoke.

Public Comment:  
None.



A motion was made by Councilor Ryti, seconded by Councilor Maggiore, to nominate Robert Gibson (R), Galen Gisler (D), Jeff Johnson (I), Susan Lime (D), and Cornell Wright (R) to fill one vacancy on the Board of Public Utilities and move that Council appoint one nominee to the vacant position as follows: By roll call vote, Councilors vote for one nominee, and the nominee with the highest vote total of four or more will be appointed to fill the partial term beginning on July 15th, 2020 and ending on June 30th, 2021. (amended update attached)

**Councilors Robinson and Sheehey voted for:**  
Robert Gibson

**Councilor Maggiore voted for:**  
Galen Gisler

**Councilor Ryti voted for:**  
Jeff Johnson

**Councilors Scott and Izraelevitz voted for:**  
Cornell Wright

**After a roll call vote, Mr. Gibson and Mr. Wright each received two votes.**

Councilor Scott called for a second roll call vote to break the tie between Robert Gibson and Cornell Wright. There were no objections.

**Councilors Robinson and Sheehey voted for:**  
Robert Gibson

**Councilors Scott, Ryti, Izraelevitz, and Maggiore voted for:**  
Cornell Wright

**After a roll call vote Mr. Cornell Wright was appointed to the Board of Public Utilities.**

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

Councilor Sheehey reported on the Transportation Board.

Councilor Maggiore reported on the Art in Public Places Board.

Councilor Ryti reported on the Department of Public Utilities Board and on the Energy Communities Alliance.

**C. County Manager's Report**

Mr. Harry Burgess, reported on COVID; Governor's order; DP Road; and the Community Services Director position.

**D. Council Chair Report**

Chair Scott reported on the Mayor's Council; mask wearing; and the hospital.

**E. General Council Business**

None.



**F. Approval of Councilor Expenses**

None.

**G. Preview of Upcoming Agenda Items**

None.

**10. COUNCILOR COMMENTS**

Councilor Izraelevitz encouraged citizens to wear masks.

Councilor Sheehey commented on the Special Legislative Session.

Councilor Scott commented on the Federal Legislation for the Coronavirus Aid, Relief, and Economic Security Act (CARES Act).

Councilor Ryti commented on the COVID cases; schools, seniors; wearing masks; staying home; outdoor dining; and helping our neighbors.

**11. PUBLIC COMMENT**

None.

**12. ADJOURNMENT**

The meeting adjourned at 8:13 p.m.

INCORPORATED COUNTY OF LOS ALAMOS

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Sara C. Scott, Council Chair

Attest:

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Naomi D. Maestas, County Clerk

Meeting Transcribed by: Francella M. Montoya, Senior Deputy Clerk



## **July 14, 2020 Regular Council meeting**

For Consent Agenda Item: **B. RE0438-20**

### **Title**

Incorporated County of Los Alamos Resolution No. 20-10 Endorsing the North Central Regional Transit District's FY2021 Budget Proposal, Approving the FY2021 Los Alamos County Regional Transit Plan and Directing Staff to Submit the FY2021 Los Alamos County Regional Transit Plan to the North Central Regional Transit District Board of Directors

### **Revised Recommended Motion for this item:**

I move that the County Council *approve* Incorporated County of Los Alamos Resolution No. 20-10 Endorsing the North Central Regional Transit District's FY2021 Budget Proposal, Approving the FY2021 Los Alamos County Regional Transit Plan and Directing Staff to Submit the FY2021 Los Alamos County Regional Transit Plan to the North Central Regional Transit District Board of Directors.

**Therefore, for the Consent Agenda, the second recommended motion should be used and is shown below:**

*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.*



Business Item: 9 A. 1)

[13092-20](#) Board/Commission Appointment(s) - Board of Public Utilities.

In the published agenda, there was an error in Attachment A: BPU Member Roster. The attachment indicated that Member Stromberg was a registered Democrat. As stated in the staff report, Member Stromberg is a registered Republican. Please see the attached updated and corrected Member Roster.

No other changes and/or corrections are needed for this item.





Los Alamos County, NM

## Board of Public Utilities

### Board Roster



#### Carrie Walker

**1st Term** Jul 01, 2017 - Jun 30, 2022

**Appointing Authority** County Council

**Position** UT4

**Office/Role** Vice Chair

**Category** D



#### Stephen McLin

**2nd Term** Jul 01, 2018 - Jun 30, 2023

**Appointing Authority** County Council

**Position** UT3

**Office/Role** Member

**Category** R



#### Stephen J Tobin

**1st Term** Jul 01, 2019 - Jun 30, 2024

**Appointing Authority** County Council

**Position** UT2

**Office/Role** Member

**Category** D



#### Eric Stromberg

**1st Term** Jul 01, 2020 - Jun 30, 2025

**Appointing Authority** County Council

**Position** UT5

**Office/Role** Member

**Category** R



#### Vacancy

Los Alamos County Council  
Regular Meeting  
July 14, 2020  
Item 9.A.1.





# County of Los Alamos

## Staff Report

July 28, 2020

Los Alamos, NM 87544  
www.losalamosnm.us

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**Agenda No.:** H.

**Index (Council Goals):**

**Presenters:** Helen Perraglio and Karen Kendall

**Legislative File:** 13206-20

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### **Title**

Authorization to apply for Coronavirus Aid, Relief, and Economic Security (CARES) Act funding which will be distributed by the State of New Mexico Department of Finance and Administration (DFA)

### **Recommended Action**

**I move that Council authorize County staff to apply for CARES Act funding under the application process to be identified by the State of New Mexico Department of Finance and Administration.**

### **County Manager's Recommendation**

The County Manager recommends that Council authorize County staff to apply for CARES Act funding under the application process to be identified by DFA.

### **Body**

In anticipation of instruction from DFA on how to apply for recent CARES Act Funding allotted to the State of New Mexico, the County is requesting Council Approval to apply for the funding to meet the two week turnaround time frame that has been communicated by DFA.

CARES Act funding guidelines have indicated that the County may be able to use these funds to assist individuals and small businesses with certain eligible costs that may qualify for assistance due to the Coronavirus pandemic.

Once more details are distributed to the County by DFA, staff will brief Council on what is available for Los Alamos County, and will need to develop procedures for distribution of such funds if awarded. Staff requests that Council authorize County staff to follow DFA guidelines to apply for CARES Act funds with this action.

### **Alternatives**

If the Council chooses not to authorize, the County may miss the application window to apply for funding.

### **Fiscal and Staff Impact/Planned Item**

The fiscal impact is yet to be determined.

### **Attachments**

A - Email Notification from DFA on CARES Act Funding



**From:** Cummings, Erica, DFA [<mailto:erica.cummings@state.nm.us>]

**Sent:** Monday, July 20, 2020 12:33 PM

**Subject:** Announcement

**Importance:** High

The Department of Finance and Administration is pleased to announce the development of an application process for local governments to apply for CARES Act funding. Applications are anticipated to go out at the end of this week along with a two week turnaround time to submit final applications. Please anticipate correspondence from DFA regarding this application process.

*Erica Cummings*

**Financial Coordinator/Budget Analyst**

**Local Government Division**

**NM Department of Finance and Administration**

**407 Galisteo Rm 201M**

**Santa Fe, NM 87501**

**Phone: 505-827-4127**

**Fax: 505-827-4340**





# County of Los Alamos

## Staff Report

July 28, 2020

Los Alamos, NM 87544  
www.losalamosnm.us

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Agenda No.: A.

Index (Council Goals):

Presenters: Paul Andrus

Legislative File: 12926-20

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### **.Title**

Request for Proposal for Consulting Services to Update County Code Chapter 18

### **.Recommended Action**

**I move that Council authorize Community Development staff to issue a Request for Proposals for Consulting Services to Update County Code Chapter 18.**

### **.County Manager's Recommendation**

The County Manager recommends that Council authorize staff to issue a Request for Proposals for Consulting Services to Update County Code Chapter 18.

### **.Body**

At the direction of Council, staff has drafted a scope of work (Attachment A) to be included in a request for proposal for a consultant to conduct community outreach, develop an evaluation of Chapter 18 and provide a draft update to that chapter based upon community input from the Community Development Advisory Board and from County Council. The project deliverables will include a report of findings and recommendations and a draft update to Chapter 18. The consultancy time frame is approximately nine months and estimated cost is up to \$50,000 for code work and outreach.

More specifically, the scope of work includes: review and analysis of property violation types that have received the most attention; general clean-up of Code subsections to provide clear and use-friendly language; recommendations for innovative and best practice methods including comparison with other communities; potential strategies for addressing long-term vacant commercial and residential buildings; recommendations for compliance processes, policies and procedures; recommendations for program monitoring processes and performance metrics; and a community outreach plan. The scope also includes how the consultant intends to work with Community Development Advisory Board (CDAB) members to review collected violation data and other information and for supporting rollout of the new code.

CDAB members reviewed the scope of work for the Chapter 18 re-draft at its February 18, 2020 meeting. CDAB summarized its feedback on the scope of work into a list dated February 25, 2020 for Council to review (Attachment B). The CDAB also discussed the RFP scope of work at their July 20, 2020 meeting and requested staff to bring it forward for Council consideration and approval, along with their associated input.

Upon Council confirmation of the final scope of work for a consultant to conduct an evaluation



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and provide updates to County Municipal Code Chapter 18, staff will prepare and issue the Request for Proposals.

**.Alternatives**

Council could choose not to authorize staff to issue a Request for Proposals for a Consultant to re-draft County Code Chapter 18

**.Attachments**

A - Scope of work for a consultant to update County Code Chapter 18

B - CDAB feedback on scope of work for a consultant to update County Code Chapter 18



## **CONSULTING SERVICES SCOPE OF WORK FOR COUNTY PROPERTY MAINTENANCE CODE (CHAPTER 18)**

### **Conduct an evaluation and provide updates to County Code Chapter 18 – Environment.**

#### **Deliverables:**

- 1) Report of findings and recommendations to County;
- 2) A document to replace Ordinance 02-238 and Code Chapter 18

Consultancy timeframe: Approximately 9 months, January to September 2020

Cost: Up to \$50,000 for code work and outreach

#### **Code Content:**

- Review and do an analysis of three property violation types which have received most public attention: weeds, outdoor storage, and inoperable vehicles. Note: Inoperable vehicles is currently in Chapter 16.
- General clean-up of Chapter 18 code subsections:
  - Identify any language which is unclear, inconsistent within or between code sections, including duplication and redundancies.
  - Provide user-friendly language as needed for compliance requirements, procedures, standards, and definitions. Include code cross-referencing and jurisdictional responsibilities, and comprehensive index.
  - Design code sections within a logical framework with format conducive to inserting amendments.
- Recommendations for innovative and best practice methods for achieving code compliance. Practical user information on how to meet compliance. Comparative analysis of other communities' compliance programs including clean and lien programs for vacant properties, successes and lessons learned. Recommendations should consider expectations of the Los Alamos community and the County Council.
- Chapter 18 code work should be in alignment with Chapter 16 code work in terms of intended outcomes Recommendations for high- to low-priority violations.

#### **Property Compliance Processes:**

- Review code administrative compliance processes and program Policies and Procedures.
- Recommend potential options for improving process clarity for staff and public, efficiencies and reducing administrative burden, complaint intake process, managing and tracking code cases, response times, minimizing legal risk to County, and ensuring staff and public safety.
- Recommend which processes should be codified and/or in program policies and procedures.
- Recommend an evaluation process of code compliance officers.

#### **Program Performance Monitoring Process (for a defined period):**

- Recommend a program performance monitoring process for a period to follow implementation of the code amendments to measure finite performance changes.
- Performance monitoring should involve objective measures, and include:
  - Amount of time from when a violation has been identified to when the first violation notice is issued, amount of time between violation notices for the property owner or resident to address the violation, total amount of time taken for achieving compliance, case origin (i.e. inspector vs complaint generated), and court case outcomes. Statistical measures should be trackable through Energyov database.



- Public feedback collection and assessment on the compliance program such as violation type enforcement priorities and penalties, staff customer service and responsiveness, perceived community impact, long term goals, and overall satisfaction with the program.

**Prepare an Appropriate Outreach Plan:**

- Recommend an outreach plan, schedule, tools, and events such as: County website information dissemination, media announcements, community survey, open house, meetings with County committees, Council work session, and final presentation at Council public meeting.
- Meet with CDAB members who will be available to provide code violation data and other information as needed, and will support the roll-out of the new code.



## **CDAB Feedback on Scope of Work for County Code Chapter 18 Consultant Re-write**

**02.25.20**

- Use public feedback that has already been provided to CDAB and to Council (both public comments on video from Council meetings and written comments submitted via email, at CDAB outreach events, etc.)
- Ch 18 re-write must be comprehensive, not just the 3 major topics CDAB has identified (there is conflicting information on this in the first two sections of the RFP)
- Make feedback from the public and from CDAB a vital aspect (move it to the top of the document and emphasize it)
- Include possibility of removing sections, not just revising or updating
- Use research already conducted by CDAB, including using the comparative analysis, as a starting point for a more comprehensive study
- Under "Property Compliance Process," add "Recommend training practices for compliance officers"
- Establish performance metrics for CDD
- Identify priorities of the county when it comes to code enforcement (what are the values and intended outcomes?)
- Include analysis of having a complaint-driven vs proactive code enforcement program
- Study and account for differences among neighborhoods in LAC, including recommendations on how to address those differences in a property maintenance code
- Presentation of final report to Council comes from both consultant and a member of CDAB
- Remove the phrase "clean and lien" and use "programs for vacant properties" or something similarly neutral. If clean and lien is the best policy, it will come up naturally during the consultant's work and appear as a recommendation.
- Identify high to low priority issues and clarify how enforcement officials should handle them
- CDAB recommends asking to see examples of the consultant's work in other communities to ensure the consultant provides custom, community-specific code recommendations, not just "cookie cutter" or "copy/paste" from other communities
- Amend the third bullet under "Program Process Monitoring" point to clarify that "amount of time" refers to "how long is appropriate to allow for response to a letter"





# County of Los Alamos

## Staff Report

July 28, 2020

Los Alamos, NM 87544  
www.losalamosnm.us

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**Agenda No.:** 1)

**Index (Council Goals):**

**Presenters:** Harry Burgess, County Manager

**Legislative File:** 13198-20

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### **Title**

County Manager's Report for July 2020

### **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 - July County Manager's Update
- B - FY2020 4th Quarter Financial Overview



# County Manager's Monthly Update

LOS ALAMOS COUNTY

JULY - 2020

**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](http://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](mailto:lacmanager@lacnm.us).**

## CLERK

### 2020 Primary Election Results Official

On June 11th, the County Clerk's Office completed the required canvass process to certify and finalize the results of the 2020 Primary Election. The Canvass Board (Board), consisting of Mr. Cameron Counters, Mr. James P. Cline, Ms. Danielle Gardner, and Ms. Joann Johnson, reviewed and verified the accuracy of the election results from the early and absentee locations, as well as the election day vote centers. The canvassed results proved to be a precise match between the machine tapes and the results posted on election day, with hand tally totals from 14 provisional ballots added as a result of the Board's review. The Board issued a certificate of canvass, which was sent to the New Mexico Secretary of State and others, as required by law. The certificate of canvass and official election results were made available online at: [www.losalamosnm.us/clerk](http://www.losalamosnm.us/clerk). The final count of ballots cast totaled 5,911, representing a turnout of 55% among the 10,786 eligible Los Alamos County registered voters. Of the total 5,911 votes; 526 were cast during early voting; 4,577 were cast by mail; 794 were cast on election day; with an addition of 14 qualified provisional ballots. A BIG Thank You to all those who exercised their right to vote and make their voice heard this election cycle.

### Office Operations Continue to be Adjusted in Response to Growing COVID-19 Concerns:

Due to growing COVID-19 concerns, the Clerk's Office has continued to adjust operations during the ongoing public health crisis. On June 15th, the Clerk's Office opened for in-person transactions between 1pm and 5pm, Monday thru Friday, with COVID Safe Practices (CSP) in place - including the mandatory use of face masks, plexiglass at public facing counters, limits on the number of people in the lobby area, regular cleaning of public spaces and surfaces, and social distancing of six feet or more.

In late June, following reports of increased cases both statewide and nationally, and in continuing to align with directives from the Governor's Office and Los Alamos County, the Clerk's Office began preparations to once again suspend all in-person services and transactions, effective July 6th, until further notice. Beginning July 6th, customers may drop off items in the designated Drop-Box located outside the Clerk's Office. Staff will process Drop-Box items and be available to assist customers by phone and/or email between the hours of 8 a.m. - 12 p.m. and 1 p.m. - 5 p.m., Monday - Friday. All urgent matters, needing in-person services, will be handled with CSP in place, and through appointments made by calling the office at (505) 662-8010 or emailing [clerks@lacnm.us](mailto:clerks@lacnm.us). As this situation continues to evolve, updates on changes to daily operations will be posted online at [www.losalamosnm.us/clerk](http://www.losalamosnm.us/clerk) and through Facebook, Twitter and Instagram.



Clerk Maestas would like to remind customers, that they may utilize the Online Records Portal for searching real estate and government documents. For searching probate and marriage records, or to apply for a marriage license online, staff and customers may use the Probate & Marriage Online Records Portal. Access webpage links at [www.losalamosnm.us/clerk](http://www.losalamosnm.us/clerk). There are a few election related items that can be handled on-line or through the mail. Citizens can utilize [www.NMVote.org](http://www.NMVote.org) for voter registration and absentee ballot requests, and other election related services. New Mexico is a no excuse state related to voting absentee by mail. Visit the Clerk's Election Information webpage or call the office.

### **2020 New Mexico SPECIAL Legislative Session Report:**

The 2020 Special Session of the New Mexico Legislature was sure one for the history books, as lawmakers held a legislative session during a global pandemic. One bill in particular, monitored by Clerk Maestas and the NM Clerk Affiliate, will have an impact on how County Clerk's conduct the 2020 General Election. Senate Bill 4 (SB4), signed by Governor Michelle Lujan Grisham, enacted a new section of the Election Code (Section 1-12-72 NMSA 1978) including provisions related to conducting the general election on November 3, 2020, under a continuing COVID-19 pandemic. Read the signed bill at [www.losalamos.nm.us/clerk](http://www.losalamos.nm.us/clerk).

## **COMMUNITY DEVELOPMENT DEPARTMENT**

### **Building Safety Division**

Four (4) commercial permits were issued in June 2020, with a total valuation of \$404,140.00, compared to five (5) permits issued in June 2019, with a total valuation of \$129,791.00.

Eighty-six (86) residential permits were issued in June 2020, with a total valuation of \$1,613,276.00, compared to seventy-eight (78) permits issued in June 2019, with a total valuation of \$1,108,824.00.

### **Commercial Updates:**



*Anytime Fitness has received their final inspection and are ready for business!*





*Roadwork is under way on Phase II of A-19 construction*

### **Code Compliance:**

Code Compliance is operating full time Monday-Friday 8am to 5pm with one officer.

### **Housing and Special Projects Division**

#### **Affordable Housing Multi-Family Development:**

Construction continued on the Canyon Walk Apartments with building foundations completed and preparation for utility improvements to serve both the Canyon Walk Apartments and Bluffs project. Framing on the Canyon Walk Apartments will begin in early July.

### **Planning Division**

The Planning & Zoning Commission held a public hearing on June 10, 2020, the Commission approved a request for a 3-lot subdivision at 2436 46<sup>th</sup> Street and an approved a request for approval of a special use permit for an in-home daycare facility for up to 12 children at 113 B La Senda, Los Alamos, NM.

On June 10, 2020 County Council appointed the following Planning & Zoning Commissioners: Craig Martin and Sean Williams to second terms, and Stephanie Nakhleh to a first term.

Staff have received an appeals application of the Planning & Zoning Commission approval of the special use permit for an in-home daycare at 113 B La Senda. Appeals of decisions by the Planning & Zoning Commission go to County Council for review.

A site plan approval for a financial institution at 1010 Central Avenue was scheduled for public hearing on June 24, 2020, but was postponed to the July 22, 2020 public hearing date.

The Planning & Zoning Commission have nominated three Commissioners, Beverly Neal-Clinton, Jean Dewart, and Craig Martin, to the Board of Adjustments. The nominations have been submitted for Council approval at the July 14, 2020 regular meeting.

On June 18, 2020 staff conducted a site tour of the Los Alamos and White Rock downtown areas with the project consultant Dekker, Perich, Sabatini for the Downtown Master Plans project.

Dekker, Perich, Sabatini is scheduled for the July 7, 2020 Council work session to provide a presentation on the status of the Downtown Master Plans and Development Code Update project. The presentation



focuses on initial existing conditions findings, site analysis, and Code diagnosis, as well as provides an opportunity for discussion and feedback on the project from the members of the County Council. The project schedule, public outreach plan, and next steps will also be presented.

### **Planning Cases Applied for in the Month of June:**

Summary Plat – 1

Administrative Deviations - 1

### **Building Permit and Business License Review:**

During the month of June, Planning Division staff reviewed and acted on forty-nine (49) Building Permits and reviewed eight (8) new Business License applications.

### **Admin/Special Projects**

In accordance with the CMO and the Governor's Office, CDD will continue to operate within the Phase I guidelines. We have limited staff in the office but remain closed to the public except by appointment only. We continue to accept permits as well as applications for business licenses and plan cases via email, mail, and the CSS portal. We have a Code Enforcement Inspector who is in the office Monday-Friday 8am to 5pm, and one building inspector is conducting inspections each day.

### **Business License**

During this time of working remotely from home, we are still processing new business licenses as they come in and we are processing business license renewals as fast as possible. During the month of May, 55 business licenses were processed, this includes both new applications as well as renewals of existing business licenses.

## **COMMUNITY SERVICE DEPARTMENT**

### **Recreation**

### **Camp-In/Camp-Out – June 20<sup>th</sup>, 200 participants:**

The Great American Campout, in partnership with PEEC, was June 20<sup>th</sup> and 200 people came by the Aquatic Center to pick up supply bags for the event. The bags contained interactive materials for families to enjoy at home including coloring sheets, star charts, S'mores kits, and a link to online Storytime with the Library.





### **DJ Dance Van Parties – June 26<sup>th</sup> & 29<sup>th</sup>, 6 Reservations & 60 participants:**

Dance Parties were held in Los Alamos and White Rock and everyone was having a great time while maintaining social distances.



### **Horse Show Pattern Filing – June 26<sup>th</sup>, 12 participants:**

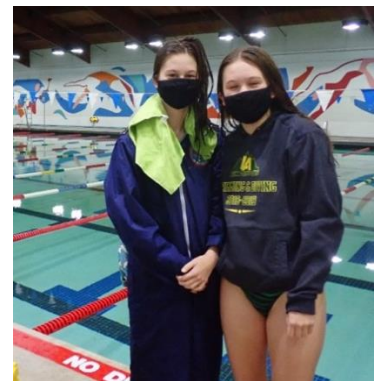
Attendees, including a PAC 8 videographer, filmed new horse show patterns to be released to the Los Alamos community in preparation for the 2021 Horse Show.



### **Aquatics**

#### **The Aquatic Center Reopens with New COVID Guidelines – 1, 751 Reservations since reopening:**

The Aquatic Center reopened on June 8<sup>th</sup>. Although there is now a lane reservation requirement, it has not stopped patrons from coming in and enjoying the facility. Lap swimmers and water fitness fans have been enjoying their 45-minute workouts throughout the day and continuously praising the staff for their hard work in keeping everyone safe.





## Wendy Lott – New Adventures Ahead:

The Parks, Recreation, and Open Space (PROS) Division is preparing to say good-bye to a treasured Aquatic Professional, Wendy Lott. Her family is moving to Missouri for her husband's (Jason Lott) new position as the Superintendent of the Ozark National Scenic Riverways. Wendy's last day is July 25th.

She was hired in 2012 as a lifeguard and in 2016 was promoted to the Aquatic Coordinator. Wendy has been very active in the community – Class of 2014 Leadership Los Alamos; Leadership Los Alamos Board from 2017-2020; Los Alamos Opera Guild; and a Board member of the VFW Auxiliary for several years. She will be missed throughout PROS and the community.



## Golf Course

### Irrigation Project to start soon:

The irrigation project at the Los Alamos County Golf Course will soon be under way with plenty of planning, meetings and flagging for water lines and communication cables. There has been a lot of equipment and materials delivered and staged onsite. Construction is scheduled to begin July 6th with the front nine holes of the course being closed first. Once the construction begins, the golf course will be a nine-hole course for the rest of the year.



### 73rd Los Alamos City Golf Championship - June 27<sup>th</sup> & 28<sup>th</sup>, 50 participants:

The Los Alamos City Golf Championship was held with fifty (50) Los Alamos residents participating in the event. With the COVID-19 restrictions, the tournament had a new look, but it was very successful. The competition was excellent, and many enjoyed the day in the sun. Tee times, with larger time gaps between each, created a slow flow of contestants coming in, playing and exiting after the round. The social



distancing during the tournament was maintained but the social functions were cancelled for this year's event.



### **Junior Golf – Month of June, 50 participants:**

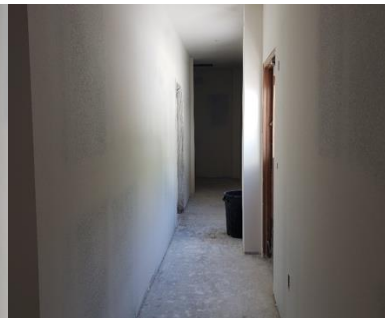
Even with COVID-19 restrictions in place, the US Kids Program was held this month. This year Michael Phillips conducted one-on-one lessons although 5:1 ratio was allowed for instruction since most parents were much happier to enroll their child in a one-on-one atmosphere. We did allow more than one on one in a session if the junior students were siblings living in the same home. In order to accommodate the 50 students, Michael has been teaching lessons eight hours every day for three weeks.



### **Ice Rink**

#### **Ice Rink News:**

The renovation/construction at the ice rink continues to move forward. The locker room construction is now above ground with walls taking shape and the new restrooms are almost done--just waiting for sinks, toilets and the new flooring. Although the construction team lost a little time dealing with below ground water, they have worked diligently to get caught up and are almost back on schedule.



### **Parks & Open Space**

#### **New Water Main at Overlook:**

Park's crew installed a new water mainline to restrooms and concession stand at Overlook Park.





### **Tree Hazard Removed:**

Contractors safely removed two hazardous pine trees at the Bayo Canyon Trailhead.



### **Erosion Control**

Water bars were installed in Walnut Canyon and Deer Trap Mesa to help control erosion and prevent the trail from deteriorating from urban runoff.

### **Homestead Crossing Siberian Elm Tree removal:**

Over 30 Siberian Elm trees were removed from the Homestead Crossing Trailhead to improve the health of native vegetation and reduce the fuel load.

### **Woodland Trail Improvement:**

Nine loads of dirt were hauled in to Woodland trail to bring the trail tread back to a sustainable grade. Water bars were installed to help divert water and prevent further erosion. The area was reclaimed, and native seed was planted in the disturbed area.







## Library

### Statistics for June:

#### ERM Statistics for May 29 - June 30, 2020

Format	Total	Platform	Subtotal	Platform	Subtotal
# Uses of audiobooks	2976	Overdrive	1796	Hoopla	1180
# of Uses eBooks	4117	Overdrive	3,041	Hoopla	1076
# of uses streaming video	388	Overdrive	78	Hoopla	310
# of uses streaming music	88			Hoopla	88
# of uses online magazines	699	RB Digital	699		
<b>Total Hoopla, Overdrive and RB Digital Circulations</b>	<b>8,268</b>				

#### Digital Platform Users

	Pre-Closure Avg	20-Mar	20-Apr	20-May	20-Jun
Hoopla	508	611	673	627	680
Overdrive	871	971	1013	1083	1090
Total Monthly Digital Users	1379	1582	1686	1710	1770

#### New Digital Platform Users During Shutdown

	20-Mar	20-Apr	20-May	20-Jun
Hoopla	81	75	46	68
Overdrive	65	106	68	80
RBDigital	7	22	10	4
Total	153	327	124	152
<b>Total New Users</b>	<b>756</b>			



**Storytime – June 3<sup>rd</sup>, 58 views:**

This pre-recorded storytime was hosted on YouTube and also shared out through our social media outlets.

**Pride Family Storytime – June 10<sup>th</sup>, 46 views:**

This pre-recorded storytime was hosted on YouTube and also shared out through our social media outlets.

**Queer Speculative Fiction Short Story Discussion – June 11<sup>th</sup>, 9 participants:**

The first of three week series for three short stories by queer authors. Viewers read the story and joined the discussion. Each session focused on one short story with this week was Madeleine by Amal El-Mohtar. This series was hosted by Adult Services Librarian Liza Rivera.

**LGBTQ+ Read Books with Pride – June 16<sup>th</sup>, 14 participants:**

The Library recommended books to read for Pride Month--from classics that viewers may not have known were LGBTQ+ themed to titles hot off the presses.

**Storytime – June 17<sup>th</sup>, 17 views:**

This pre-recorded storytime was hosted on YouTube and also shared out through our social media outlets.

**Queer Speculative Fiction Short Story Discussion – June 18<sup>th</sup>, 7 participants:**

The second of this three week series featured “The Starship and the Temple Cat” by Yoon Ha Lee. Viewers read the story and joined the discussion.

**Great American Camp Out – June 20<sup>th</sup>, 12 participants:**

As part of a Recreation Division event, Library staff hosted a Zoom session that demonstrated how to craft a pretend campfire, participation in the 8pm howl, and then read spooky books, including “Tailybone”.





**Storytime – June 24<sup>th</sup>, 48 views:**

This pre-recorded storytime was hosted on YouTube and also shared out through our social media outlets.

**Queer Speculative Fiction Short Story Discussion – June 25<sup>th</sup>, 6 participants:**

The final week of this three week series concluded with Daniel Mallory Ortberg's Short Short Story About Who Owns Beauty From 'The Merry Spinster'. Viewers read the story and joined the discussion.

**Beanstack Launched – June 29<sup>th</sup>, 47 accounts created:**

Los Alamos County Public Library launched Beanstack, a virtual reading program. Beanstack is software to help patrons log reading and track activity challenges. Using Beanstack, patrons can post book reviews, see book lists, mark their reading progress, and be notified of drawings or prizes they've won. Within the first day, there were over 100 individual readers and 47 accounts created.

**Social Services****Teen Town Hall Event – June 4<sup>th</sup>, 12 participants:**

The Teen Center's Youth Mobilizers have hosted weekly online Teen Town Hall events on the Teen Center's Discord server since the beginning of April. The 60-120 minutes sessions involve local leaders engaging in open discussions with teens via voice and text chat. Each session is hosted by a teen volunteer who introduces the guest and does light moderation following some ice breaker questions. Guests this month were LAPS Superintendent Kurt Steinhaus and LAHS Principal Carter Payne. During the session, the primary topic of conversation was planning for the coming school year and a discussion of the various options being considered.

**Los Alamos Public Schools' Summer Institute – Month of June, 92 participants:**

The LAPS Prevention Program offered five sessions of professional development via web platforms during the Summer Institute covering the following topics: Wellness and Social Emotional Learning for the Whole Educator, Whole Student, Whole School; Introduction to Peaceful Parents; Tools for Tough Conversations; and Transgender 101: A Cultural Humility Training. Survey feedback was overwhelmingly positive noting specifically that the information presented in the training sessions was engaging, inspiring, and readily applicable.

**Kindergarten Readiness –Month of June, 463 views on Facebook:**

Rebecca Littleton and Heidi Schembri held a discussion with parents of incoming kindergarteners about kindergarten readiness. They discussed preparing your child for kindergarten and how things may look in fall. Parents were given an opportunity to ask questions. The event was recorded and shared through various platforms. The event was in collaboration with Los Alamos Public Schools, as traditional kinder-



ready programs were cancelled this year due to Covid-19.



## **Cultural Services**

### **2020 Los Alamos Virtual Summer Concert Series: Eryn Bent – June 30<sup>th</sup>, 55 Live Viewers:**

We kicked off the Virtual Los Alamos Summer Concert Series with Eryn Bent on Friday, June 30<sup>th</sup>! Eryn performed for 40 minutes, followed by an Encore performance for another 15 minutes. While the live viewership was small, at only 55 viewers, within 3 days there were a total of 2,700 views of the video. The live concert was cross-posted live on various Facebook pages to include: Los Alamos Community Services, Los Alamos Summer Concert Series, Eryn Bent, and SantaFe.com. For individuals that don't have a Facebook account, the recording of the concert was posted the same evening on YouTube, and will be aired on PAC 8 on July 2<sup>nd</sup>, and KRSN on July 3<sup>rd</sup>.



### **Nearby Archeoastronomy Sites - June 5<sup>th</sup>, 243 Zoom attendees:**

Since the discovery of the "Sun Dagger" site on Fajada Butte in Chaco Canyon, there has been considerable interest in finding other such sites that could observe special days of the year, like summer and winter solstices and the spring and fall equinoxes. Some quite impressive archeoastronomy sites have indeed been found all around the Southwest. These sites were important to Ancestral Puebloans for both for practical and ceremonial reasons. Chick Keller discussed two such sites near Los Alamos, the second of which could be the most remarkable of all sites found to date.

### **Summer Family Evenings; Rattlesnakes – June 10<sup>th</sup>, 110 Zoom attendees:**

At this live-streamed event, Museum Director Bob Myers introduced some of his live animals and showed the audience around the museum. He answered audience health and safety questions about snakebites, snake identification, and shared stories about reptiles.

### **Summer Family Evenings: Classic Air Medical – June 17<sup>th</sup>, 75 Zoom attendees:**



The crew from Classic Air Medical discussed the important work they do as an air medical transfer service! The Classic Air Medical team gave a tour of a helicopter and took off to fly around the Nature Center and round town. This was a live-streamed Summer Family Evening.

**Black Holes – June 19<sup>th</sup>, 118 Zoom attendees:**

Nicole Lloyd-Ronning gave an introduction to the concept of a black hole, and then discussed observational evidence for these interesting and enigmatic astrophysical objects. The latter part of the talk was an open question and discussion period where participants could ask any questions related to black holes in our universe.

**Lechuguilla Cave Talk – June 21<sup>st</sup>, 313 Zoom attendees:**

PEEC and the Los Alamos Mountaineers presented this talk via live-stream. There was a short Mountaineers meeting portion, then John Lyles talked about his adventures exploring Lechuguilla Cave.

**July Night Skies – June 26<sup>th</sup>, 104 Zoom attendees:**

Paul Arendt hosted a tour of the heavens in this live-streamed astronomy talk. He highlighted the planets, star patterns, nebulae, and constellations that may be readily observed in July. This program was perfect for beginner stargazers who wanted to learn more.

**June Summer Camps – Month of June, 19 participants:**

PEEC was able to begin small summer programs for children based on the Governor's guidelines for summer youth programs--5 students, 1 adult, no mixing of groups. They plan to have the same capacity in July. Parents were grateful for the opportunity for their kids to get outside and



**COMMUNICATIONS & PUBLIC RELATIONS DIVISION**

The Visual Information Specialists and PIO continued in June to work on various projects related to COVID-19 public outreach, including ads, mailers and banners. The outreach will conclude in June and C&PR will await further direction from the Council Subcommittee about outreach needs for July. C&PR continues to



assist with Proclamations during the pandemic, delivering them on line. The PIO has worked with the Farmer's Market Manager/LACDC on items related to their new location as part of the annual lease. The PIO and the VIS continue to support marketing requests, reviewing materials and making suggested edits to communications pieces about visiting Los Alamos safely during the pandemic. The PIO has been assisting with public outreach planning for: Home Renewal Program Cycle 5, Fireworks Safety, Level 2 Fire Restrictions, Downtown Master Plan, and other capital projects. Some of these efforts will continue into July and August and plans are finalized. The PIO has also worked with DOE/NNSA on the DP Rd contaminated material concern to issue press releases.

## **PUBLIC WORKS DEPARTMENT**

### **Administration Division**

#### **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.

There are currently have three vacancies.

**The June 4th Transportation Board Meeting was cancelled in response to COVID-19.**

### **Airport Division**

#### **Out-of-State Business Travel Returns to KLAM**



During the initial months of the COVID-19 Emergency, the Governor Lujan's Executive Order required passengers arriving at New Mexico airports from out-of-state locations to self-quarantine for a period of 14-days. On June 1st, the Executive Order was revised to exempt certain categories of passengers from the self-quarantine mandate, including business travelers. As such, the airport has again begun to see business arrivals, including a recent visit from Kroger

Corporation representatives on June 17th.

#### **Presentation on Airport Masterplan and Taxiway F Safety Project:**

At the June Work Session, County Council was presented with an overview of the Federal Aviation Administration's (FAA's) Airport Master Planning Process, as well as an update on the Los Alamos County Airport Masterplan, adopted in 2013. The focus of discussion, specific to the 2013 Masterplan, was a detailed review of the Taxiway F Safety project that remains as the last capital improvement project identified in the plan yet to be undertaken. Although the cost and complexity of the project is significant (approx. \$10M), it has been identified by the FAA as a needed project for KLAM that would be eligible for federal funding (approx. 90%), upon successful submittal and approval of a federal grant application from Los Alamos County. Although this project will be multi-year in nature, the first step will be to develop a business plan for the proposed new hangars and apply for funding that will begin once a new Airport Manager is hired.



## **Recruitment for new Airport closes on July 31<sup>st</sup> :**

The Public Works Department is actively recruiting to fill the currently vacant position of Airport Manager. Advertisements have been issued statewide, and a posting on the American Association of Airport Executives (AAAE) website increases the reach to potential applicants nationwide. If you know of a qualified applicant who may be interested in the position, please encourage them to review the posting at the LAC Human Resources webpage. Until a new Airport Manager is onboard, Deputy Public Works Director will be the Acting Airport Manager. He can be reached at (505) 662-8088.

## **Custodial Division**

The Custodial Division supported 2 events during the month of June due to the Covid-19 restrictions.

The division continues to maintain all County facilities where tenants are present while following the CDC guidelines for disinfecting.

The division returned to their full shifts on 6/22 in preparation for increased occupancy by County staff in the majority of County buildings.

The Facility Reservations Office increased its office staffing on 6/15 by having a staff member in the office 5 days per week. This was in conjunction with Fuller Lodge being opened for the public to walk through (the Lodge is still closed to events with more than 5 people).

Municipal carpets were cleaned in mid-June and the Golf Course Community Room floor was refinished on June 24 & 25.



## **Engineering Division**

### **Welcome James Martinez!**



The Engineering & Project Management Division would like to welcome James Martinez to the Team!

James is from Chimayo, NM. He attended New Mexico State University earning a Bachelor's in Civil Engineering and a master's degree in Environmental Engineering. He has worked with Los Alamos National Lab as a summer student, at the NASA White Sands Test Facility, and more recently as a registered professional engineer with the City of Santa Fe in both the Public Works and Public Utilities Departments. James is excited with his new role and is looking forward to working with Los Alamos County.



### **NM 502 Reconstruction, Knecht St. to Tewa Loop:**

Engineering staff continues to attend NMDOT and Star Paving weekly teleconference meetings. The section of NM 502 between Central Ave. and DP Road is scheduled for continued closure through mid-July as crews prepare the roadbed for paving. Access into and out of DP Road is maintained.

### **Trinity Drive Repaving:**

NMDOT has completed the repaving of Trinity Drive from Diamond Drive to Knecht St. With Council's approval of the road diet configuration on June 9th, NMDOT has restriped the section of Trinity between Diamond and Oppenheimer to include one lane in each direction, a center turn lane, and bike lanes. NMDOT advises that installation of pavement markings, which includes stop bars, crosswalk, turn lane arrows and bike symbols are scheduled to begin early July.



### **Betty Ehart Senior Center Kitchen Equipment Upgrade:**

Community Services staff shared a notification by the state that the capital outlay funds for this project have been frozen due to state budget issues associated with the oil market and COVID. Will await further direction and information regarding development of this project.

### **Development Review & Project Support:**

- Mirador Residential Subdivision (Tract A-19) – Phase I punch list work is ongoing. Staff continues to provide construction inspections and participating in project meetings. Crews continue work on Phases 2 & 3.
- Mirador Mixed Use Development – Discussions regarding traffic mitigation and pedestrian safety countermeasures is ongoing in coordination with Planning staff.
- Marriott Towneplace Suites – Applicant following up with concerns from DOE related to stormwater runoff and nearby areas of concern and monitoring sites.
  - Trinity/20th Street Intersection Traffic Signal
    - Developer to provide schedule to the county for the development. Design and installation of signal is the responsibility of the county in accordance with the Project Participation Agreement.
    - Funding for the installation is included in FY21 budget.
- DP Road
  - Canyon Walk Apartments (Tract A-9) – Staff attends weekly construction progress meetings as scheduled.
  - Bluffs Senior Housing (Tract A-8-b) – Request from the developer to set NW and NE property corners completed.



- FY21 funds in the amount of \$4.5M programmed for roadway and utility infrastructure approved by council. Scoping meeting with DPU to be scheduled.
- The Hill Apartments (Tracts A-12/13)
  - Survey Crew to prepare a plat for dedication and vacation of easements pending follow up by CDD and DPU.
  - Trinity/35th Street Intersection Improvements
    - An Access Permit from Trinity Drive to the site was issued by NMDOT on 5/12/20. The associated road diet configuration for Trinity (NM 502) was approved by County Council on June 9<sup>th</sup>.
- Los Alamos Schools Credit Union (1010 Central Ave.) – Additional reviews provided; scheduled for Planning & Zoning Commission consideration on July 22<sup>nd</sup>.

#### **Golf Course Irrigation Improvements:**

A preconstruction meeting was held onsite on June 18<sup>th</sup>. The contractor, Landscapes Unlimited, has begun work and construction materials continue to arrive.

#### **Golf Course Site Development Improvements:**

Evaluation of proposals concluded. Working draft of the service agreement with the selected design firm is under review by procurement and legal staff.

#### **Pinon Park Slash Pad:**

Four bids to construct the project were received and opened on May 19<sup>th</sup>. The bid was approved by Council on June 9, 2020 to Los Alamos Landscaping and More, LLC. Awaiting on contract documents and work schedule from the contractor.

#### **Golf Course Patio & HVAC Improvements:**

A quote for construction is being obtained through a state contract for expediency to begin and complete the work. Procurement and legal staff are drafting a service agreement with tentative council approval scheduled for July 14<sup>th</sup>.

#### **Kiddie/Multigenerational Pool Project**

Final design drawings are scheduled for submission on June 26<sup>th</sup>. DPU assisting with updating sewer line and gas line relocation plans for the project. Due to the specialized work involved with pool construction, staff is procuring these services through a Request for Proposals and assembling the document for review. RFP advertisement is scheduled for mid to late July.

#### **Eco-Station Fan Replacement:**

The contract has been executed with Yearout. Material submittals are under review and work is scheduled to begin early July.

#### **Sunflower Art Installation:**

Sculpture Smart provided a quote for reinforcement and powder coating. Staff will present budget to the Arts in Public Places Board on June 25<sup>th</sup> for consideration.

#### **Municipal Building Server Room CRAC Units:**

An onsite review of the Schematic Design was held with IM staff and the engineer on June 3<sup>rd</sup>. The design development phase is expected to be complete by June 30<sup>th</sup>.



**Ice Rink Locker Room and Restroom Improvements:**

Crews have placed new locker room footings and floor. CID inspection for floor slab rebar scheduled. Drywall has been installed in the restrooms and taping and bedding is ongoing.

**Fire Station 6:**

Work is substantially complete with minor close out items being addressed.

**Airport and Aquatic Roofs:**

Council approved a contract with Roof Care on June 9<sup>th</sup>. Work may begin late July, pending finalization of the contract by legal and procurement.

**Christian Science/WAC Building:**

A phased programming approach was assembled for budgetary consideration and a programmed budget of \$350,000 for design was approved for FY21. A cost proposal to prepare a historic preservation plan and application for historic designation of the facility by the County's on-call architectural consultant is currently in process for staff review and consideration.

**Upcoming Facility Projects:**

- Hazardous Materials Testing and Abatement: RFP Advertises June 25<sup>th</sup>
- County-wide Facility Condition Assessment RFP
- Tween Center RFP
- On-Call Facility Construction RFP
- Airport Hangar Electrical Work
- Fire Station 3 Air Purifier Installation
- Fire Station 3 Secondary Dispatch

**2020 Pavement Condition Survey:**

A budget revision is scheduled for council consideration on June 30<sup>th</sup>. This will provide the funds necessary to complete this work, required every 5 years per the County's Pavement Preservation Policy. The budget for this endeavor was shown in the FY19-20 budget as a projected FY21 budget item. However, savings from other projects will be utilized for this effort and allowing FY21 funds to be programmed for other transportation improvements.

**Canyon Rim Trail Phase 3 (Canyon Rim Trail - West):**

Updating appraisals to proceed with the acquisition process and final design.

**Canyon Rim Trail Underpass:**

Design is complete. Project bid advertisement pending NMDOT's authorization to advertise and issuance of the funding obligation letter. A project update to the Transportation Board is scheduled in July.

**Finch St. (Road connection from 35<sup>th</sup> St. to LAMC):**

A 30% design review was held on May 11<sup>th</sup> with a follow up project status meeting held on May 28<sup>th</sup>. A



meeting with LAMC staff was held on June 15<sup>th</sup> to present and discuss preliminary design alternatives. Feedback was obtained regarding accommodations for delivery vehicles for incorporation into the design.

**Barranca Mesa 3 Subdivision (Camino Encantado, Escondido, Tecolote, Obsidian Loop, Encino, Kachina, and Turquoise):**

Design is complete and is scheduled to be advertised for bid on June 25th. The project is scheduled to be presented to the Transportation Board in July.

**Wayfinding Sign Installation:**

An RFP for sign manufacturing and installation services to update community wayfinding signage has been advertised and two proposals were received. Evaluations and recommendation of award are in process.

**Trinity Drive Pedestrian & ADA Improvements – Diamond to Oppenheimer:**

Design plans have been completed in-house by Staff. A task order has been issued to GM Emulsion for construction, and BSN for material testing services utilizing county on call contracts. A pre-construction meeting was held on June 24th and a work schedule is being prepared by the contractor.

**Urban Trail Design:**

The signed agreement for federal grant funds was sent to NMDOT and awaiting their signature so design development can begin.

**Environmental Services**

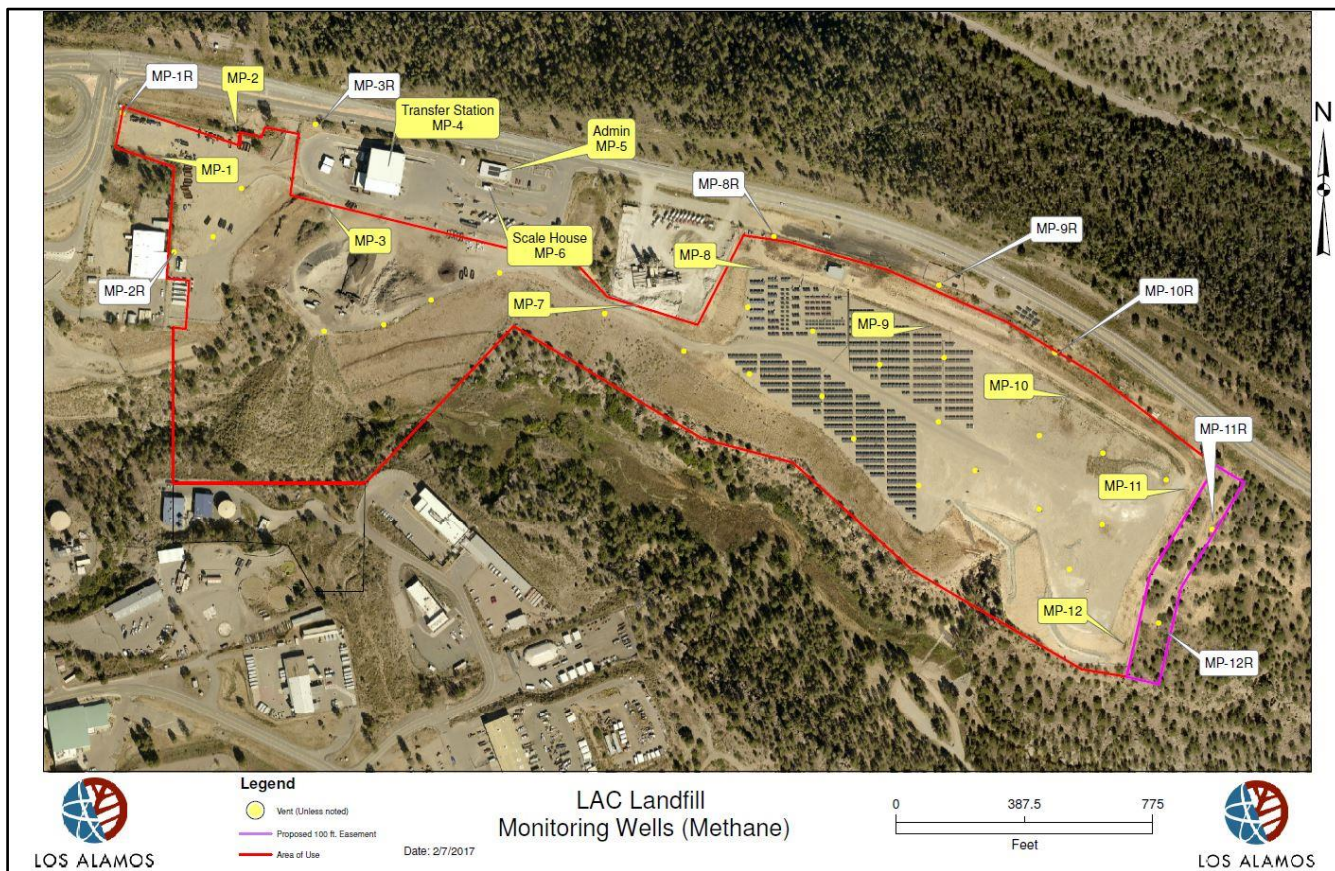
**Los Alamos County Landfill Gas (LFG) Update:**

With the installation of the Landfill Gas Control and Collection system, the methane concentrations have decreased 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.

Environmental Services submitted the second quarter 2020 Landfill Methane Probes Report.

- All gas probes monitored were below the regulatory 5% methane level; and
- No methane concentrations exceeded the 25% lower explosive limit (LEL) in building and/or structures.





### KRSN Interviews:

Environmental Services Manager, Angelica Gurule, and Office Specialist, Sara Martinez, conducted three interviews via telephone with local radio station KRSN. The three topics covered were the Recycle Coach app, Recycling Right, and the Yard Trimming program.

### New Temporary Parking Spots



The Eco Station has a limited number of parking spaces for their employees and customers causing issues with parking. In response to this issue, Environmental Services employees worked together to create temporary extra parking spots at the Eco Station.



## Yard Trimming Program:

The curbside Yard Trimming roll cart program began July 2018 and has been extremely successful. The Yard Trimming roll cart is voluntary and there is no additional cost to the resident. Approximately 4,581 (67%) households have received yard trimming carts since the program commenced.

## Household Hazardous Waste Collection Program Resumed:



Environmental Services provides a household hazardous waste collection service for items such as paints, stains, pesticides, herbicides, cleaners, etc. The program only accepts household hazardous waste on Friday's and Saturday's from 9:00 am to 3:00 pm. The household hazardous waste collection program resumed June 12, 2020. Staff provided service to 40 residents the first two days resuming this program.

## Environmental Sustainability Board:

The ESB, June 18, 2020 meeting was cancelled in response to COVID-19 safety precautions. ESB Staff Liaison is currently recruiting for two upcoming board vacancies.

## Zero Waste Los Alamos:

The Zero Waste Team meeting, June 17, 2020 meeting was cancelled in response to COVID-19 safety precautions.

## Customer Service

CUSTOMER SERVICE	NUMBER OF CUSTOMERS SERVED (MAY 2020)
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Email ( <a href="mailto:Solidwaste@lacnm.us">Solidwaste@lacnm.us</a> )	61
Telephone	2,499 Total Calls 80 Calls per Day
Recycle Coach App	38 New Subscribers 566 Subscribers 6,640 Resident Interactions
Overlook Customers	585 Monthly Customers 25 Customers Daily (Average)
Transfer Station Visitors	2,239 Monthly Customers 72 Customers Daily (Average)

Environmental Services responded to ~61 emails from the [SolidWaste@lacnm.us](mailto:SolidWaste@lacnm.us), customer service email account. The customers main questions were regarding hours of operation, collection schedules, recycle questions, bulk collection service and delivery of roll carts.

As of May 1, 2020, there have been 38 new subscribers on the Recycle Coach app, with a total of 566 subscribers and 6,640 resident interactions. The Recycle Coach app is a great asset for residents to check collection schedules and use the 'What Goes



Where' search tool for recycle questions. The number one interaction is to view the calendar which accounted for 3,790 views, followed by 1,096 visits for information pages, such as how to properly manage batteries and Styrofoam containers.

The new educational campaign "Grease is Gross," is primarily on social media. This campaign informs residents on how to properly dispose of greasy items. Here is an example message.

If you have enjoyed a lot of food delivery and takeout, you've likely increased your use of single-item food containers like cardboard pizza boxes. Download the Recycle Coach app to know how to recycle all materials correctly. <https://recyclecoach.com/download-app/>



# Residential Sustainability Report



## Residential Sustainability Report

Service Period: May 2020

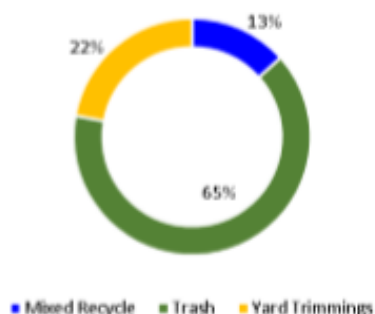
May Diversion Rate: **35%**



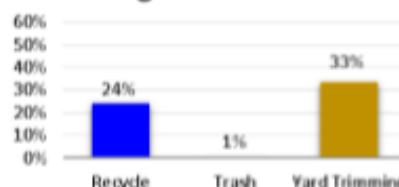
LOS ALAMOS

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

### Monthly Collection Report

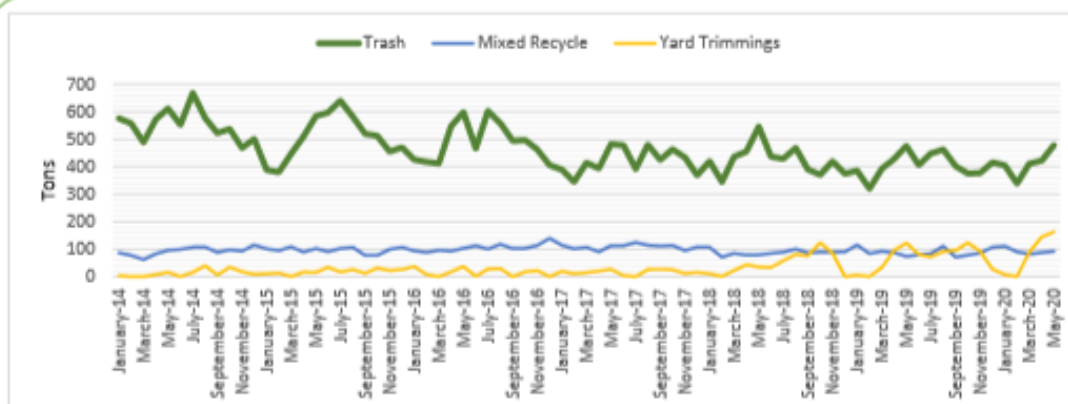


### % Change Previous Year

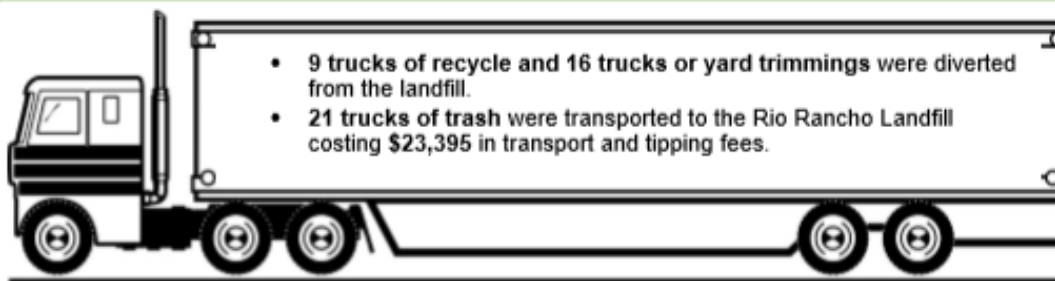


	May-19	May-20
Yard Trimming	122.33	163.27
Recycle	74.14	91.90
Trash	475.42	478.63

In May by recycling and composting Los Alamos County reduced GHG emissions by ~635 tons



In 2020 by recycling and composting Los Alamos County reduced GHG emissions by ~2386 tons



For more information contact Environmental Services Division at 505.662.8163 or email [solidwaste@lacnm.us](mailto:solidwaste@lacnm.us)



## **Facilities**

### **Facility Maintenance Work Orders: By the Numbers:**

New Work Orders Received and Entered in June: 84

Work Orders Completed and Deleted from System in June: 157

Work Orders in Progress - On the Books: 175

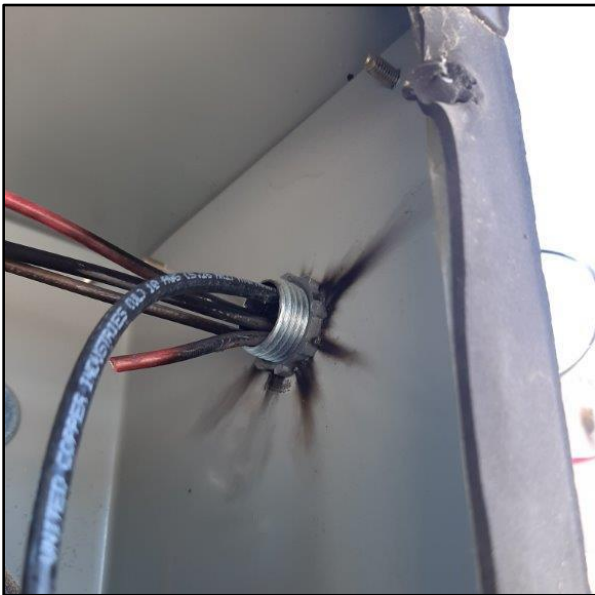
Crews worked on the following:

1. Installing plexiglass partitions at various locations.
2. Installing hand sanitizers at various locations
3. LA Treatment Plant – Replaced HVAC unit



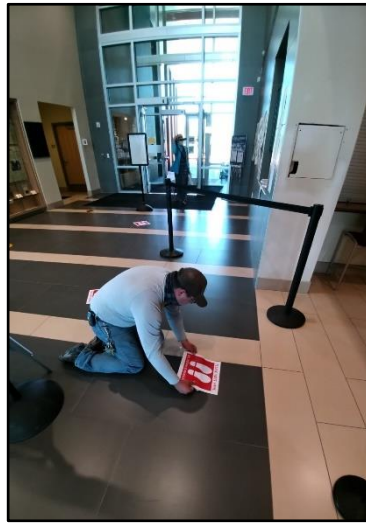
Transit transfer station – Repair AC on employee trailer

Indoor Horse Arena – Repaired lights inside and outside.



Repaired power unit for RV station at the White Rock Visitor Center





Tim Martinez and Emiliano Martinez installed floor decals at the Municipal Building.

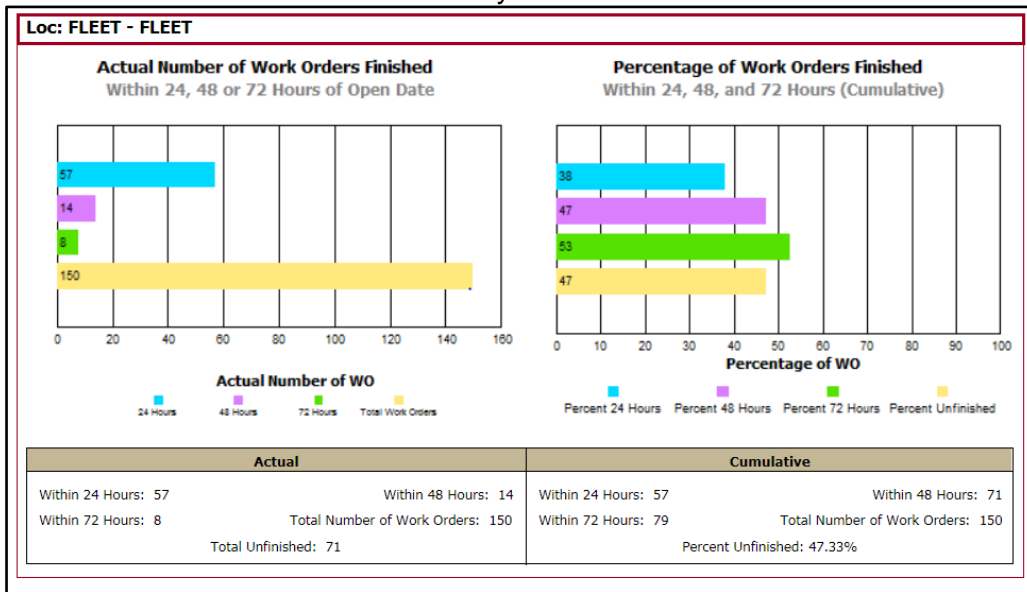
## Fleet

### Fleet Work Orders: By the Numbers:

New Work Orders Received and Entered in June: 150

Work Orders Closed in 72 hours or less: 79

Work Orders Closed between 3-30 days: 129







Robert Clark called out to Urban park for a mower that broke down. He was able to winch it up on the wrecker then used the Service truck hoist to lift both side decks into the travel mode.



Tim and Emiliano are seen here at the Fleet Shop installing a sign in remembrance of Norman Romero. This sign was sent to us by a long-time vendor that Norman worked with and developed a great working relationship with.





Andrew and Leroy installed new belts and Teflon wear pads on the Scarab at the Los Alamos Wastewater Treatment Plant. The Scarab is a 14-foot compost windrow turner which turns the rows to help with moisture and heating issues due to the composting process.

### **Traffic & Streets**

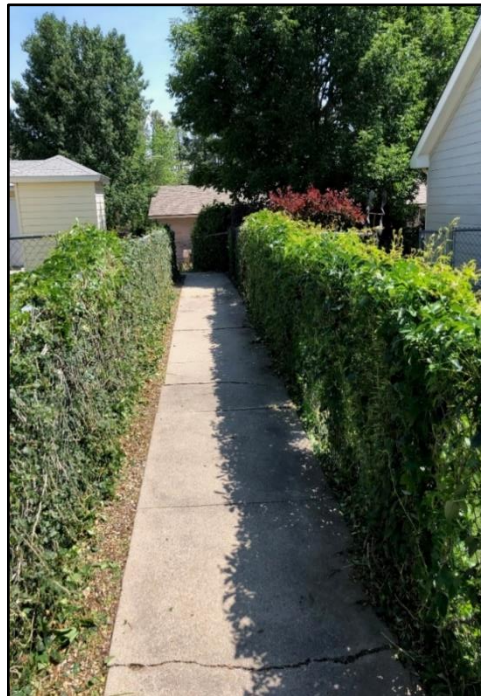


Another Pavement Preservation project is underway! This project is following the previously completed crack sealing project. Crack sealing is done when the asphalt cracks are up to 1 inch. This current project uses a different application and material to seal asphalt deficiencies in excess of 1 inch and in areas of block cracking. The above picture was taken on Fairway Drive.





Crews cleaned the Municipal Building Parking Lot.



Crews worked on right-of-way maintenance to keep trails clear, this is the Arizona Trail.



Crews removed a couple of couches that were placed there illegally beneath the bridge at Canyon Glen.





Crews patched around manholes on Canyon Road.



Crews performed right of way maintenance in a drainage channel adjacent to Longview, in White Rock.





Crews performed right of way maintenance on North Mesa Road.



Crews worked with DPU on identifying an old power service pole at the corner of Central & Canyon. The old power pole was no longer in service and was removed.





Crews responded early Saturday morning, to a light pole that had been knocked down in White Rock. Crews were able to repair the pole and replace the fixture.



Crews worked on cleaning up the parking lot/storage area off 15th St./Canyon Rd. Crews removed material and dressed up the slope along the northern edge and near the trail head.





Public Works staff worked with NMDOT to layout the new road diet striping on Trinity. Crews also assisted NMDOT by removing the reflective lane tabs after the striping was completed.

### Transit

Atomic City Transit Supervisors have changed the way they keep up to date with training. Kyle Hatch, Management Analyst attended a webinar on GTFS-flex software used for online “trip planning” for demand-responsive transportation. It is similar to the Google Transit feature and other trip planners that exist for fixed-route transportation. These new types of software can assist in the future should social distancing continue to be necessary.

Ridership for May 2020 continued by providing curb side Dial-A-Ride service Monday through Friday from 7:30 am to 5:30 pm. On June 15, 2020 we implemented a phased in approach to the fixed route service. Monday through Friday from 7:30 am to 5:30 pm we began Route 1, 2M, & 2T and continued Dial-A-Ride service for areas not currently serviced by the fixed route.

Date	Route	UPT	UPT Over Scheduled Capacity	Rev Miles	Rev Hours	UPT per Rev Mile	UPT per Rev Hour
6/15/20	1	19	-	133.99	10.17	0.14	1.87
6/15/20	2M	9	-	252.19	9.53	0.04	0.94
6/15/20	2T	6	-	243.00	9.38	0.02	0.64
6/15/20	DAR	12	-	130.00	9.00	0.09	1.33
<b>6/15/20</b>	<b>DAILY TOTAL</b>	<b>46</b>	<b>-</b>	<b>759.18</b>	<b>38.08</b>	<b>0.06</b>	<b>1.21</b>
6/16/20	1	17	-	133.99	10.17	0.13	1.67
6/16/20	2M	13	-	278.50	10.53	0.05	1.23
6/16/20	2T	5	-	255.88	9.77	0.02	0.51



6/16/20	<b>DAR</b>	14	-	136.00	10.35	0.10	1.35
<b>6/16/20</b>	<b>DAILY TOTAL</b>	<b>49</b>	-	<b>804.38</b>	<b>40.82</b>	<b>0.06</b>	<b>1.20</b>
6/17/20	<b>1</b>	18	-	133.99	10.17	0.13	1.77
6/17/20	<b>2M</b>	20	-	278.50	10.53	0.07	1.90
6/17/20	<b>2T</b>	18	-	255.88	9.77	0.07	1.84
6/17/20	<b>DAR</b>	22	-	155.00	14.88	0.14	1.48
<b>6/17/20</b>	<b>DAILY TOTAL</b>	<b>78</b>	-	<b>823.38</b>	<b>45.35</b>	<b>0.09</b>	<b>1.72</b>
6/18/20	<b>1</b>	31	-	133.99	10.17	0.23	3.05
6/18/20	<b>2M</b>	21	-	278.50	10.53	0.08	1.99
6/18/20	<b>2T</b>	9	-	255.88	9.77	0.04	0.92
6/18/20	<b>DAR</b>	22	-	172.00	15.85	0.13	1.39
<b>6/18/20</b>	<b>DAILY TOTAL</b>	<b>83</b>	-	<b>840.38</b>	<b>46.32</b>	<b>0.10</b>	<b>1.79</b>
<b>TOTAL</b>	<b>1</b>	85	-	535.97	40.67	0.16	2.09
<b>TOTAL</b>	<b>2M</b>	63	-	1,087.70	41.13	0.06	1.53
<b>TOTAL</b>	<b>2T</b>	38	-	1,010.65	38.68	0.04	0.98
<b>TOTAL</b>	<b>DAR</b>	70	-	593.00	50.08	0.12	1.40
	<b>SYSTEM TOTAL</b>	<b>256</b>	-	<b>3,227</b>	<b>171</b>	0.08	1.50

In addition, we have included the monthly ridership for May 2020 which consisted of Dial-A-Ride service Monday through Friday 7:30 am to 5:30 pm. As you can see, the increase in fixed route service provides much needed transportation throughout our community.



## Atomic City Transit - Demand Response Ridership and Statistics

Start Date 5/1/2020  
End Date 5/31/2020

	Total Demand Response	DR % Growth (Prev. Mo.)	ADA % Growth (Prev. Mo.)	Total ADA Related	Total DAR	Daytime DAR	Evening DAR	Special Service DAR
<b>NTD Service Information</b>								
Vehicles operated in max Svc	3	50.00%	0.00%	2	3	0	0	3
Unlinked Passenger Trips (UPT)	305	-3.17%	15.91%	51	254	0	0	254
Total Actual Vehicle Miles (VM)	3,972.00	3.22%	21.55%	230.84	3,510.32	-	-	3,741.16
Total Actual Vehicle Hours (VH)	181.41	-14.76%	34.74%	10.04	161.32	-	-	171.36
Total Actual Revenue Miles (RM)	2,842.00	-5.24%	21.55%	230.84	2,380.32	-	-	2,611.16
Total Actual Revenue Hours (RH)	173.79	-8.45%	34.74%	10.04	163.74	-	-	163.74
Passenger Miles	1,665.65	1.25%	-5.44%	348.84	1,316.81	-	-	1,316.81
Passenger Hours	69.11	5.29%	14.59%	14.85	54.26	-	-	54.26
Service Days	20.00	0.00%	-26.67%	11	20.00	-	-	20
UPT per RM	0.11	2.17%	-4.64%	0.22	0.10	-	-	0.10
UPT per RH	1.76	5.76%	-13.98%	5.08	1.55	-	-	1.55
UPT per Service Day	15.25	-3.17%	58.06%	4.64	12.70	-	-	12.70
Companions	4	-20.00%	0.00%	4	-	-	-	-
PCAs	10	0.00%	-20.00%	8	2.00	-	-	2

### Scheduling Stats - Performed Trips

Subscription	-	0.00%	0.00%	-	-	-	-	-
One Way Trips Requested	715	-9.03%	-5.64%	301	414	161	-	253
One Way Trips Performed	291	-3.00%	30.00%	39	252	-	-	252
Advance Reservation	126	29.90%	30.00%	39	87	-	-	87
Same Day Reservation	165	-18.72%	0.00%	-	165	-	-	165
Manually Scheduled	38	-17.39%	300.00%	4	34	-	-	34
Automatically Scheduled	253	-0.39%	20.69%	35	218	-	-	218
Pickup-based Trip	267	0.75%	28.57%	27	240	-	-	240
Appointment-based Trip	24	-31.43%	33.33%	12	12	-	-	12

### Capacity Metrics (ADA Requests)

Valid Pickup Negotiated	32	18.52%	18.52%
Invalid Pickup Negotiated	-	0.00%	0.00%
Valid Dropoff Negotiated (Apt Trips)	135	-4.93%	-4.93%
Invalid Dropoff Negotiated (Apt Trips)	-	0.00%	0.00%
Non-Missed Trips	39	30.00%	30.00%
Missed Trips	-	0.00%	0.00%
On-Time Appointment Dropoffs	133	-6.99%	-6.99%
Late Appointment Dropoffs	1	0.00%	0.00%
Early (>30 min) Appointment Dropoffs	3	0.00%	0.00%
On-Time Pickup Arrival	23	-4.17%	-4.17%
Excessively Late Arrivals (>15 Min)	3	0.00%	0.00%
Early Pickup Arrivals (>5 Min)	8	700.00%	700.00%
Travel Time <= Fixed Rt Estimate	38	31.03%	31.03%
Travel Time Over Fixed Rt Estimate	-	0.00%	0.00%
Travel Time <= 45 Minutes	38	31.03%	31.03%
Travel Time > 45 Minutes	1	0.00%	0.00%
No Capacity Issues	400	1.27%	1.27%
Capacity Issues	15	1400.00%	1400.00%





A critical factor, as we begin this initial phase of resuming bus service, is maintaining passenger safety by complying with public health recommendations. In accordance with the current Governor's Executive Order:

Passengers will be required to wear face coverings in order to board and ride the bus

The number of passengers allowed on each bus will be limited to comply with social distancing recommendations

Some seats on every bus will be blocked-off to assure adequate spacing between passengers again to comply with social distancing recommendations

Atomic City Transit staff have also implemented the following measures to further enhance public health safety as we begin

to resume fixed-route bus service:

Hand sanitizer will be available on all vehicles for both customers and staff

All transit vehicles will be thoroughly cleaned and disinfected prior to being put into daily service, as well as high touch areas disinfected between trips, throughout the day

Passengers will board and depart the bus only through the back doors only (when available)

Atomic City Operations and Dispatch staff will monitor bus capacity on the routes and will dispatch additional buses on occasion if/when capacity limits are reached. However, in such situations, schedule delays will occur. Thank you in advance for your understanding as we address such issues during the re-opening.



Atomic City Transit Staff has also taken measure to make our administrative offices comply with the 6ft social distance compliance.

Atomic City Transit would like to remind those riders that utilize a "smart" phone

to sign up for text alerts on the ACT Tracker service. Inclement weather is here, and this is the best way to find out what is happening to the route you usually ride. We also provide real-time location of the buses so you can always plan your trip.





Atomic City Transit Manager, Annette Granillo attended a webinar sponsored by Transit Research Board (TRB) on “How Much will COVID-19 Affect Travel Behavior?”

## CALENDAR OF UPCOMING MEETINGS AND EVENTS

**July 28 – Council Regular Session, 6:00 p.m.**

### KUDOS/COVID HEROS

**From:** Ray Krause <[rkrause87547@gmail.com](mailto:rkrause87547@gmail.com)>  
**Sent:** Thursday, July 2, 2020 10:48:10 AM  
**To:** Arellano, Michael <[michael.arellano@lacnm.us](mailto:michael.arellano@lacnm.us)>  
**Cc:** Andrus, Paul <[paul.andrus@lacnm.us](mailto:paul.andrus@lacnm.us)>  
**Subject:** Very Helpful Staff!

Hi Michael,  
 I just got off the phone with Michael Marquez and was extremely pleased with his helpfulness. He was able to answer my questions and very willing to step me through the permitting process. It was a pleasure to talk with him and he made my day go so much easier by being friendly, knowledgeable, willing to help, and answer all my questions.

Thanks,

Ray Krause  
 161 Monte Rey Drive South  
 White Rock

**From:** Matteson, Linda <[linda.matteson@lacnm.us](mailto:linda.matteson@lacnm.us)>  
**Sent:** Thursday, June 18, 2020 8:49 AM  
**To:** Gurule, Angelica <[angelica.gurule@lacnm.us](mailto:angelica.gurule@lacnm.us)>  
**Subject:** Great service!

Angelica,

I wanted to let you know what wonderful service your staff is providing to our residents including myself. I ordered a load of mulch on Monday and the process was easy and quick as it was just delivered today (Thursday). Antoine and Steve were so kind and efficient in unloading and so personable. I appreciate their work. Also, Sara provided quick answers to questions and scheduling. You have a great team!

Take care,  
 Linda



Plaque presented to Jason Lott for all his great work while at  
Bandelier





**FY2020 4th Quarter Financial Overview (Generated July 20, 2020 Prior to Year End Closing Entries, Unaudited)**

<b>General Fund as of 6/30/2020</b>	<b>FY2019 Jul - Jun Actual</b>	<b>FY2020 Adopted Budget</b>	<b>FY2020 Revised Budget</b>	<b>FY2020 Jul - Jun Actual</b>	<b>FY2020 Remaining Budget</b>	<b>FY2020 % Collected</b>
<b>Revenues</b>						
Gross Receipts Tax	49,837,384	50,458,000	50,458,000	46,232,018	4,225,982	92%
Property Tax	7,295,431	7,507,879	7,507,879	7,746,872	(238,993)	103%
User Charges	2,212,373	2,290,000	2,290,000	2,149,839	140,161	94%
Other	11,458,513	11,390,336	12,856,584	9,075,202	3,781,382	71%
<b>Total</b>	<b>70,803,701</b>	<b>71,646,215</b>	<b>73,112,463</b>	<b>65,203,931</b>	<b>7,908,532</b>	<b>89%</b>

<b>General Fund Transfers</b>	<b>FY2019 Jul - Jun Actual</b>	<b>FY2020 Adopted Budget</b>	<b>FY2020 Revised Budget</b>	<b>FY2020 Jul - Jun Actual</b>
In	2,506,762	2,971,868	2,154,534	1,919,721
Out	11,636,265	11,418,570	10,725,744	5,919,709

	<b>FY2019 Jul - Jun Actual</b>	<b>FY2020 Adopted Budget</b>	<b>FY2020 Revised Budget</b>	<b>FY2020 Jul - Jun Actual</b>	<b>FY2020 Encumbrances</b>	<b>FY2020 Remaining Budget</b>	<b>FY2020 % Spent &amp; Encumbered</b>	<b>Salary &amp; Benefits Spent</b>
<b>Expenditures</b>								
County Council	394,776	419,546	443,519	359,797	2,000	81,722	81.6%	100%
Municipal Court	475,235	571,033	581,131	532,400	20,207	28,524	95.1%	96%
County Manager	3,179,516	7,112,885	7,989,416	4,464,112	132,760	3,392,544	57.5%	94%
County Assessor	416,237	498,742	502,178	474,506	-	27,672	94.5%	95%
County Attorney	680,206	744,053	846,405	811,748	-	34,657	95.9%	103%
County Clerk	557,178	636,838	649,317	637,201	-	12,116	98.1%	99%
Probate	4,540	5,906	5,906	5,288	-	618	89.5%	99%
County Sheriff	12,204	15,510	15,510	13,691	-	1,819	88.3%	102%
Administrative Services	7,256,971	7,946,593	8,149,514	7,673,200	42,054	434,260	94.7%	93%
Community Development	1,573,284	2,042,188	2,504,407	1,777,644	84,535	642,228	74.4%	86%
Community Services	9,941,705	11,937,427	12,526,373	10,196,074	329,739	2,000,560	84.0%	85%
Fire	4,954,340	6,607,149	7,186,330	5,128,012	80,570	1,977,748	72.5%	n/a
Police	8,669,312	9,328,668	10,355,243	9,109,422	185,945	1,059,876	89.8%	94%
Public Works	14,547,257	13,261,823	13,525,747	10,541,740	510,049	2,473,958	81.7%	92%
<b>TOTAL GENERAL FUND</b>	<b>52,662,761</b>	<b>61,128,361</b>	<b>65,280,996</b>	<b>51,724,835</b>	<b>1,387,859</b>	<b>12,168,302</b>	<b>81.4%</b>	<b>91%</b>



**FY2020 4th Quarter Financial Overview (Generated July 20, 2020 Prior to Year End Closing Entries, Unaudited)**

<b>General Fund - Summary Fund Statement</b>	<b>FY2017 Actual</b>	<b>FY2018 Actual</b>	<b>FY2019 Actual</b>	<b>FY2020 Adopted Budget</b>	<b>FY2020 Revised Budget</b>	<b>FY2020 Jul - Jun Actual</b>
Beginning Fund Balance	19,810,212	17,876,264	25,303,918	32,274,507	34,234,913	34,234,913
Revenues	58,887,735	61,590,333	70,803,701	71,646,216	73,112,463	65,203,931
Transfers from other funds	2,208,310	3,442,715	2,506,762	2,971,868	2,154,534	1,919,721
Expenditures	50,220,162	48,551,495	52,743,203	61,128,361	65,280,996	53,112,694
Transfers to other funds	12,809,830	9,053,899	11,636,265	11,418,570	10,725,744	5,919,709
Ending Fund Balance:						
Nondisposable	1,495,689	1,520,487	1,569,759	1,601,437	1,546,799	1,546,799
Restricted for Cash Requirements	4,591,274	4,648,574	4,816,047	5,094,030	5,440,083	5,440,083
Other Restricted/Assigned	1,667,087	5,957,305	2,478,354	773,670	2,293,670	2,293,670
Unassigned	10,122,214	13,177,552	25,370,753	26,876,523	24,214,618	33,045,610
<b>Total Ending Fund Balance</b>	<b>17,876,264</b>	<b>25,303,918</b>	<b>34,234,913</b>	<b>34,345,660</b>	<b>33,495,170</b>	<b>42,326,162</b>

<b>Other Funds Expenditures</b>								
<b>As of 3/31/2020</b>	<b>FY2019 Jul - Jun Actual</b>	<b>FY2020 Adopted Budget</b>	<b>FY2020 Revised Budget</b>	<b>FY2020 Jul - Jun Actual</b>	<b>FY2020 Encumbrances</b>	<b>FY2020 Remaining Budget</b>	<b>FY2020 % Spent &amp; Encumbered</b>	<b>Salary &amp; Benefits Spent</b>
State Shared Revenue (Road Fund)	580,000	580,000	580,000	-	-	580,000	0.0%	n/a
Lodgers' Tax	211,070	372,031	381,927	290,631	3,551	87,745	77.0%	n/a
State Grants	638,406	653,958	1,126,339	369,633	685,441	71,265	93.7%	67%
Health Care Assistance	2,292,807	2,703,334	2,717,091	2,637,336	30,907	48,848	98.2%	88%
Economic Development	1,808,631	2,796,250	4,476,099	734,165	3,582	3,738,352	16.5%	n/a
Other Special Revenue	252,179	298,371	315,775	237,601	3,597	74,577	76.4%	81%
Emergency Declarations Fund	48,829	-	194,362	105,241	-	89,121	54.1%	n/a
GRT Revenue Bonds Debt Service	6,265,559	4,550,759	4,550,759	730,379		3,820,380	16.0%	n/a
Capital Projects	4,134,213	10,273,378	18,642,552	7,044,527	3,062,867	8,535,158	54.2%	n/a
Utilities	61,070,379	63,535,904	81,632,261	54,244,826	6,185,436	21,201,999	74.0%	100%
Environmental Services	4,172,172	4,495,493	4,811,189	4,097,084	98,787	615,318	87.2%	95%
Transit	3,727,863	5,073,561	8,332,203	4,626,854	466,302	3,239,047	61.1%	77%
Fire	23,823,526	27,167,663	27,381,309	24,850,006	538,447	1,992,856	92.7%	79%
Airport	1,255,129	1,606,196	1,607,680	408,066	84,928	1,114,686	30.7%	82%
Fleet	4,497,552	4,401,660	5,562,333	3,909,217	715,530	937,586	83.1%	93%
Risk	10,675,850	10,922,904	11,742,700	10,713,686	59,806	969,208	91.7%	87%
<b>TOTAL OTHER FUNDS</b>	<b>125,454,165</b>	<b>139,431,462</b>	<b>174,054,579</b>	<b>114,999,252</b>	<b>11,939,181</b>	<b>47,116,146</b>	<b>72.9%</b>	<b>83%</b>
<b>TOTAL ALL FUNDS</b>	<b>178,116,926</b>	<b>200,559,823</b>	<b>239,335,575</b>	<b>166,724,087</b>	<b>13,327,040</b>	<b>59,284,448</b>	<b>75.2%</b>	<b>87%</b>



## June 2020 Financial Overview Notes

The June 2020 Financial Overview is a preliminary look at the results for fiscal year ending June 30, 2020. It is important to note that the financial data presented is not complete, nor fully adjusted for the fiscal year end. A relevant example of this is GRT revenue. The County will be closing and adjusting its FY2020 books over the next couple of months as the annual financial audit is conducted. This will impact General Fund results including GRT, revenue, transfers-in and transfers-out between funds, expenditures and encumbrances. GRT Revenue as shown on the Financial Overview is only eleven months activity. At the conclusion of the audit, complete financial statements will be presented to the Council in the form of the Comprehensive Annual Financial Report (CAFR).

The June 2020 Financial Overview was prepared to coincide with the 4<sup>th</sup> Quarter Financial Report (unaudited) required by the Department of Finance and Administration (DFA) which is also being presented at this meeting. Due to this correlation, the information presented matches the submission to the state, yet does not fully represent the entire FY2020 fiscal year financial activity.





# County of Los Alamos

## Staff Report

July 28, 2020

Los Alamos, NM 87544  
www.losalamosnm.us

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**Agenda No.:** A.

**Index (Council Goals):** \* 2020 Council Goal - Investing in Infrastructure

**Presenters:** Steve Cummins, Deputy Utilities Manager - Power Supply

**Legislative File:** 13182-20

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### Title

Joint Meeting Between Council and the Board of Public Utilities - Utah Associated Municipal Power Systems (UAMPS) Presentation on the Carbon Free Power Project

### Recommended Action

**No Action, Presentation Only**

### Body

At the recommendation of a citizen ad hoc committee and the direction of the BPU, the Department of Public Utilities (DPU) was tasked to continue participating in the Carbon Free Power Project (CFPP) as an option for meeting a portion of the County's power demands. The CFPP is being considered as a potential resource for replacing the County's coal generation assets and to meet a Board-approved goal for the DPU to be a carbon-neutral electrical energy provider by 2040.

Through DPU's membership with the Utah Associated Municipal Power Systems (UAMPS), staff has been participating in the development of the CFPP, which is a projected 720MW nuclear generating station to be built at the Idaho National Laboratory site using small modular reactor (SMR) technology. As it is being designed, the facility would house up to twelve SMRs developed by NuScale Power, currently rated at sixty megawatts of electric power for a total plant capacity of 720MW. The County's share would be 11.186 MW.

Prior to signing the Power Sales Contract in April 2018, the following had been accomplished:

- The County participated in the CFPP Project Study Phase and Siting Agreement (also referred to as the fatal flaw analysis). Findings - No fatal flaws were discovered in this phase, clearing the path for continued development.

- DPU surveyed customers on Los Alamos County pursuing nuclear generation. Findings - 73% of residential and 60% of commercial customers agree or strongly agree that Los Alamos should pursue nuclear generation.

- DPU hired a third-party independent contractor to develop an Integrated Resource Plan (IRP) that evaluated all of the options to serve the County's Electric Demand on a Levelized Cost of Energy (LCOE) basis, while meeting our carbon neutral goal. Findings - solar with storage was determined to have the lowest LCOE among the options considered. The CFPP came in second at approximately 3.5% higher cost based on the \$65/MWh cap. (The CFPP target price



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is now \$55/MWh)

- Several public meetings specific to the technology, project commitments, and IRP findings were held.

On April 10, 2018 the Board of Public Utilities and the County Council approved a resolution authorizing and approving the Power Sales Contract with an Amended and Restated Initial Budget and Plan of Finance for the first phase of the Carbon Free Power Project. The Budget and Plan of Finance has broken the project into phases allowing the project participants an option to exit the project at the end of each phase if they determine the project is no longer the preferred option.

This first phase is the development of the Combined Operating License Application (COLA) to be submitted to the Nuclear Regulatory Commission (NRC) for review and approval in the second phase of the project.

Since April 2018, UAMPS Project Management Committee (PMC) purposefully minimized the activities in the development of the COLA to allow more time to market the unsubscribed capacity of the project and to negotiate with the DOE and NuScale for additional cost sharing through the COLA development and NRC review minimizing the exposure to the participants.

On July 17, 2019 the BPU approved the JUMP resolution resulting in Los Alamos County acquiring an additional 3.186 MW above the base subscription of 8 MW.

This JUMP Allocation Resolution is for Los Alamos County to express their interest in their entitlement share of capacity and energy from the Joint Use Module Plant (JUMP) program after DOE has completed their research and development using the power output of the JUMP.

UAMPS and DOE expected to have the terms and conditions of the JUMP Power Sales Layoff agreement completed by October 2019 however DOE funding has been delayed by Congress. At this time the members interested in the JUMP program will have the option to rescind its election to increase their entitlement share in the CFPP.

Due to the federal budget continuing resolution, DOE choose not to complete the JUMP Power Sales Layoff agreement until the money for the JUMP project has been appropriated by Congress.

After further evaluation by the DOE, and the federal appropriations committee, DOE was no longer interested in the JUMP program and wanted to pursue a new DOE Multi-Year Award in the nominal amount of \$1.4 billion representing approximately 23% of the estimated Development and Construction Cost of the CFPP, spread over a period of nine years, concluding with the commercial operation of the CFPP.

UAMPS Project Management Committee wanted to preserve the benefits of the JUMP program



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for the participants who increased their subscription in the project. The first \$360 million of the Multi-Year cost share will be applied to the participants who participated in the JUMP Program resulting in a \$39/MWh for the JUMP subscription. The County's portion of the JUMP is 3.186 MW of capacity. The balance of the \$1.4 Billion Multi-Year award of \$1.04 Billion will be to hit the \$55/MWh target for the base subscription. The County's base subscription is 8MW of capacity.

The inherent risk of any long term resource is predicting industry trends, market conditions, technological breakthroughs, and changing regulations that will have an impact on these long term commitments. It is for this reason the PMC has proceeded with caution while DOE, NuScale and the NRC continue to mitigate the risks through cost sharing, industry partnerships and design reviews. If the County continues its participation through the completion of the COLA an update Integrated Resource Plan will be completed prior to submitting the COLA to the NRC in 2023. An updated IRP will use the most current information at that time regarding power markets and other resource options to see if the CFPP remains competitive.

The project is in alignment with the adopted Future Energy Resource recommendations and Los Alamos County Strategic Leadership Plan, specifically Environmental Stewardship by improving environmental quality and sustainability balancing costs and benefits.

This project also supports the County's Intergovernmental Relations through coordination and cooperation with Los Alamos National Laboratory. The DOE Nuclear Energy office has made NuScale's SMR design their highest priority. They continue to work with DOE NNSA on contracting options with the CFPP.

DPU is assuming that the County and LANL will continue partnering with generation assets post 2025 through a new Electric Coordination Agreement. Keeping this project as an option will support the large load increases LANL is forecasting. If the County and DOE-LANL decide not to partner with generation assets, our current 11.186 MW subscription in the project could replace our Laramie River Station coal fired plant.

Based on what we know today regarding generation resource adequacy in the western interconnect, LAC needs to have 100% of its load covered with owned generation assets or long term power purchase agreements in addition to being carbon free to meet our 2040 carbon neutral goal.

The County's 2017 Integrated Resource Plan (IRP) made the following recommendations:

1. The County needs not to be in any rush to commit to new resources until several uncertainties regarding Small Modular Nuclear Reactors (SMNRs), solar and storage are resolved.
2. A portfolio with SMNRs could be competitive, if risk mitigation measures to protect ratepayers from cost overruns and schedule delays are in place.

Hence, the optimal approach is to preserve optionality by continuing to pursue SMNR risk mitigation measures and preserve the ability to take advantage of declining solar and storage costs. The 2017 IRP assumed a \$65 per megawatt hour (MWh) for the CFPP and for the solar with storage option. Currently the CFPP has a price target of \$55/MWh to match the next best alternative which is a combined cycle gas plant.

In Summary, the CFPP continues to be a viable option for the County to meet their power demands with a carbon free resource that is available 90% of the year. This resource has the



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ability to follow the intermittency of wind and solar as we add more to our resource mix. Our governing bodies insisted that DOE increase their cost share in a first-of-a-kind SMNR and they responded with the Multi-Year Award of \$1.4 billion. This cost share set a new target price of \$55/MWh down from the \$65/MWh used in the 2017 Integrated Resource Plan.

For more background information on the project please refer to the DPU's website:

<https://rebrand.ly/DPU-CFPP>

### **Alternatives**

Exit the project at this time and pursue other carbon free base load resources

### **Fiscal and Staff Impact**

If LAC were to exit the project at the end of the current phase, the total investment pursuing the CFPP as an option is approximately \$260k of which DOE LANL share was approximately \$103k and LAC \$157k. If the County commits to the next phase of the project for the completion of the COLA application, the additional investment is approximately \$1,046,849.00 over the next three years. There is no additional staff impact since resource planning is part of the job.

### **Attachments**

A - CFPP July 28, 2020 Update Presentation

B - Carbon Free Power Project Development Status And Overview July 15, 2020

C - Amended Budget & Plan of Finance July 14, 2020



# CFPP Update

July 28, 2020  
Joint Meeting of the  
Board of Public Utilities and  
County Council





# Project History

- August 17, - 2015 BPU Approval of Study Phase Sitting Agreement
- April 10, 2018 - BPU and CC Approval of Power Sales Contract with 8 MW subscription
- Dec. 17, 2019 - Approval of JUMP Resolution for an additional 3.186 MW for total of 11.186 MW



# Public Information and Involvement

- Dec. 1, 2016 - 1<sup>st</sup> CFPP Town Hall
- Jan. 12, 2017 - CFPP Town Hall
- July 12, 2017 - IRP Town Hall
- Jan. 25, 2018 - CFPP Town Hall
- August 2020 – CFPP Town Hall



# Project De-risking

- CFPP Development Framework has matured to minimize risk
  - DOE Cost Share - Multi Year Award \$1.4 Billion (Approx. 23% of total cost)
  - Development Cost Reimbursement Agreement (DCRA)
  - Engineering Procurement Construction Development Agreement (EPC-DA)
- COLA Preparation – Licensing Period Phase I
  - DOE/NuScale Cost Share COLA Preparation \$110 M (85%)
  - UAMPS Participants Cost Share for COLA Prep \$20 M (15%)
  - Los Alamos Cost Share for COLA Prep \$1,046,849
- JUMP Shares discounted for early entry
  - 8 MW @ \$55/MWh
  - 3.186 MW @ \$39/MWh



# LAC Cost Commitments

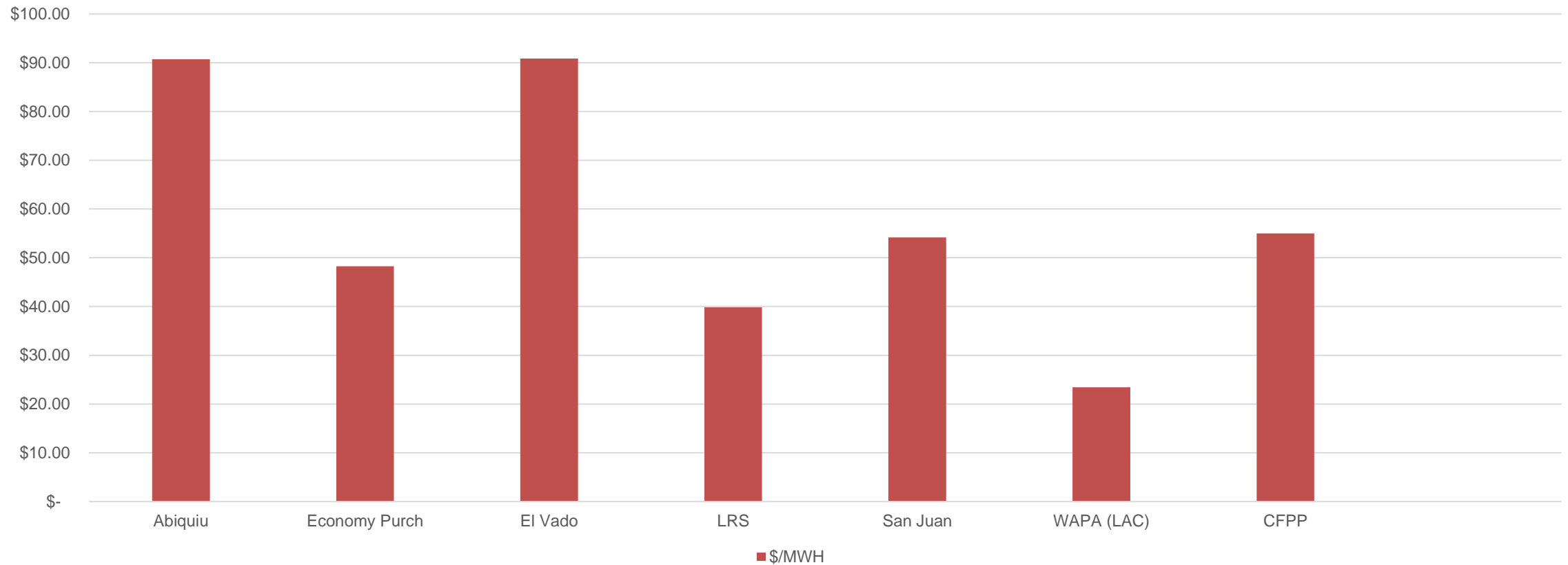
## CFPP Amended Budget & Plan of Finance July 14, 2020

	100% Cost	Net of Cost Share	Approx. LAC Share 11.186 MW
Study Phase Sitting Agreement (Actual from Scott Fox spread sheet thru FY2019)	\$145,540		\$128,643
Licensing Period 1st Phase (Max.) (Estimate based on 5.2516% share of \$1.5 M, subscription of 11.186 MW out of 213 MW)	\$6,000,000	\$1,500,000	\$78,774
Licensing Period 1st Phase Amended BPF (Estimate based on 5.2516% share of \$1.0 M, subscription of 11.186 MW out of 213 MW)	\$3,000,000	\$976,000	\$51,256
(1) LAC/DOE LANL cost-to-date			\$258,673
(2) Licensing Period 1st Phase, COLA Prep, July 14 , 2020 BPF	\$129,931,556	\$19,933,912	\$1,046,849
(3) Combined Licensing Period Phases 1 & 2nd (Est.) COLA Prep & NRC Submittal	\$1,375,150,348	\$658,412,474	\$10,229,169.35
(4) Total Acquisition & Construction Cost	\$6,124,293,710	\$4,759,535,481	\$73,944,672.07
Notes:			
(1) DOE LANL share approx. \$100,000 of \$258,673 as Power Pool Expense			
(2) LAC Share is based on 11.186 MW out of the current 213 MW subscribed			
(3) & (4) LAC Share of 11.186 MW of fully subscribed project of 720 MW			



# Comparing Cost of Resources

19 Yrs 00-18 Actual Resource Cost Vs. CFPP Targeted Price





# Considerations for Continued Participation

- Low cost to continue for now
- Mitigate risk of future generation uncertainty by keeping CFPP as an option in a diverse portfolio
- Resource Adequacy in the West - 7 GW shortage 2024
- DOE has agreed to pay approximately 85% of UAMPS' Cost to develop the Class II Estimate
- CFPP Economic Competitive Test (ECT) \$55/MWh



# Considerations for Continued Participation Cont.

- DPU continues to seek out and evaluate generation options
  - Renewables + storage not yet feasible
  - Currently no other carbon-neutral options
- 2017 Integrated Resource Plan - CFPP 2<sup>nd</sup> best Alternative @ \$65/MWh
- 2021 – 2023 IRP Updated prior to COLA Submittal to NRC

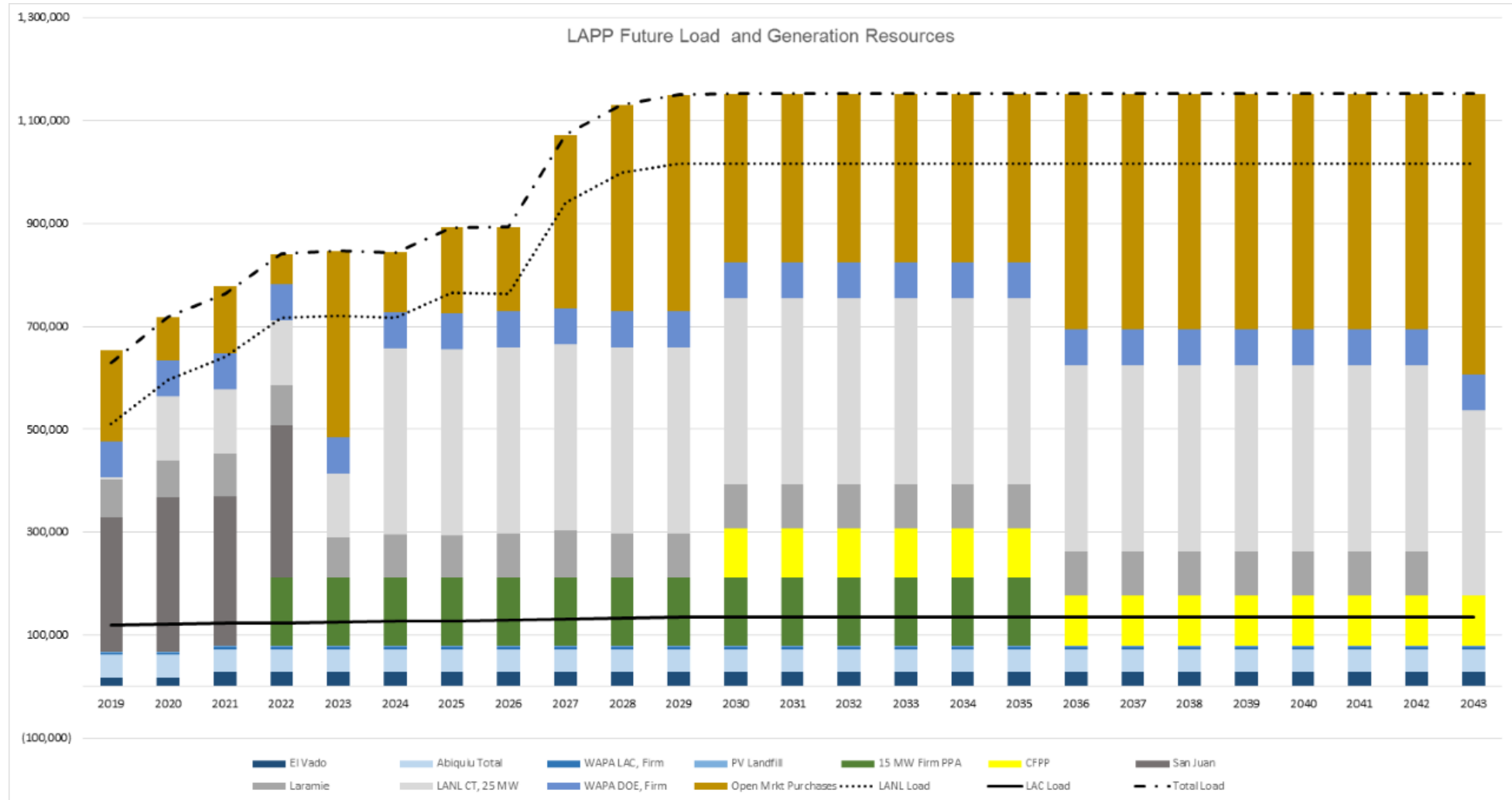


# Project Schedule

- July 14, 2020 Budget & Plan of Finance (Off-Ramp)
- Licensing Period Phase I – Completion 2023 (Off-Ramp)
- Licensing Period Phase II – Completion 2025 (Final Off-Ramp)
- Construction Period 2026 – 2030, Commercial Operation Date – 2030



# Generation Resource Plan to Meet Load







## **CARBON FREE POWER PROJECT DEVELOPMENT STATUS AND OVERVIEW JULY 15, 2020**

### **Introduction**

In anticipation of a decision by your community on continuing participation in the Carbon Free Power Project and your utility's participation in the Town Hall meeting next Tuesday the following overview of the Carbon Free Power Project is provided.

### **History**

In pursuit of providing energy certainty in a carbon regulated era which is on the horizon, UAMPS undertook investigations of:

1. Replacement of existing carbon fired generation with non-carbon sources,
2. Reducing capacity and energy usage through efficiency programs,
3. Providing for future load growth needs, and
4. While assuring economical cost stability with high reliability and resiliency.

These investigations resulted in the establishment of the Carbon Free Power Project (CFPP), initially consisting of energy efficiency measures, pursuit of non-dispatchable renewable resources and carbon free dispatchable resources. ("Dispatchable resources" means the power that is available 24/7, 365 days a year.)

Over time UAMPS developed a separate energy efficiency program and segregated non-dispatchable renewable resources into stand-alone projects. The investigation of options for carbon free dispatchable resources resulted in looking to nuclear powered generation. In particular, Small Modular Reactors (SMRs) were selected based upon their ability to be scaled to appropriate capacity amounts, ability to follow load, safety aspects and competitive economics. When compared to large conventional reactors which provide in excess of 1,000 megawatts of capacity, present a range of construction challenges, operate at high plant factors (i.e., base load operations), are complex to operate and require enormous levels of capital, SMRs were superior in meeting the needs of UAMPS.



The Carbon Free Power Project (CFPP) consists of the deployment of, in a single reactor building, up to 12 Nuclear Power Modules (NPMs), that will be manufactured and assembled in a factory setting, transported to the Idaho National Laboratory (INL) and installed as an integral component. The NPMs operate independently, each producing steam to generate 60 megawatts, for a total plant capacity of 720 megawatts gross.



The CFPP will be interconnected to the PacifiCorp Antelope Substation with initial generation slated for 2029. The 40-year levelized cost of energy (LOC) target is set at \$55 per megawatt-hour (MWH) delivered at the Antelope Substation, in 2018 dollars (or \$69/MWh in 2029 dollars).

## **Contracts**

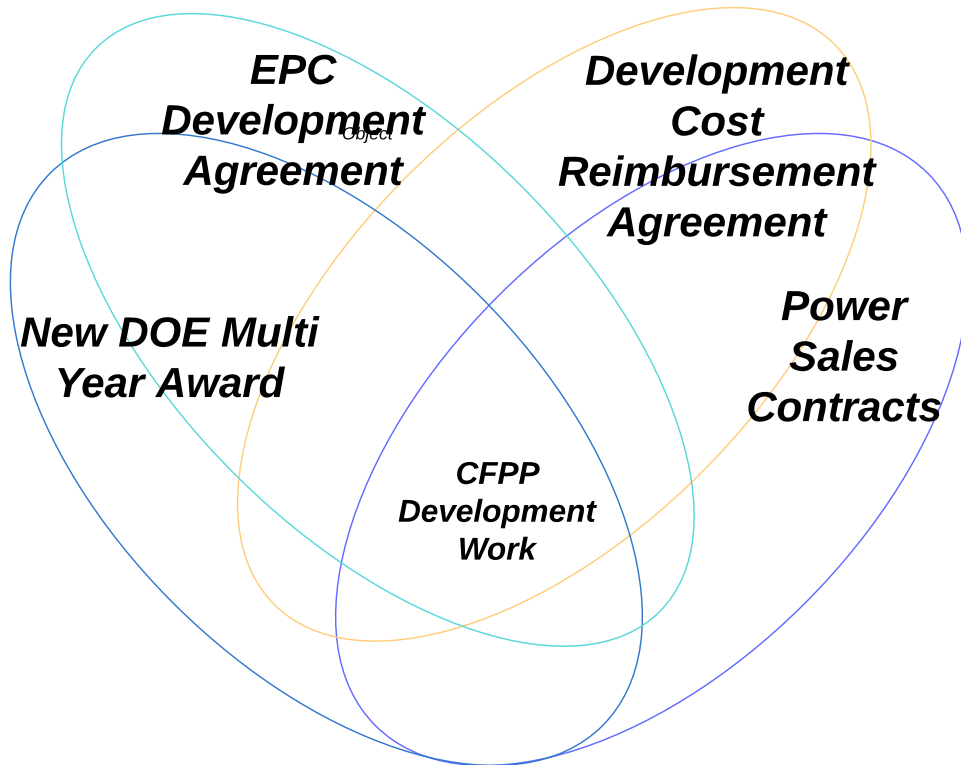
There are numerous contracts associated with the CFPP but four major contracts drive the development of this project:

1. The Power Sales Contract between UAMPS and each of the Participants,
2. The New U.S. Department of Energy (DOE) Multi-Year Award between UAMPS and the DOE,
3. The Development Cost Reimbursement Agreement between UAMPS and NuScale, and
4. The Engineering, Procurement and Construction (EPC) Development Agreement between UAMPS and Fluor Corporation.



## CFPP Development Contracts

Mason Baker | July 11, 2020



### Power Sales Contract

The Power Sales Contract (PSC) provides the duties and obligations of both UAMPS and the Participants. The PSC is based upon the standard take-or-pay, power sales contracts used for UAMPS other generating projects, with a number of modifications specific to the CFPP. The modifications were made in close collaboration with the CFPP Project Management Committee and with a Legal Committee comprised of attorneys representing a number of the Participants. The Legal Committee met throughout 2016 and 2017 and recommended the PSC to the Project Management Committee on December 17, 2017. At that point in time, UAMPS had only conceptualized the CFPP, and the knowledge and modeling needed to assess its risks and benefits were still being developed.

This required the Legal Committee to not only understand the basis for project contracts to provide flexibility for further CFPP development work, but to also have a working knowledge of



nuclear technology, the Nuclear Regulatory Commission licensing process and UAMPS' development plans. The first set of meetings of the Legal Committee provided these discussions. UAMPS Bond Counsel, Chapman and Cutler, provided several drafts of the PSC to the Legal Committee that included a range of modifications to better enable the Participants to control their exposure to the risks associated with the CFPP. These modifications included a phased approach to the development of the CFPP (601), Participant off-ramps (Section 204), restrictions on costs (Section 601), adoption of a Price Target for energy output (Section 601) and approval points to proceed including having to go back to the Participants' governing bodies for approval before starting construction (Sections 502 & 505).

### **New DOE Multi-Year Award**

The U.S. DOE has been supportive of the CFPP since its inception. As UAMPS' understanding of the project sharpened so did DOE's. This has resulted in the DOE agreeing to provide UAMPS with a New DOE Multi-Year Award in the nominal amount of \$1.4 billion representing approximately 25% of the estimated Development and Construction Costs of the CFPP, spread over a period of nine years, concluding with commercial operation of the CFPP. Of special significance is the front-ended load distribution of DOE's cost-sharing payments. DOE has agreed to pay approximately 80% of UAMPS' Development Work Costs until we get to an advanced cost estimate for the CFPP, the Class III Project Cost Estimate. The New DOE Multi-Year Award also reduces the amounts UAMPS will need to finance over the next few years, thus reducing the Levelized Cost of Energy (LCOE) of the Project. In sum, the New DOE Multi-Year Award provides a significant support that allows UAMPS to proceed forward with derisking the CFPP with less exposure to the Participants during the early development phases of the Project. It is anticipated the New DOE Multi-Year Award will be finalized in early September and is one of the four conditions precedent prior to the Revised Budget and Plan of Finance becoming effective.

The Joint Use Module Project (also known as JUMP) was originally set up to provide support for the CFPP through participation by DOE/INL in one of the NPMs. The concept was that funds would be specifically directed to the first NPM at the CFPP as well as one-twelfth of the Balance of Plant. DOE would then lease NPM1 for research purposes from UAMPS for a minimum of 15 years with a maximum of 30 years. Thirty-four of the thirty-five Participants elected to pursue this low-cost future capacity option. After vetting the cost of the research projects envisioned to be performed with JUMP, DOE and Congressional appropriations staff elected not to fund the research projects, thus negating the need for a lease. Instead, the amount requested by UAMPS for JUMP has been reallocated as part of the New DOE Multi-Year Award. UAMPS is providing a reduced cost for NPM1 to the existing JUMP Participants and if not acceptable to them then to the other Participants in the CFPP. Should the existing JUMP Participants accept this proposal, then their cost associated with output from NPM1 is estimated at approximately \$39/MWh.



### **Development Cost Reimbursement Agreement**

The Development Cost Reimbursement Agreement (DCRA) provides for NuScale and UAMPS to manage and de-risk the development of the CFPP. The DCRA provides for NuScale cost share contributions, NuScale reimbursement conditions, the \$55/MWH Price Target, a schedule of budgeted cash flows, budgeted revenue support from DOE, NuScale and UAMPS, a milestone schedule and the Economic Competitive Test (ECT) model (described below). More specifically, running of the ECT serves as an objective measure that the cost to construct, operate, and decommission the CFPP is at or below the Price Target of \$55/MWh in 2018\$.

### **Engineering, Procurement and Construction Development Agreement**

The Engineering, Procurement and Construction Development Agreement (EPC DA) establishes the plan for Fluor to develop the site specific engineering and associated cost estimates for deployment of the NuScale technology at the INL site.

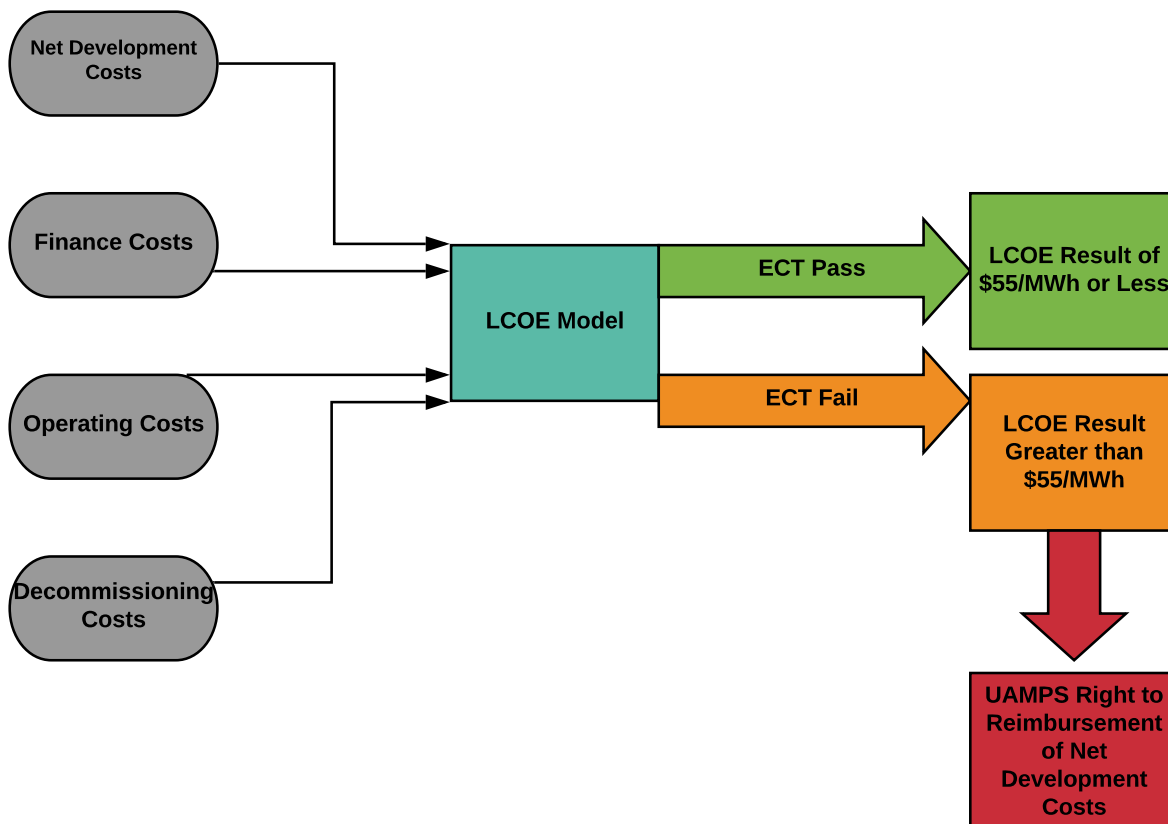
### **How the Power Sales Contract, the New DOE Multi-Year Award, the Development Cost Reimbursement Agreement and the Engineering, Procurement and Construction Development Agreement work together**

The cost to deploy the CFPP for the Participants (net of DOE and NuScale cost share) is estimated at approximately \$4.8 billion. With a conventional generating facility, UAMPS would typically finance the construction upon execution of a development and construction contract. However, the CFPP is a “first of a kind” nuclear technology configuration and UAMPS and the Participants cannot and should not shoulder the CFPP development risk by themselves. Given the terms of the PSC, UAMPS proposed the New DOE Multi-Year Award , DCRA, and EPC DA commercial structures to prudently de-risk the project without exposing the Participants to unreasonable cost exposure.

In summary, the EPC DA provides for the development of site-specific engineering estimates of total project construction costs. These total project cost estimates are then combined with UAMPS’ development and financing costs. The New DOE Multi-Year Award and the NuScale Cost Contributions are then deducted from these costs to provide a net development cost to UAMPS. This net cost is then combined with the estimated fuel, operating and decommissioning costs of the CFPP and inputted into the LCOE model described in the DCRA to run the ECT. The result of the LCOE model is a dollar per megawatt-hour value which is compared to \$55/ MWH Price Target—this process is what is referred to as “running the ECT”. If an ECT run results in a LCOE greater than \$55/MWh, then UAMPS has an option to cancel the CFPP and receive reimbursement for a portion, depending where the failure occurs in the development schedule, of its net development costs. The last run of the ECT is anticipated to occur immediately before



final notice to proceed to construction is given to Fluor under the EPC Agreement. The below figure illustrates how the ECT process operates, utilizing the LCOE model, and the potential ECT outcomes.



### **Resource Option Analysis**

Forecasting the price of electricity in the future is very difficult given all of the variables that go into such a forecast, but there are a few ways to get around this dilemma. UAMPS evaluated alternatives using the status quo as the assumption for the cost of compliance as to greenhouse gas regulation, that is, there are no compliance costs associated with emitting greenhouse gases. As coal plants in the current portfolio retire, a rational replacement power supply costs would be natural gas fired generation. The least cost method of burning natural gas for electric generation is a natural gas combined cycle gas plant. A natural gas combined cycle gas fired generation resource would provide dispatchable capacity to help integrate additional variable energy sources like solar generation. Using current data for construction costs and today's natural gas prices from a variety of sources, a Levelized Cost of Energy (average cost over life of financing) of \$55/MWh, at a bus bar and in 2018 dollars was established as the cost of UAMPS' alternative.



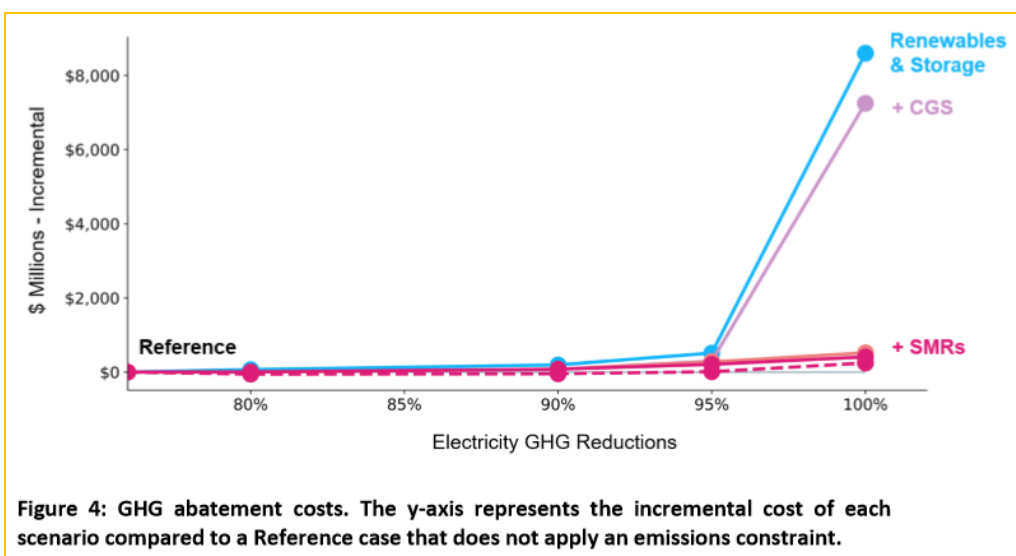
## Analysis

The question of stranded investment is critically important when considering investment into new generation. UAMPS is not concerned about stranded investments in the coal resources in its portfolio given that these resources are all scheduled to be retired by 2030. Two questions need to be considered.

First, we must consider whether a fossil fuel-fired generating facility constructed today will be available for generation 30 years in the future? This uncertainty is due to the potential for some sort of greenhouse gas regulation. To get around this uncertainty, UAMPS decided to pursue a non-carbon based capacity and energy generation resource at the same price as a carbon based capacity and energy generation resource. Thus, \$55/MWh for the CFPP was established (same as natural gas combined cycle generation).

Second, how does a non-carbon based capacity resource with the operating characteristics of the CFPP fit with other future generation resources available to the UAMPS Participants? Renewable generation is the least cost resource option and consequently we firmly believe the UAMPS Participants' portfolios will be comprised of a significant portion of renewables. However, variable energy renewables are currently being supported by a grid that is heavily reliant on fossil-fuel based resources (natural gas and coal). Due to the age of these fossil-based resources and uncertainty on greenhouse gas compliance costs, these resources will be retiring, as stated above. Accordingly, the analysis looks at the right portfolio mix to complement low cost renewables to achieve 100% decarbonization goals for the electric sector—renewables and battery storage or renewables and small modular reactors.

Energy Northwest, the potential operator for the CFPP, recently commissioned a study examining this issue and found a portfolio mix of renewables and small modular reactors to be much more cost effective than renewables and storage (batteries), as illustrated in the chart. It should be noted that the cost of small modular reactors utilized in this study are based on a slightly higher LCOE than the CFPP (\$5-10/MWh higher), and these SMR cost estimates are based on the NuScale design as a second deployment that





would not have the benefit of the DOE cost sharing that the CFPP will realize through the New DOE Multi-Year Award.<sup>1</sup>

As a conclusion, based on the above analysis, the CFPP stands as key development option that is worthy of further pursuit by the Participants as decarbonization trends progress within the industry. Even though the CFPP is not fully subscribed, the current CFPP Entitlement Shares warrant further development work while filling up the remaining subscription is aggressively pursued. Current CFPP Entitlement Shares equate to 213 MW of subscription or 29.7% of the 720 MW. Under the current cost-share arrangements (existing DOE 50/50 cost share and NuScale's Cost Contribution) UAMPS has incurred out of pocket costs of approximately \$2.3M or 20.5% of the total project costs included to date. UAMPS out of pocket cost is within our current entitlement of the plant. With the New DOE Multi-Year Award, UAMPS anticipates additional parties to subscribe to the CFPP, which will further reduce the existing Participants cost exposure to developing the CFPP.

### **Budget & Plan of Finance**

The Budget and Plan of Finance (BPF) required pursuant to Section 601 of the PSC and includes the estimated CFPP costs, milestones to complete Development Work and Construction and a conceptual structure to finance these costs. These costs are to be identified in three time periods; the first phase of the Licensing Period (preparation of COLA & site-specific work), the second phase of the Licensing Period (NRC review of COLA & site-specific work) and the Construction Period.

Currently, the CFPP is working from the Amended B&PF, dated November 20, 2019, which limits Development Costs to \$9,000,000. This spending cap is expected to be depleted by September 30, 2020. Attached is the Revised BPF conditionally adopted by the Project Management Committee on July 15, 2020. It is anticipated that the Project Management Committee will manage further CFPP Development Work under maximum Development Cost allowed for under the Revised BPF by interim budgets adopted by the Project Management Committee.

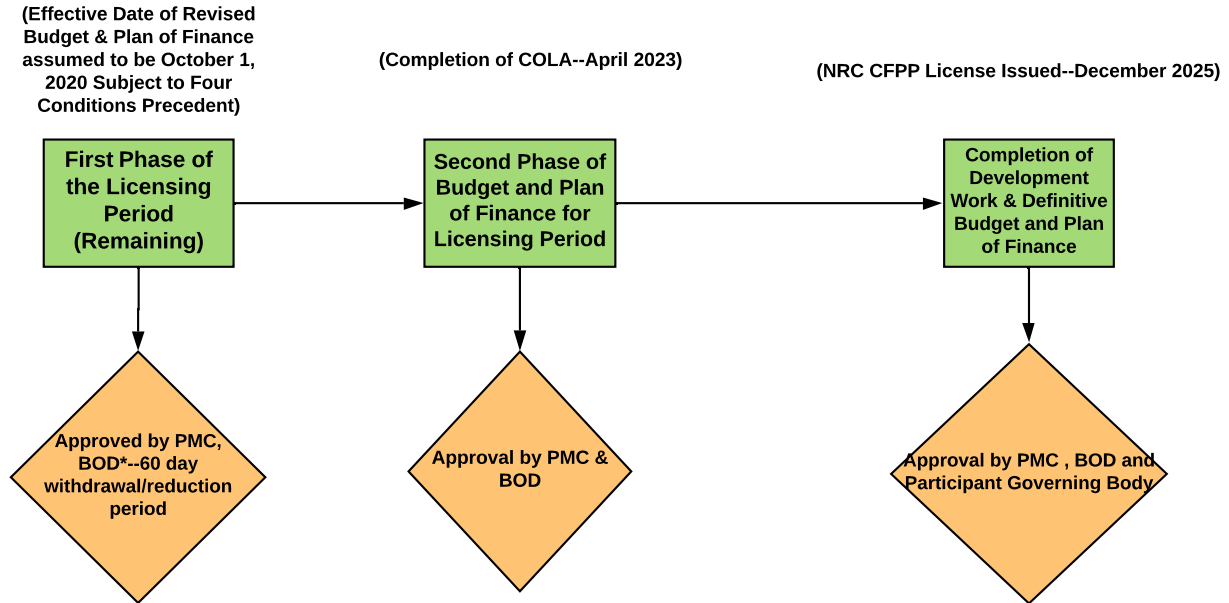
Note that there is a contractual off-ramp for all Participants at the end of the first phase of the Licensing Period, (April 2023, 1<sup>st</sup> Quarter 2023). The below figure illustrates the contractual off-ramps provided to the Participants through the Completion of Development for the CFPP.

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<sup>1</sup> Executive Summary of the E3 Energy Northwest Study available at: <https://www.energy-northwest.com/Documents/E3%20Study%20Executive%20Summary%20final.pdf>. The reference to CGS (the purple line) in the above figure identifies the cost of relicensing the Columbia Generating Station, which is owned and operated by Energy Northwest. As shown above, the relicensing of CGS would be cheaper than a renewable plus storage resource mix.



## Participant Withdrawal & Reduction Rights under the Power Sales Contracts



\*BOD=Board of Directors

Each Approval (diamond shapes) Identified above provide a withdrawal option to each Participant as described in Section 204; Participants can notify intent to withdraw at any point during a Phase but effective date for the withdrawal will be the end of that Phase

### **Budget and Plan of Finance Amendment Process**

Whenever the BPF is amended each Participant has the option to continue with their current Entitlement Share, increase or decrease their Entitlement Share or completely withdraw from the CFPP. A Participant that withdraws from the CFPP will be responsible for its Entitlement Share, before withdrawal, of Development Costs incurred by UAMPS. Such withdrawing Participant will have twelve (12) months to reimburse UAMPS. Maintaining, increasing or decreasing Entitlement Shares will not require UAMPS reimbursement.

### **Conclusion**

The CFPP is on track to meet the \$55/MWh Price Target. The next contractual run of the Economic Competitive Test will occur upon receipt of the Class III cost estimate in late 2021. This

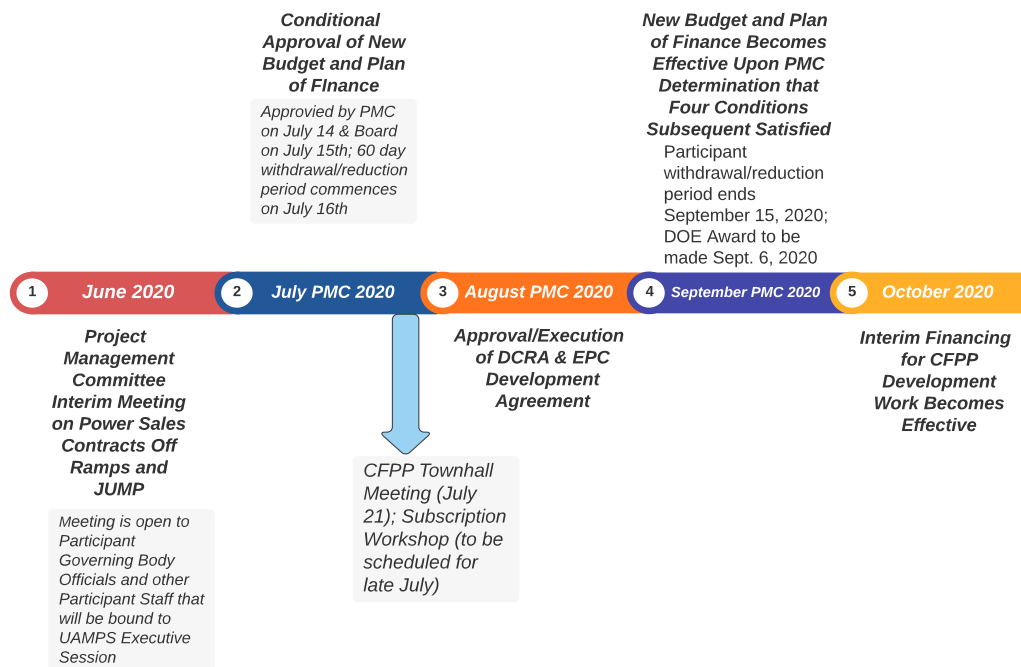


is not a contractual off-ramp for the Participants but is a major decision management point for the Project Management Committee. The total project spend during this time is ~\$63M. The New DOE Multi-Year Award and NuScale cost contributions will cover ~\$52M. UAMPS will have out of pocket costs of ~\$11M. Assuming that Entitlement Shares represent 213 MW or 29.7% of the 720 megawatt project, UAMPS out of pocket of ~\$11M represents 17.7% of the project. If the ECT for Class III fails, then the current language in DCRA requires NuScale to reimburse UAMPS 80% (~\$8.8) leaving UAMPS with out of pocket costs of ~\$2.2M.

UAMPS' approach to the CFPP is carefully phased, with each phase further de-risking the project. A decision to continue participation in the project, given the limited amount of risk to this point, will take UAMPS to the next phase of the project. The CFPP will be further de-risked as the NuScale reactor module is certified by the Nuclear Regulatory Commission, engineering and other costs are further refined, and funding from the New DOE Multi-Year Award starts to flow. In later phases, when larger financial commitments are required, the project will have been substantially de-risked. The below figure outlines the summer CFPP schedule of events leading to an effective Revised Budget and Plan of Finance.

### CFPP Summer of 2020 Schedule

Mason Baker | July 16, 2020





**Utah Associated Municipal Power Systems**  
**Carbon Free Power Project**  
**Amended Budget & Plan of Finance**  
**July 14, 2020**

This is a Revised Budget and Plan of Finance pursuant to Section 601 of the Power Sales Contracts.

Development Costs anticipated to be incurred through September 30, 2020 net of cost share totaling \$3,947,799.

This amendment was conditionally approved by the Project Management Committee on July 14, 2020 and increases the maximum Development Costs as of October 1, 2020 that may be incurred during the Licensing Period – 1st Phase (Remaining) of the Budget and Plan of Finance for the Carbon Free Power Project totaling \$129,931,556 which considers a plan of finance based on a revolving Line of Credit at 4.5 APR (LOC) and without regard to any Department of Energy (DOE) cost share. Taking into account DOE and NuScale cost sharing of \$109,997,644, UAMPS incurred costs are estimated at \$19,933,912 by the end of the first Licensing Period – 1st Phase.

The estimated cost of the Development Phase (Licensing Period Phases 1 & 2) is estimated at \$1,375,150,348 which considers a plan of finance being based on a revolving LOC at 4.5 APR and without regard to any DOE cost share. Taking into account DOE and NuScale cost sharing of \$716,737,874, UAMPS incurred costs are estimated at \$658,412,474.

Acquisition & Construction costs are estimated \$6,124,293,710 which considers a plan of finance being based on a revolving LOC at 6.1 APR and without regard to any DOE cost share. Taking into account DOE and NuScale cost sharing of \$1,364,758,229, UAMPS incurred costs are estimated at \$4,759,535,481.

The CFPP Estimated Timeline for the Development & Construction of Initial Facilities—Section 601(a)(iii) is noted below:

	<b>Start</b>	<b>Finish</b>	<b># of Mos.</b>
Interim Period – FY 2018 (PSC Executed)	April 2017	March 2018	<b>12</b>
Licensing Period – 1 <sup>st</sup> Phase (COLA Submittal)	April 2018	April 2023	<b>61</b>
Licensing Period – 2 <sup>nd</sup> Phase (COLA Issued)	May 2023	November 2025	<b>31</b>
Construction Period (Commercial Operation Date)	December 2025	June 2030 <sup>1</sup>	<b>55</b>

The Price Target (2018\$) Estimated range based on the current Budget and Plan of Finance – Section 601(a)(iv) is \$55 to \$65 per MWh.

Throughout all phases, interest will be capitalized to eliminate any need for cash outlays from the Participants.

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<sup>1</sup>The first module is anticipated to come online June 2029. All modules are anticipated to be online by June 2030, which will mark the Commercial Operation Date for the Project, as determined by the Project Management Committee.



**Proposed funding and financing arrangements – Licensing Period (Section 601(a)(v))**

The financial products that are being considered during the Licensing Period of the Project would be as follows:

<b>Financial Products</b>	<b>Amount</b>	<b>Interest Rate</b>	<b>Term</b>
Bank Line of Credit	\$	TBD	Max Limit
Bond Anticipation Note		TBD	
DOE Cost share – COLA		N/A	N/A
NuScale Cost Share – COLA		N/A	N/A
Other		N/A	N/A

**Proposed funding and financing arrangements – Construction Period (Section 601(a)(vi))**

During the Construction Period, the goal will be to minimize interest cost by utilizing different sources of funding at different times. The LOC, short term debt, long term debt, and DOE Loan Guarantee and accessing the general capital markets will be considered to complete funding. Market conditions will be assessed and ongoing capital needs will impact the total costs.

The long-term capital for the Costs of Acquisition and Construction of the CFPP is anticipated to be fixed rate bonds.

The financial products that are being considered during this phase of the Project would be as follows:

<b>Financial Project</b>	<b>Amount</b>	<b>Interest Rate</b>	<b>Term</b>
Tax Exempt Municipal Bonds	\$	TBD	40 year
Variable Rate Demand Obligations		TBD	40 year
DOE Loan Guarantees		TBD	30 year
Bank Line of Credit		TBD	Max Limit
Bond Anticipation Note		TBD	LT Bond
Taxable Municipal Bonds		TBD	40 year
Additional DOE Cost Share		N/A	N/A
Additional NuScale Cost Share		N/A	N/A
Capital Contributions		N/A	N/A
Other		N/A	N/A

This table is anticipated to be completed at the time of Completion of Development and prior to the beginning of the Construction Period.



## **Forecasted Participant Development Costs**

### **County of Los Alamos**

The County of Los Alamos' maximum Development Costs for Licensing Period – Phase 1 (remaining) are \$6,823,485.59 (exclusive of DOE and NuScale cost sharing).

Including DOE and NuScale cost sharing, the County of Los Alamos' share of UAMPS' incurred costs for Licensing Period – Phase 1 (remaining) are estimated at \$1,046,849.32. The end of the first Licensing Period – 1<sup>st</sup> Phase is anticipated in April of 2023.