

Minutes

County Council – Regular Session

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

Tuesday, February 27, 2018

6:00 PM

Council Chambers-1000 Central Avenue

TELEvised

1. OPENING/ROLL CALL

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

The following Councilors were in attendance:

Present: 6 - Councilor Izraelevitz, Councilor Chandler, Councilor Chrobocinski,
Councilor Maggiore, Councilor O'Leary, and Councilor Sheehey

Remote: 1 - Councilor Reiss

2. PLEDGE OF ALLEGIANCE

Led by: All

3. STATEMENT REGARDING CLOSED SESSION

A motion was made by Councilor Chandler, seconded by Councilor Maggiore, that Council approve the following statement for inclusion in the minutes: "The matters discussed in the closed session held on February 15, 2018 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 acclamation with the following vote:

Yes: 6 - Councilor Izraelevitz, Councilor Chandler, Councilor Chrobocinski,
Councilor Maggiore, Councilor Reiss, and Councilor Sheehey

Abstain: 1 - Councilor O'Leary

4. PUBLIC COMMENT

Mr. James Whitehead, 200 Camino Encantado, spoke regarding a letter to the editor written May 21, 2017 and announced his candidacy for Sheriff.

5. APPROVAL OF AGENDA

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

The motion passed by acclamation with the following vote:

Yes: 7 - Councilor Izraelevitz, Councilor Chandler, Councilor Chrobocinski, Councilor Maggiore, Councilor O'Leary, Councilor Reiss, and Councilor Sheehey

6. PUBLIC COMMENT FOR ITEMS ON CONSENT AGENDA

None.

7. CONSENT AGENDA

Consent Motion:

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

- A. Award of Bid No. IFB18-19 in the Amount of \$929,856 plus Applicable Gross Receipts Tax to American Environmental Group LTD, LLC for the Landfill Gas Collection and Control System Project; Establish a Project Budget in the Amount of \$1,281,490.00; Approve Related Budget Revision 2018-11 in the Amount of \$281,490; and approve Amendment No.1 to Agreement No. 16-060 with Stearns, Conrad and Schmidt Consulting for Engineering and Design Services increasing compensation in the amount of \$83,550.00

I move that Council Award Bid No. IFB18-19 in the Amount of \$929,856 plus Applicable Gross Receipts Tax to American Environmental Group LTD, LLC for the Landfill Gas Collection and Control System Project; Establish a Project Budget in the Amount of \$1,281,490; Approve Related Budget Revision 2018-11 in the Amount of \$281,490; and approve Amendment No.1 to Agreement No. 16-060 with Stearns, Conrad and Schmidt Consulting for Engineering and Design Services increasing compensation in the amount of \$83,550.00.

- B. Award of Bid No. IFB18-22 for the Purpose of Otowi Well #2 Transmission Line Improvements with General Hydronics Utilities, Inc. in the Amount of \$181,775.88, plus Applicable Gross Receipts Tax

I move that Council approve the Award of Bid No. 18-22 for the Purpose of the Otowi Well #2 Transmission Line Improvements with General Hydronics Utilities, Inc. in the amount of \$181,775.88 and a contingency in the amount of \$25,000.00, for a total of \$206,775.88, plus Applicable Gross Receipts Tax.

- C. Acceptance of the Tourism Strategic Plan and Consideration of an Ad Hoc Tourism Implementation Task Force

I move to accept the Tourism Strategic Plan, appoint an Ad Hoc Tourism Implementation Task Force composed of tourism stakeholders and citizens, direct staff to return to Council with proposed members and charter of Task Force in the next 45 days.

D. Consideration of Budget Revision 2018-12

I move that Council approve Budget Revision 2018-12 as summarized on attachment A and that the attachment be made a part of the minutes of this meeting.

E. Approval of the Transfer of Profit from Electric and Gas Funds to the General Fund for Operations During Fiscal Year 2017

I move that Council approve the transfer of revenues from the electric and gas funds to the general fund for electric and gas operations during fiscal year 2017 in accordance with Incorporated County of Los Alamos Resolution 97-07.

F. County Council Minutes for January 30, 2018 and February 6, 2018

I move that Council approve the County Council Minutes for January 30, 2018 and February 6, 2018.

Approval of the Consent Agenda:

The motion passed with the following vote:

Yes: 7 - Councilor Izraelevitz, Councilor Chandler, Councilor Chrobocinski, Councilor Maggiore, Councilor O'Leary, Councilor Reiss, and Councilor Sheehey

8. PUBLIC HEARING(S)

A. Incorporated County of Los Alamos Ordinance No. 677. An Ordinance Authorizing Revision No. 2018-01 In Textual form to the Official Zoning Map of Los Alamos County by Rezoning Two (2) Contiguous Parcels with a total of approximately 1.44 acres of land located at 555 Oppenheimer, owned by 555 Oppenheimer Condominium Association, Inc., and 557 Oppenheimer, owned by Los Alamos Professional Investment Partnership, Timber Ridge Subdivision 2, Unit 2, Lot 1 and Lot 2, from P-O (Professional Office District) to MU (Mixed Use)

Mr. Harry Burgess, County Manager, spoke.

Mr. Andrew Harnden, Housing and Special Projects Manager, presented.

Mr. Alvin Leaphart, County Attorney, spoke.

Mr. Kevin Powers, Assistant County Attorney, spoke.

Mr. Paul Andrus, Community Development Director, spoke.

Mr. Ryan Markey, Applicant, spoke.

Public Comment:

None.

A motion was made by Councilor Chrobocinski, seconded by Councilor Sheehey, that Council adopt Incorporated County of Los Alamos Ordinance No. 677 Authorizing Revision No. 2018-01 In Textual form to the Official Zoning Map of Los Alamos County by Rezoning Two (2) Contiguous Parcels with a total of approximately 1.44 acres of land located at 555 Oppenheimer, owned by 555 Oppenheimer Condominium Association, Inc., and 557 Oppenheimer, owned by Los Alamos Professional Investment Partnership, Timber Ridge Subdivision 2, Unit 2, Lot 1 and Lot 2, from P-O (Professional Office District) to MU (Mixed Use); and further moved that the Ordinance be published in summary form.

The motion passed with the following vote:

Yes: 6 - Councilor Izraelevitz, Councilor Chrobocinski, Councilor Maggiore, Councilor O'Leary, Councilor Reiss, and Councilor Sheehey

No: 1 - Councilor Chandler

9. COUNCIL BUSINESS

A. Appointments

1) Board/Commission Appointments for the Planning and Zoning Commission

Councilor Chrobocinski left during the discussion of this item, at 6:52 p.m.

Councilor Chrobocinski arrived during the discussion of this item, at 6:53 p.m.

A motion was made by Councilor Maggiore to nominate Ralph Chapman, Jean Dewart, Todd Haagenstad, Neal Martin, Beverly Neal-Clinton, Dave North, Terry Priestley, Jacqueline Shen, Richard Thompson, or April Wade to fill five (5) vacancies on the Planning and Zoning Commission; and further moved that Council appoint the five (5) nominees to the vacant positions by roll call vote. The nominees with the three highest votes of four or more will be appointed to the terms beginning April 01, 2018 and ending on March 31, 2021 and the two nominees with the next highest votes of four or more will fill partial terms ending on March 31, 2019.

Councilor Izraelevitz called for a roll call vote to appoint members to the Planning and Zoning Commission.

Councilor's Sheehey, O'Leary, and Chrobocinski voted for:
Ralph Chapman

Councilor's Izraelevitz, Sheehey, Chandler, Maggiore, and Reiss voted for:
Jean Dewart

Councilor O'Leary voted for:
Todd Haagenstad

Councilor's Izraelevitz, Chandler, Chrobocinski, Maggiore, O'Leary, Sheehey, and Reiss voted for:
Neal Martin

Councilor's Izraelevitz, Chandler, Chrobocinski, Maggiore, O'Leary, Sheehey, and Reiss voted for:
Beverly Neal Clinton

Councilor's Izraelevitz, Chandler, Chrobocinski, Maggiore, Sheehey, and Reiss voted for:
Terry Priestly

Councilor Chrobocinski voted for:
Jacqueline Shen

Councilor's Izraelevitz, Chandler, Maggiore, O'Leary, and Reiss voted for:
April Wade

After a roll call vote, Neal Martin, Beverly Neal Clinton, and Terry Priestly were appointed to the Planning and Zoning Commission for the terms beginning April 01, 2018 and ending on March 31, 2021; Jean Dewart, and April Wade were appointed to the Planning and Zoning Commission for partial terms ending on March 31, 2019.

A motion was made by Councilor Maggiore, seconded by Councilor Chrobocinski, that Council acknowledge that Terry Priestley intends to continue serving on the Personnel Board while serving on the Planning and Zoning Commission, Council finds these two positions not incompatible, Council approves of him serving concurrently on both boards, and hereby appoints Terry Priestley to the Planning and Zoning Commission.

The motion passed with the following vote:

Yes: 7 - Councilor Izraelevitz, Councilor Chandler, Councilor Chrobocinski, Councilor Maggiore, Councilor O'Leary, Councilor Reiss, and Councilor Sheehey

2) Board/Commission Appointment-Transportation Board

A motion was made by Councilor Maggiore to nominate Julie Bennett, Terence Foecke, Neal Martin, Ryan McIntyre, David Sherrill, Sriram Swaminarayan, and Kyle Wheeler for the Transportation Board to fill three full term vacant positions which begin March 1, 2018, and end on February 28, 2020 and one partial term which begins March 1, 2018 and ends February 28, 2019. By roll call vote, Councilors vote for four (4) nominees and the three (3) with the highest vote totals of four or more will be appointed to fill the three (3) full terms which will expire on February 28, 2020. The next highest nominee with a vote of four or more will be appointed to a partial term ending February 28, 2019.

Councilor Izraelevitz called for a roll call vote to appoint members to the Transportation Board.

Councilor's Izraelevitz, Chandler, Chrobocinski, Maggiore, O'Leary, Sheehey, and Reiss voted for:
Julie Bennett

Councilor's Izraelevitz, Chandler, Chrobocinski, Maggiore, O'Leary, Sheehey, and Reiss voted for:
Terence Foecke

Councilor Izraelevitz voted for:
Ryan McIntyre

Councilor's Izraelevitz, Chandler, Chrobocinski, Maggiore, O'Leary, Sheehey, and Reiss voted for:
Sriram Swaminarayan

Councilor's Chandler, Chrobocinski, Maggiore, O'Leary, Sheehey, and Reiss voted for:
Kyle Wheeler

After a roll call vote, Julie Bennett, Terence Foecke, and Sriram Swaminarayan were appointed to the Transportation Board for the full terms positions which begin March 1, 2018, and end on February 28, 2020, Kyle Wheeler was appointed to the Transportation Board for the partial term which begins March 1, 2018 and ends February 28, 2019.

B. Board, Commission and Committee Liaison Reports

None.

C. County Manager's Report

1) County Manager's Report for February 2018

County Manager Harry Burgess reported on the case regarding the Pajarito Cliffs Site, in the month of January residential and commercial permits exceeded the sales from last year at this same time, there is a new play lot at East Park, the median at 36th and Arizona is planted and has a watering system in place, mitigation activities are being planned in the graduated canyon area, 55 wayfinding signs were installed on the trails in the month of January, the Teen Center has achieved LEED Certified status, HVAC and lighting upgrades will occur in August, roll carts for yard trimmings are available free of charge, and Buzz buses will be available on March 17.

D. Council Chair Report

Councilor Izraelevitz reported that Council is awaiting a decision on Senate Bill 17.

E. General Council Business

1) Approval of the 2018 Federal Agenda

Mr. Harry Burgess, County Manager, spoke.

Public Comment:

None.

A motion was made by Councilor Maggiore, seconded by Councilor Chandler, that Council adopt the Los Alamos County 2018 Federal Agenda with the following amendment; the request for \$229 million in EM funds be changed to \$214 million.

The motion passed with the following vote:

Yes: 7 - Councilor Izraelevitz, Councilor Chandler, Councilor Chrobocinski, Councilor Maggiore, Councilor O'Leary, Councilor Reiss, and Councilor Sheehey

2) Incorporated County of Los Alamos Resolution No. 18-04: A Resolution Supporting the Retention and Expansion of Plutonium Pit Production at Los Alamos National Laboratory

Mr. Harry Burgess, County Manager, spoke.

Public Comment:
None.

A motion was made by Councilor Chandler, seconded by Councilor Chrobocinski, that Council adopt Incorporated County of Los Alamos Resolution No. 18-04, a resolution supporting the Retention and Expansion of Plutonium Pit Production at Los Alamos National Laboratory.

The motion passed with the following vote:

Yes: 7 - Councilor Izraelevitz, Councilor Chandler, Councilor Chrobocinski, Councilor Maggiore, Councilor O'Leary, Councilor Reiss, and Councilor Sheehey

3) Approval of 2018 Strategic Leadership Plan Update

Mr. Harry Burgess, County Manager, spoke.

Public Comment:
None.

A motion was made by Councilor Reiss, seconded by Councilor Sheehey, that Council approve the Los Alamos County updated 2018 Strategic Leadership Plan with the amendments noted by the chair as follows: Economic Vitality: Promote vitality in our neighborhoods and downtown areas and eliminate blight in Los Alamos and White Rock as part of an overall property maintenance and beautification effort; Quality Governance: Maintain and improve quality essential services and supporting infrastructure including updated enterprise software and permitting.

The motion passed with the following vote:

Yes: 7 - Councilor Izraelevitz, Councilor Chandler, Councilor Chrobocinski, Councilor Maggiore, Councilor O'Leary, Councilor Reiss, and Councilor Sheehey

F. Approval of Councilor Expenses

A motion was made by Councilor Maggiore, seconded by Councilor Chandler, to approve travel expenses for Councilors to attend the ECA (Energy Communities Alliance) trip and the Regional Coalition in April.

The motion passed by acclamation with the following vote:

Yes: 7 - Councilor Izraelevitz, Councilor Chandler, Councilor Chrobocinski, Councilor Maggiore, Councilor O'Leary, Councilor Reiss, and Councilor Sheehey

G. Preview of Upcoming Agenda Items

None.

10. COUNCILOR COMMENTS

Councilor O'Leary thanked the tourism work group for volunteering their time and guidance.
Councilor Chandler acknowledged Councilor Izraelevitz and Councilor Reiss for the coordination and work they did on Senate Bill 17.

11. PUBLIC COMMENT

Mr. Michael Redondo, 390 Manhattan Loop, advised board of adjustment meetings have been postponed due to the lack of a quorum and requested those who were appointed to be notified soon.

12. ADJOURNMENT

The meeting adjourned at 8:06 p.m.

INCORPORATED COUNTY OF LOS ALAMOS

David Izraelevitz, Council Chair

Attest:

Naomi D. Maestas, County Clerk

Meeting Transcribed by: Victoria L. Martinez, Deputy Clerk

Title

February 27, 2018 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 that was held on February 22, 2018 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."

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

Proposed change for Agenda item 9.E. 1) 10228-18 Approval of the 2018 Federal Agenda

February 27, 2018

Councilors,

Since publishing the agenda I have received notification from the local DOE-EM office that their intent is to request \$214 million for activities during the next fiscal year as opposed to the \$229 million stated in our proposed Federal Legislative Agenda (contained within this evening's packet). In order to be consistent with their proposed ability to achieve such programmatic expenditures, I suggest that the number be changed within the item's consideration this evening, as illustrated on the attached (revised) version.

-Harry Burgess



2018 LOS ALAMOS COUNTY (FY19) FEDERAL AGENDA PRIORITY ISSUES

LOS ALAMOS
where discoveries are made

2018 LOS ALAMOS COUNTY (FY19) FEDERAL AGENDA PRIORITY ISSUES

The following are the 2018 top priorities for the Incorporated County of Los Alamos, New Mexico (the "County"):

- ❖ NNSA Must Take Into Account the Potential Negative Impacts to the State of NM and County When Awarding the LANL Management Contract
- ❖ Fully Fund National Security And Science at Los Alamos National Laboratory ("LANL") including the Plutonium Pit Mission
- ❖ Fund \$214 Million for Environmental Cleanup Funding at LANL
- ❖ Manhattan Project National Historical Park Funding - Add Tunnel Vault Site to and Fund Implementation

I. NNSA Must Take Into Account the Potential Negative Impacts to the State of NM and County When Awarding the LANL Management Contract

NNSA's contracting decisions at LANL can negatively impact LANL operations, the County and the State of New Mexico if NNSA selects an entity that is exempt from a majority of State taxes to operate LANL when the management contract expires in September 2018. Department of Energy ("DOE")/National Nuclear Security Administration ("NNSA") expects to award the new contract in FY 2019.

LANL has been a major economic driver for the state of New Mexico as one of the biggest employers in the County and the region. The current LANL contractor, as a for-profit management consortium, currently contributes approximately \$80 million in annual tax revenues to the County and State of New Mexico ("State"). These tax revenues are necessary to support public services in the County, such as funding for schools, transportation and infrastructure, and public safety, including fire and police services—all which benefit LANL in its recruitment and retention of employees and its operations of the site.

A taxable structure must be given priority for managing the lab. A tax-exempt structure for LANL would negatively affect the State and County, negatively impact the LANL mission and increase the costs of operating LANL, lead to large layoffs, and create an adverse effect on job retention, economic opportunities, and services for LANL and the entire Northern New Mexico region.

II. Fully Fund National Security and Science at Los Alamos National Laboratory ("LANL") including the Plutonium Pit Mission

LANL is the top national defense laboratory in the country and provides a key role for our national defense. The plan to move a multi-billion critical piece of the nation's defense –

Nuclear Weapons Pit Production¹ - *for political reasons only* is misguided and will cost the country tens of billions of dollars and will negatively impact our defenses. There are easier ways to mitigate the impact of not moving forward with MOX in South Carolina than to create a new multi-billion dollar facility while attempting to relocate the engineers and highly trained professionals that actually manufacture the pits across the country, and hope that NNSA can actually get the facility up and running within a ten (10) year time frame. The plan is a misguided path to push a key piece of our national defense backwards. Further, moving this key national defense function and not investing in New Mexico while asking our State to accept the movement of more nuclear waste from South Carolina to New Mexico is an interesting strategy for the Department of Energy. We ask NNSA and DOE to make this decision quickly as it will impact national defense.

As a key piece of America's scientific and defense infrastructure, LANL must be funded to support and enhance its scientific vitality, long-term sustainability, and safe operation. LANL's scientific expertise is a common foundation for both its traditional nuclear security missions and its contributions to other crucial and complex national technical challenges.

Congress must recognize that ensuring funding for the lab will have a profound impact on the important work that comes out of LANL in meeting our nation's national security mission. Congress must also recognize that investing in the modernization of LANL means the creation of new jobs in northern New Mexico.

NNSA approved LANL's modular approach to plutonium manufacturing. This approach replaced the suspended Chemistry Metallurgy and Research Replacement (CMRR) program and provides NNSA with "high-hazard, high-security laboratory space" for LANL's plutonium operations with separate, less expensive facilities. The project is expected to be completed between 2025 and 2027 with costs estimating between \$1.3 billion and \$3 billion. Moving this mission would cost tens of billions of dollars.

The Administration must request funds for continuing LANL's modernization project for FY 2019 and create a path forward for the plutonium management approach project. Congress should appropriate funds to successfully support the project. Further delays impact our national defense. LANL modernization must continue and should be fully funded.

¹ The National Defense Authorization Act for Fiscal Year 2018 requires the Administration to justify consideration of shifting LANL's plutonium capabilities prior to moving the capability to any location other than Los Alamos (Sec. 3141). The language will require NNSA to disclose the actual cost of any potential movement of the mission. The provision also states that, "if by 150 days after the date of enactment of this Act the Administrator has not yet identified the preferred alternative or if the Chairman of the Nuclear Weapons Council has not provided the required certification that the chosen alternative meets the criteria as laid out, the Administrator shall carry out the modular building strategy (as defined in section 3114(c)(3) of the National Defense Authorization Act for Fiscal Year 2013 (P.L. 112-239)) at Los Alamos National Laboratory."

III. Fund \$214 Million for Environmental Cleanup Funding at LANL

The Administration should request and Congress should **appropriate \$214,000,000 for environmental cleanup at LANL** – the level of cleanup funding required to address human health and the environment and State legal agreements.

Recent Congressional appropriations and DOE's budget requests have not been adequate to achieve cleanup goals and address health and environmental concerns. Environmental cleanup at LANL is still in flux and has faced significant challenges in the last few years. DOE's cost analysis has identified nearly \$4 billion in cleanup needs at over 955 sites.

The County's goal is for DOE/NNSA/LANL to return to the successes that the program enjoyed for several years – when adequate cleanup funding was available.

For several years New Mexico's Congressional Delegation and NMED have clearly identified that DOE needs to provide at least \$229,000,000 in **adequate** cleanup funding for LANL. This amount would continue to facilitate cleanup that is protective of human health and the environment. The Administration should request and Congress should appropriate sufficient funding in FY 2019 for DOE to meet its legal requirements for cleanup at LANL.

Further, cleanup funding is critical to implement land transfer activities in Los Alamos. The land transfer activities have contributed significantly to the economy and have saved DOE cleanup and maintenance funds.

Funding should also continue to be provided to support the Regional Coalition of LANL Communities. The group has educated and engaged local and pueblo government leaders around Northern New Mexico in environmental cleanup to a level never achieved by any other program. The organization is critical to the cleanup at LANL.

IV. Manhattan Project National Historical Park Funding – Add the Tunnel Site as an Eligible Site

The County requests continued support for the Park in appropriations from both DOI and DOE. It is important for DOE and DOI to continue to work together and to include the County (along with Oak Ridge and the Hanford communities) in discussions regarding the development and implementation of the general management plan. A total of \$30 million should be appropriated to support the three Manhattan Project National Historical Park communities.

In 2015, the National Park Service established the Manhattan Project National Historical Park. DOE and the Department of the Interior (DOI) are now working together to ensure the Park's implementation.

At this moment, the Manhattan Project National Historical Park does not include access to the Tunnel Vault located in Los Alamos canyon – an important Cold War era facility. The County asks that Congress amend the Manhattan Project National Historical Park statute 16

U.S.C. § 410uuu to include the Tunnel Vault, located in Los Alamos canyon at Technical Area 41. The proposed amendment language is set forth below:

SEC. __. AMENDING THE MANHATTAN PROJECT NATIONAL HISTORICAL PARK.

16 U.S.C. § 410uuu is amended by adding the following as subparagraph (c)(2)(B)(iv):

“(iv) the Tunnel Vault, located in Los Alamos canyon, at Technical Area 41.”

Proposed Conference Report Language:

This amendment would reserve and make the Tunnel Vault, located at Los Alamos canyon, at Technical Area 41 eligible for access under the Manhattan Project National Historical Park and provide visitors access to a Cold War era facility from the Los Alamos community.

Please contact Linda Matteson at linda.matteson@lacnm.us with any questions.