

INCORPORATED COUNTY OF LOS ALAMOS CODE ORDINANCE NO. 02-280

AN ORDINANCE TO AMEND SECTION 40-64 OF THE LOS ALAMOS COUNTY CODE OF ORDINANCES TO PROVIDE AUTHORITY TO COUNCIL AND THE BOARD OF PUBLIC UTILITIES TO TRANSFER REVENUES OR FUNDS OF A SYSTEM TO ANOTHER SYSTEM

WHEREAS, the Incorporated County of Los Alamos ("County") Council in 1986 adopted, in Ordinance No. 85-20, establishing various financial policies for the County's Department of Public Utilities ("Department" or "DPU"); and

WHEREAS, Section 40-64 currently requires that the Department maintain separate financial records and accounts for each utility system (e.g., gas, water, wastewater, electric); and

WHEREAS, Section 40-64 also further limits and restricts the transfer of one utility system revenue to another utility system; and

WHEREAS, the County Council finds that on rare occasions the need to rebalance reserve levels between the County-owned electric, gas, water and utility systems may arise; and

WHEREAS, to insure that such rebalancing of reserve levels between the County-owned electric, gas, water and utility systems can occur, but only occur under rare circumstance, the County Council finds that the below ordinance amendment is needed and necessary.

BE IT ORDAINED BY THE GOVERNING BODY OF THE INCORPORATED COUNTY OF LOS ALAMOS:

Section 1. Article II, Division 2, of Chapter 40 of the Los Alamos County Code of Ordinances Section 64 is hereby amended as follows:

Sec. 40-64. - Separate accounts for separate utilities systems.

Separate financial records and accounts shall be kept for each utility system following, to the extent practicable, the system of accounts and the rules and regulations promulgated by the Federal Energy Regulatory Commission (or its successor). Each utility system shall be operated as an independent organization, unless otherwise provided, and insofar as joint operations are directed, the expenses shall be equitably prorated among the systems. Direct transfers of revenues or funds of a system shall not be made for the purpose of supporting another system unless approved by the board of public utilities and county council.

Section 2. Effective Date. This Ordinance shall become effective thirty (30) days after notice is published following its adoption.

Section 3. Severability. Should any section, paragraph, clause or provision of this ordinance, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance.

Section 4. Repealer. All ordinances or resolutions, or parts thereof, inconsistent here with are hereby repealed only to the extent of such inconsistency. This repealer shall not be construed to revive any ordinance or resolution, or part thereof, heretofore repealed.

PASSED AND ADOPTED this _____, day of _____ 2017.

INCORPORATED COUNTY OF LOS ALAMOS

David Izraelevitz, Council Chair

ATTEST:

Naomi D. Maestas
Los Alamos County Clerk