



County of Los Alamos

Los Alamos, NM 87544
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Minutes

County Council – Regular Session

*David Izraelevitz, Council Chair; Christine Chandler, Vice Chair;
James T. Chrobocinski, Antonio Maggiore, Susan O'Leary,
Rick Reiss and Pete Sheehey, Councilors*

Tuesday, April 3, 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 6:02 p.m.

The following Councilors were in attendance:

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

Absent: 1 - Councilor Chrobocinski

2. PLEDGE OF ALLEGIANCE

Led by: All

3. PUBLIC COMMENT

Mr. Greg White, 600 San Ildefonso, spoke regarding suits against the County.
Ms. Helen Milenski, 1651 36th Street, spoke regarding the purchase of an unmanned aerial vehicle.
Ms. Dawn Trujillo Voss, 256 Canada Way, spoke regarding the carbon free project.
Ms. Anne Dillane, 1247 Central, spoke regarding weed nuisance.

4. APPROVAL OF AGENDA

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

The motion passed by acclamation with the following vote:

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

Absent: 1 - Councilor Chrobocinski

5. PRESENTATIONS, PROCLAMATIONS AND RECOGNITIONS

- A. Proclamation declaring the Month of April as "Donate Life Month" in Los Alamos County
Councilor Reiss read and presented the Proclamation to Ms. Cathy Walters, Donate Life Committee.
- B. Proclamation Declaring Saturday, April 28, 2018, as "Clean Up Los Alamos Day"
Councilor Sheehey read and presented the Proclamation to Ms. Angelica Gurule, Environmental Services Manager.
- C. Proclamation designating the Week of April 8-14, 2018 as "Crime Victims' Rights Week" in Los Alamos County
Councilor Maggiore read and presented the Proclamation to Chief Dino Sgambellone, Los Alamos Police Department.
- D. Recognition - Los Alamos Police Department Official Earns National Accreditation
Mr. Harry Burgess, County Manager, spoke and recognized Chief Dino Sgambellone, Los Alamos Police Department.

No action taken.

- E. Scope of Action for Regional Coalition of LANL Communities (RCLC) Investigation
Mr. Alvin Leaphart, County Attorney, spoke.
Ms. Samantha Adams, Adams + Crow Law Firm, spoke.
Mr. Billy Jimenez, Adams + Crow Law Firm, spoke.

No action taken.

- F. Public Health Office Presentation
Mr. Brian Brogan, Community Services Department Director, presented.
Mr. Harry Burgess, County Manager, spoke.

Public Comment:
None.

No action taken.

6. PUBLIC COMMENT FOR ITEMS ON CONSENT AGENDA

Mr. Brady Burke, 2310 39th Street, spoke regarding the Tourism Strategic Plan.

7. CONSENT AGENDA

Consent Motion:

A motion was made by Councilor Reiss, 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. Approval of Amendment No. 4 to Services Agreement No. AGR 12-3838 with John & Hengerer for a Revised Total Agreement Amount of \$395,000.00, plus Applicable Gross Receipts Tax for the Purpose of Providing Legal Services to the Incorporated County of Los Alamos Relating to Matters Pending Before the Federal Energy Regulatory Commission and/or Other Federal Agencies Involved in Energy Regulation

I move that Council approve, Amendment No. 4 to Services Agreement No. AGR 12-3838 with John & Hengerer for a Revised Total Agreement Amount of \$395,000.00, plus Applicable Gross Receipts Tax for the Purpose of Providing Legal Services to the Incorporated County of Los Alamos Relating to Matters Pending Before the Federal Energy Regulatory Commission and/or Other Federal Agencies Involved in Energy Regulation.

- B. Approval of Amendment No. 1 to Services Agreement No. AGR 16-4270 with Virtue & Najjar, P.C. in an Amount of \$200,000.00 for the period commencing July 1, 2018 through June 30, 2021, resulting in a Revised Total Agreement Amount of \$400,000.00, plus Applicable Gross Receipts Tax, for the Purpose of Providing Legal Services in Connection with the Incorporated County of Los Alamos' Utilities Operations

I move that Council approve Amendment No. 1 to Services Agreement No. AGR 16-4270 with Virtue & Najjar, P.C. in an Amount of \$200,000.00 for the period commencing July 1, 2018 through June 30, 2021, resulting in a Revised Total Agreement Amount of \$400,000.00, plus Applicable Gross Receipts Tax, for the Purpose of Providing Legal Services in Connection with the Incorporated County of Los Alamos' Utilities Operations.

- C. Incorporated County of Los Alamos Resolution No.18-07. A Resolution Supporting Continued Service by the New Mexico Rail Runner Express

I move that Council adopt Incorporated County of Los Alamos Resolution No. 18-07, a Resolution Supporting Continued Service by the New Mexico Rail Runner Express

- D. Approval of AGR18-41, San Juan Generating Station Decommissioning Trust Agreement

I move that Council approve AGR18-41 with Bank of Albuquerque for establishment of a Trust for the purpose of fulfilling the County's funding obligation under the San Juan Generating Station Decommissioning Trust Funds Agreement.

- E. County Council Minutes for March 5, 2018, March 6, 2018, and March 20, 2018

I move that Council approve the County Council Minutes for March 5, 2018, March 6, 2018, and March 20, 2018.

- F. Approval of the Tourism Implementation Task Force Charter

I move to approve the Tourism Implementation Task Force Charter and direct staff to begin recruitment of members.

- G. Approval of the North Central Regional Transit District Intergovernmental Contract

I move that Council approve the North Central Regional Transit District Intergovernmental Contract Agreement that is an update with addition of Village of Chama to this contract thereby confirming and awarding the membership and voting rights of all the members listed in this agreement.

Approval of the Consent Agenda:

The motion passed with the following vote:

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

Absent: 1 - Councilor Chrobocinski

8. INTRODUCTION OF ORDINANCE(S)

- A.** Incorporated County of Los Alamos Code Ordinance No. 02-285, A Code Ordinance amending Chapter 8 To Add An Article XV to Create A Community Development Advisory Board.

Councilor O'Leary introduced, without prejudice, Incorporated County of Los Alamos Code Ordinance No. 02-285, a Code Ordinance amending Chapter 8 to Add an Article XV to Create a Community Development Advisory Board.

- B.** Incorporated County of Los Alamos Code Ordinance No. 02-286, A Code Ordinance amending Chapter 18, Section 36, To Increase The Minimum Number of Day a Notice Provided to a Landowner to Correct a Violation Prior to Issuance of a Citation

Councilor Reiss introduced, without prejudice, Incorporated County of Los Alamos Code Ordinance No. 02-286, a Code Ordinance amending Chapter 18, Section 36, to Increase the Minimum Number of Days a Notice Provides to a Landowner to Correct a Violation Prior to Issuance of a Citation.

- C.** Incorporated County Of Los Alamos Ordinance No. 02-281; An Ordinance Repealing Ordinances 571 and 664 in their Entirety and Enacting and Amending Certain Affordable Housing Provisions Into the Los Alamos County Code of Ordinances

Councilor Chandler Introduced, without prejudice, Incorporated County Of Los Alamos Ordinance No.02-281; An Ordinance Repealing Ordinances 571 and 664 in their Entirety and Enacting and Amending Certain Affordable Housing Provisions Into the Los Alamos County Code of Ordinances.

9. PUBLIC HEARING(S)

- A.** Incorporated County of Los Alamos Ordinance No. 681, An Ordinance Amending Section 6 of Incorporated County of Los Alamos Ordinance No. 534 to Extend to January 1, 2024, The Time in Which an Election may be held to Reauthorize the Regional Gross Receipts Tax

Mr. Philo Shelton, Public Works Director, spoke.

Public Comment:
None.

A motion was made by Councilor Reiss, seconded by Councilor Chandler, that Council adopt Incorporated County of Los Alamos Ordinance No. 681, an ordinance amending Section 6 of Incorporated County of Los Alamos Ordinance No. 534 to extend to January 1, 2024, the time in which an election may be held to reauthorize the Regional Gross Receipts Tax; and further moved that upon passage, the Ordinance be published in summary form.

The motion passed with the following vote:

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

Absent: 1 - Councilor Chrobocinski

- B.** Public Hearing for the County Council to consider the Planning and Zoning Commission's recommendation to approve amending the Comprehensive Plan Future Land Use Map changing Two Parcels Totaling +/- 1.44 acres located at 555 and 557 Oppenheimer Drive, Owned by 555 Oppenheimer Condominium Association, Inc. and Los Alamos Professional Investment Partnership, Sub: Timber Ridge 2, Unit 2, Lot 1 and Lot 2, from "COMMERCIAL / OFFICE" To "MIXED-USE."

Mr. Paul Andrus, Community Development Director, spoke.

Public Comment:
None.

A motion was made by Councilor Maggiore, seconded by Councilor Reiss, that the County Council approve the Planning and Zoning Commission's recommendation to amend the Comprehensive Plan Future Land Use Map changing Two Parcels Totaling +/- 1.44 acres located at 555 and 557 Oppenheimer Drive, Owned by 555 Oppenheimer Condominium Association, Inc. and Los Alamos Professional Investment Partnership, Sub: Timber Ridge 2, Unit 2, Lot 1 and Lot 2, from "COMMERCIAL / OFFICE" To "MIXED-USE."

The motion passed with the following vote:

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

Absent: 1 - Councilor Chrobocinski

10. BUSINESS

- A.** Resolution No. 18-01 Amending the Comprehensive Plan Future Land Use Map changing Two Parcels Totaling +/- 1.44 acres located at 555 and 557 Oppenheimer Drive, Owned by 555 Oppenheimer Condominium Association, Inc. and Los Alamos Professional Investment Partnership, Sub: Timber Ridge 2, Unit 2, Lot 1 and Lot 2, from "COMMERCIAL / OFFICE" To "MIXED-USE."

Public Comment:
None.

A motion was made by Councilor Maggiore, seconded by Councilor Reiss, that Council Adopt Resolution No. 18-01 Amending the Comprehensive Plan Future Land Use Map changing Two Parcels Totaling +/- 1.44 acres located at 555 and 557 Oppenheimer Drive, Owned by 555 Oppenheimer Condominium Association, Inc. and Los Alamos Professional Investment Partnership, Sub: Timber Ridge 2, Unit 2, Lot 1 and Lot 2, from “COMMERCIAL / OFFICE” To “MIXED-USE,” and further moved that the Resolution be published in summary form.

The motion passed with the following vote:

Yes: 6 - Councilor Izraelevitz, Councilor Chandler, Councilor Maggiore, Councilor O’Leary, Councilor Reiss, and Councilor Sheehey

Absent: 1 - Councilor Chrobocinski

RECESS

Councilor David Izraelevitz called for a recess at 7:46 p.m. The meeting reconvened at 7:57 p.m.

- B. Incorporated County of Los Alamos Resolution No. 18-08: A resolution declaring a Moratorium of sixty (60) days on the Enforcement of or Issuance of Various Notices and Citations of Article II of Chapter 18 and Chapter 16 of the Los Alamos County Code of Ordinances, Except for Violations Immediately Affecting Health, Safety, and Welfare**

Mr. Alvin Leaphart, County Attorney, spoke.

Mr. Harry Burgess, County Manager, spoke.

Mr. Paul Andrus, Community Development Director, spoke.

Mr. Michael Arellano, Building Safety Manager and Chief Building Official, spoke.

Mr. Kevin Powers, County Attorney, spoke.

Mr. Troy Hughes, Fire Chief, spoke.

Mr. Kelly Sterna, Wild Land Chief, spoke.

Public Comment:

Mr. James Whitehead, 200 Camino Encantado, spoke.

Mr. Mark Voss, 256 Canada Way, spoke.

Ms. Heather Ortega, 40 Santolina, spoke.

Mr. Warren Mazanec, 298 Bryce Ave, spoke.

Mr. Tom Houlton, no address given, spoke.

Mr. Chris Luchini, 121 La Senda Road, spoke.

Ms. Monika Charters Maclean, 925 Estates Drive, spoke.

Ms. Lori Vanlyssel, 742 47th Street, spoke.

Ms. Coen Schamaun, 538 Paul Place, spoke.

Ms. Paula Schmidt, 4851 Trinity, spoke.

Mr. Brady Burke, 2310 39th Street, spoke.

Ms. Helen Milenski, 1651 36th Street, spoke.

Ms. Dawn Trujillo Voss, 256 Canada Way, spoke.

Councilor Sheehey left during discussion at 10:05 pm; rejoined the meeting at 10:06 p.m.

A motion was made by Councilor Maggiore, seconded by Councilor Sheehey, that Council adopt Incorporated County of Los Alamos Resolution No. 18-08, a resolution declaring a Moratorium of sixty (60) days on the Enforcement of or Issuance of Various Notices and Citations of Article II of Chapter 18 and Chapter 16 of the Los Alamos County Code of Ordinances, Except for Violations Immediately Affecting Health, Safety, and Welfare.

After further discussion, Councilor Maggiore withdrew the motion.

A motion was made by Councilor Maggiore, seconded by Councilor Sheehey, that Council adopt Incorporated County of Los Alamos Resolution No. 18-08, a resolution declaring a Moratorium of sixty (60) days on the Enforcement of or Issuance of Various Notices and Citations of Article II of Chapter 18 and Chapter 16 of the Los Alamos County Code of Ordinances, Except for Violations Immediately Affecting Health, Safety, and Welfare with the following changes: in Section 1 should be changed to read: that upon the effective date of this resolution and for a period of 60 days or until such time as the Community Development Advisory Board is appointed and has their first meeting whichever is less, the Community Development Department and code enforcement staff shall not be barred from acting on citizen complaints but shall operate solely based on citizen complaints; further more Section 1 should be expanded to include any complaint received or issuance of a notice or citation prior to the effective date of this resolution shall be excluded from this moratorium. Section 2 we will add at the end of sentence appropriate action will be taken to address any situations involving a perceived increased fire risk and add a new Section 2 upon the lifting of the moratorium as provided in Section 1, any notice of violation or citations under Section 18 Article II shall clearly identify the conditions alleged to be violated and the actions necessary to resolve the alleged violation and the issuance of more than one citation shall not be issued for a single alleged violation of section.

The motion passed with the following vote:

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

Absent: 1 - Councilor Chrobocinski

Councilor O'Leary left after this item, at 10:46 p.m.

C. Los Alamos County Assessor Valuation and Maintenance Plan

Mr. Ken Milder, County Assessor, spoke.

Mr. Joaquin Valdez, Chief Deputy Assessor, presented.

Public Comment:

None.

A motion was made by Councilor Maggiore, seconded by Councilor Sheehey, that Council approve the Los Alamos County Assessor Valuation and Maintenance Plan.

The motion passed with the following vote:

Yes: 5 - Councilor Izraelevitz, Councilor Chandler, Councilor Maggiore, Councilor Reiss, and Councilor Sheehey

Absent: 2 - Councilor Chrobocinski and Councilor O'Leary

11. COUNCIL BUSINESS

A. Appointments

None.

B. Board, Commission and Committee Liaison Reports

Councilor Maggiore reported on the Planning and Zoning Board.

C. County Manager's Report

County Manager, Harry Burgess, provided a detailed response regarding the drone that Community Development Department (CDD) has purchased to address safety concerns when staff conducts inspections and the intent to develop a policy for its use.

D. Council Chair Report

None.

E. General Council Business

None.

F. Approval of Councilor Expenses

None.

G. Preview of Upcoming Agenda Items

None.

12. COUNCILOR COMMENTS

None.

13. PUBLIC COMMENT

Ms. Coen Schamaun, 538 Paul Place, spoke regarding drones.

14. ADJOURNMENT

The meeting adjourned at 11:22 p.m.

INCORPORATED COUNTY OF LOS ALAMOS

David Izraelvitz, Council Chair

Attest:

Naomi D. Maestas, County Clerk

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



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MEMORANDUM

DATE: APRIL 3, 2018

TO: THE COUNCIL OF THE INCORPORATED COUNTY OF LOS ALAMOS
1000 CENTRAL AVENUE, SUITE 340
LOS ALAMOS, NEW MEXICO 87544

FROM: SAMANTHA M. ADAMS
BILLY J. JIMENEZ
ADAMS+CROW LAW FIRM

SUBJECT: PROPOSED SCOPE OF INVESTIGATION
REGIONAL COALITION OF LANL COMMUNITIES

I. INTRODUCTION

The Incorporated County of Los Alamos (“County”), by and through the County Council (“Council”), has asked the ADAMS+CROW LAW FIRM to perform an independent investigation into certain allegations of improper expenses and reimbursements related to the Regional Coalition of LANL Communities (“RCLC”). These allegations were first raised in a “Request for Ethics Investigation” filed or released by County Councilor Susan O’Leary and Councilor James Chrobocinski on February 28, 2018 (“Ethics Complaint”)¹. The Ethics Complaint was made pursuant to Section 30-15² of the County Code of Ordinances and specifically listed five (5) issues of investigation related to the County and RCLC. On March 6, 2018, the Council authorized an independent investigation to address the issues

¹ See <https://ladailypost.com/content/chrobocinski-o%E2%80%99leary-call-ethics-investigation>.

² Sec. 30-15. - Complaint; investigation. “Complaints; filing and initial action. Any person may file a complaint alleging a violation of this article by a public official. Such complaint shall be in writing. The complaint shall be filed with the human resources manager who shall maintain the confidentiality of the complaint and the identity of the complainant, and who shall investigate the matter promptly. The human resources manager may refer the matter to the county attorney or a private investigator as appropriate.”

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raised in the Ethics Complaint. At that same meeting, the Council resolved to revisit the scope of investigation during the April 3 regular Council Meeting. The scope of investigation proposed in this memorandum is aimed at addressing those enumerated items within the Ethics Complaint.

From our current understanding, the Ethics Complaint pertains to a review performed by the County concerning expenditures and reimbursements related to the RCLC. This review was summarized in a memo dated February 21, 2018, from Helen Perraglio (CFO) to Harry Burgess (County Manager) (“Memo”). To define the proposed scope of investigation below, we examined the Memo and related publicly available documents, and conducted interviews with the County Councilors³ and County administration, including County Manager Harry Burgess, Deputy County Manager Steve Lynn, and County CFO Helen Perraglio.

II. PROPOSED SCOPE OF INVESTIGATION

1. ETHICS COMPLAINT ITEM #1

“Los Alamos County memo “Regional Coalition of LANL Communities (RCLC) Review,” dated February 21, 2018 (“Memo”) identifies serious expense charge improprieties by the RCLC, which may include improper gifts of meals, sporting event tickets, and alcohol provided to officials of Los Alamos County and others. The investigation should determine the nature and extent of any improper items of value or prohibited items accepted by current or former elected or appointed officials of Los Alamos County.”

A+C PROPOSED SCOPE

a. **Option 1 Inquiry** – Inquiry into County employees and officials who specifically participated in RCLC-related travel or activities during the entire period of RCLC’s existence (2011-2018). Specifically, this would include review of the following:

1. The Memo, travel vouchers, expense reports, and supporting documentation related to any County employees or officials who participated in RCLC-related travel or activities to determine if any gifts, meals or item of value were accepted in violation of the County Code of Conduct.

³ Councilor James Chrobocinski declined to be interviewed.

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2. Individual interviews of and/or surveys issued to employees and officials who participated in RCLC-related travel or activities to ascertain if any impermissible gifts, meals or items of value were accepted in violation of the County Code of Conduct.

3. Compliance with the Governmental Conduct Act (NMSA 1978, §§10-16-1 to -18), Gift Act (NMSA 1978, §§10-16B-1 to -4), Los Alamos County Code of Conduct (Sec. 30), and applicable legal precedent.

b. Option 2 Inquiry – Inquiry into County employees and officials who specifically participated in RCLC-related travel or activities from 2016-2018. Specifically, this would include review of the following:

1. The Memo, travel vouchers, expense reports, and supporting documentation related to any County employees or officials who participated in RCLC-related travel or activities to determine if any gifts, meals or item of value were accepted in violation of the County Code of Conduct.

2. Individual interviews of employees and officials who participated in RCLC-related travel or activities (from 2016-2018) to ascertain if any impermissible gifts, meals or items of value were accepted.

3. Compliance with the Governmental Conduct Act (NMSA 1978, §§10-16-1 to -18), Gift Act (NMSA 1978, §§10-16B-1 to -4), Los Alamos County Code of Conduct (Sec. 30), and applicable legal precedent.

2. **ETHICS COMPLAINT ITEM #2**

“The investigation should determine whether any current or former elected or appointed officials of Los Alamos County double billed taxpayers by accepting meals paid for by RCLC while also claiming per diem reimbursement for meals expensed [sic] from the RCLC, Los Alamos County, or any other governmental funding source.”

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A+C PROPOSED SCOPE

a. Option 1 Inquiry – Inquiry into expense reports from and reimbursements issued to County employees and officials who specifically participated in RCLC-related travel or activities during the entire period of RCLC’s existence (2011-2018). Specifically, this would include review of the following:

1. The Memo, travel vouchers, expense reports, and supporting documentation related to any County employees or officials who participated in RCLC-related travel or activities.
2. Individual interviews of and/or surveys issued to employees and officials who participated in RCLC-related travel or activities to ascertain if meals and travel expenses were incurred by RCLC, or any other third-party funding source, and then double-reimbursed to an employee or official through County funds.
3. Reimbursement documents and possibly RCLC expense records to determine what travel expenses were reimbursed through RCLC.
4. Individual interviews with the County Manger’s Office, Chief Financial Officer, and Accounting Staff who worked with RCLC from 2011-2018.
5. Compliance with the Governmental Conduct Act (NMSA 1978, §§10-16-1 to -18), Gift Act (NMSA 1978, §§10-16B-1 to -4), Per Diem and Mileage Act (NMSA 1978, §§10-8-1 to -8), Los Alamos County Code of Conduct (Sec. 30), use of public funds principles, and applicable legal precedent.

b. Option 2 Inquiry – Inquiry into expense reports from and reimbursements issued to County employees and officials who specifically participated in RCLC-related travel or activities from 2016-2018. Specifically, this would include review of the following:

1. The Memo, travel vouchers, expense reports, and supporting documentation related to any County employees or officials who participated in RCLC-related travel or activities.
2. Individual interviews of and/or surveys issued to employees and officials who participated in RCLC-related travel or activities to ascertain if meals and travel expenses were incurred by RCLC, or any other third-party funding source, and then double-reimbursed to an employee or official though County funds.

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3. Reimbursement documents and possibly RCLC expense records to determine what travel expenses were reimbursed through RCLC.

4. Individual interviews with the County Manger's Office, Chief Financial Officer, and Accounting Staff who worked with RCLC from 2016-2018.

5. Compliance with the Governmental Conduct Act (NMSA 1978, §§10-16-1 to -18), Gift Act (NMSA 1978, §§10-16B-1 to -4), Per Diem and Mileage Act (NMSA 1978, §§10-8-1 to -8), Los Alamos County Code of Conduct (Sec. 30), use of public funds principles, and applicable legal precedent.

3. ETHICS COMPLAINT ITEM #3

“The investigation should determine whether any current or former elected or appointed official acting on behalf of Los Alamos County as Treasurer of the RCLC or otherwise signed approval of improper expenses incurred by RCLC.”

A+C PROPOSED SCOPE

a. **Option 1 Inquiry** – Inquiry into County employees and officials who, while acting in the capacity as fiscal agent for RCLC, administered RCLC-related reimbursements during the entire period of RCLC's existence (2011-2018). Specifically, this would include review of the following:

1. Travel vouchers, expense reports and supporting documentation related to RCLC-related travel or activities.

2. RCLC expenditures, contracts and procurement, to the extent administered by the County as Fiscal Agent or by any County employee or official.

3. Individual interviews with the County Manger's Office, Chief Financial Officer, and Accounting Staff who worked with RCLC from 2011-2018.

4. Compliance with the Governmental Conduct Act (NMSA 1978, §§10-16-1 to -18), Gift Act (NMSA 1978, §§10-16B-1 to -4), Per Diem and Mileage Act (NMSA 1978, §§10-8-1 to -8), Procurement Code (NMSA 1978, §§13-1-1 to -199), Audit Act (NMSA 1978, §§12-6-1 to -14), Anti-donation Clause of New Mexico Constitution (Art. IX, Sec. 14), Los Alamos County Code of Conduct (Sec. 30), use of public funds principles, and applicable legal precedent.

b. **Option 2 Inquiry** – Inquiry into County employees and officials who, while acting in the capacity as fiscal agent for RCLC, administered RCLC-related reimbursements from 2016-2018. Specifically, this would include review of the following:

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1. Travel vouchers, expense reports, and supporting documentation related to RCLC-related travel or activities.
2. RCLC expenditures, contracts and procurement, to the extent administered by the County as Fiscal Agent or by any County employee or official.
3. Individual interviews with the County Manger's Office, Chief Financial Officer, and Accounting Staff who worked with RCLC from 2016-2018.
4. Compliance with the Governmental Conduct Act (NMSA 1978, §§10-16-1 to -18), Gift Act (NMSA 1978, §§10-16B-1 to -4), Per Diem and Mileage Act (NMSA 1978, §§10-8-1 to -8), Procurement Code(NMSA 1978, §§13-1-1 to -199), Audit Act (NMSA 1978, §§12-6-1 to -14), Anti-donation Clause of New Mexico Constitution (Art. IX, Sec. 14), Los Alamos County Code of Conduct (Sec. 30), use of public funds principles, and applicable legal precedent.

4. **ETHICS COMPLAINT ITEM #4**

“It appears from the original audit, from emails sent by elected and appointed Los County Officials, and from media reports that several members of the Los Alamos County Council and County Staff were intimately aware of the severity and extent of the allegations of impropriety at the RCLC, yet these improprieties have not been disclosed to the full County Council or the public by these officials by either publishing the audit report, by report of the Council RCLC Liaison, by report of the Council Chair, or by report of the County Manager; although ample opportunities to do so have come and gone. The communications that have been forwarded to the full County Council by officials in emails have been misleading or incomplete. The full County Council and the citizens of Los Alamos County should not have to learn about this situation piecemeal, through the media. The investigation should consider whether the communications of Los Alamos County officials in this matter have been intentionally misleading with the purpose of concealing misconduct.”

A+C PROPOSED SCOPE

a. **Option 1 Inquiry** – Inquiry into County employees and officials who may have intentionally withheld knowledge of alleged RCLC improprieties during the 2017-2018 timeframe. Specifically, this would include review of the following:

1. Correspondence of County employees or officials regarding alleged RCLC-related improprieties in 2017-2018.

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2. Individual interviews of any such employees and officials regarding alleged RCLC-related improprieties in 2017-2018.

3. Review of meetings and minutes from Council and Council Sub-Committee meetings to ascertain the customary scope of information usually disclosed by individuals serving in positions appointed by the County Council.

4. Compliance with the Governmental Conduct Act (NMSA 1978, §§10-16-1 to -18), Los Alamos County Code of Conduct (Sec. 30), County Council Procedural Rules (2017), and applicable legal precedent.

b. Option 2 Inquiry – Inquiry into County employees and officials who may have intentionally withheld knowledge of alleged RCLC improprieties during the 2017-2018 timeframe. Specifically, this would include review of the following:

1. Correspondence of County employees or officials regarding alleged RCLC-related improprieties in 2017-2018.

2. Individual interviews of any such employees and officials regarding alleged RCLC-related improprieties in 2017-2018.

3. Compliance with the Governmental Conduct Act (NMSA 1978, §§10-16-1 to -18), Los Alamos County Code of Conduct (Sec. 30), County Council Procedural Rules (2017), and applicable legal precedent.

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5. **ETHICS COMPLAINT ITEM #5**

“Finally, the investigation should conduct a review to determine if Los Alamos County internal controls are sufficient to safeguard against similar improprieties or misconduct involving elected or appointed officials of Los Alamos County in cases where Los Alamos County provides funding to groups other than RCLC.”

A+C PROPOSED SCOPE

a. **Option 1 Inquiry** – Inquiry into County internal controls and responsibilities assumed as fiscal agent for RCLC and other non-County organizations. Specifically, this would include review of the following⁴:

1. Appropriate administrative practices required by the County when serving as fiscal agent for RCLC or any other non-County Organization.
2. Individual interviews with the County Manger’s Office, Chief Financial Officer, and Accounting Staff to create internal controls and safeguards if needed.
3. Compliance with the Governmental Conduct Act (NMSA 1978, §§10-16-1 to -18), Gift Act (NMSA 1978, §§10-16B-1 to -4), Per Diem and Mileage Act (NMSA 1978, §§10-8-1 to -8), Procurement Code(NMSA 1978, §§13-1-1 to -199), Audit Act (NMSA 1978, §§12-6-1 to -14), Anti-donation Clause of New Mexico Constitution (Art. IX, Sec. 14), Los Alamos County Code of Conduct (Sec. 30), use of public funds principles, and applicable legal precedent.

b. **Option 2 Inquiry** – Inquiry into County internal controls and responsibilities assumed as fiscal agent for RCLC and other non-County organizations. Specifically, this would include review of the following:

1. Appropriate administrative practices required by the County when serving as fiscal agent for RCLC or any other non-County Organization.
2. Compliance with the Governmental Conduct Act (NMSA 1978, §§10-16-1 to -18), Gift Act (NMSA 1978, §§10-16B-1 to -4), Per Diem and Mileage Act (NMSA 1978, §§10-8-1 to -8), Procurement Code (NMSA 1978, §§13-1-1 to -199), Audit Act (NMSA 1978, §§12-

⁴ We will comply with the State Auditor’s investigation into this matter.

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6-1 to -14), Anti-donation Clause of New Mexico Constitution (Art. IX, Sec. 14), Los Alamos County Code of Conduct (Sec. 30), use of public funds principles, and applicable legal precedent.

We are available to discuss the scope of this investigation in more detail at your convenience. If you have any questions, please feel free to contact me at sam@adamscrow.com or 505-582-2819 or Billy Jimenez at billy@adamscrow.com.

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INCORPORATED COUNTY OF LOS ALAMOS CODE ORDINANCE NO. 02-285

**A CODE ORDINANCE AMENDING CHAPTER 8 TO ADD AN ARTICLE XV TO
CREATE A COMMUNITY DEVELOPMENT ADVISORY BOARD**

WHEREAS, the Incorporated County of Los Alamos (“County”) is a home rule charter municipality, as allowed by N.M. Constitution, Article X, Section 6; and

WHEREAS, New Mexico Statutes, Chapter 3, Article 18, authorizes home rule municipalities to regulate, abate, and impose penalties upon persons who create and maintain a public nuisance; and

WHEREAS, a public nuisance is defined by State law in NMSA 1978, § 3-8-1, as knowingly creating, performing, or maintaining anything that affects any number of citizens without lawful authority that is injurious to public health, safety, morals or welfare, or interferes with the exercise and enjoyment of public rights, including the right to use public property; and

WHEREAS, Chapter 3, Article 21 of New Mexico statutes grants County the authority to zone and regulate land use by code ordinance within its jurisdiction, including the right to regulate or restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land in each zone or district; and

WHEREAS, County has enacted code ordinances that regulate the use of land within its jurisdiction, including the regulation of erection, construction, reconstruction, alteration, repair or use of buildings, structures or land in each zone or district; and

WHEREAS, such code ordinances are found in Chapter 10 (Buildings and Building Regulations), Chapter 16 (Development Code), and Chapter 18 (Environment) of the Los Alamos County Code of Ordinances (“Code”); and

WHEREAS, the County Council (“Council”), as part of its strategic goals in 2016 and 2017, directed the Community Development Department (CDD), through its Code Enforcement Division (“Code Enforcement”), to enhance its property maintenance inspections to remove blight within the County; and

WHEREAS, various citizens of the County have voiced concern that such enhanced enforcement of Chapters 10, 16, and 18, have not adequately taken into account the concerns of some affected citizens; and

WHEREAS, Council, in an effort to provide maximum public input to the process of Code Enforcement activities, hereby believes that it is in the public’s health, safety and welfare to create a citizen board that can receive public input, review enforcement efforts by CDD Code Enforcement, and provide citizen concerns and possible informal resolution to the alleged violation(s) to Council, and provide recommendations to Council on the appropriate application of the Ordinance with regard to enforcement efforts; and

WHEREAS, the board will advise the Council for potential applicable changes to the Ordinance in clarity and content so as to address the needs of the community.

BE IT ORDAINED BY THE GOVERNING BODY OF THE INCORPORATED COUNTY OF LOS ALAMOS, the Los Alamos County Code of Ordinances is hereby amended as follows:

Section 1. Article I, Chapter 8, Section 8-4 of the County Code is hereby amended as follows:

Sec. 8-4. Standing advisory boards or commissions; terms of existence.

- (a) The following standing boards or commissions are hereby continued or established although not all are governed by the provisions of this chapter: arts in public places board; board of public utilities; ~~Fuller Lodge/historic districts advisory board~~ **historic preservation advisory board**; labor management relations board; library board; lodger's tax advisory board; parks and recreation board; personnel board; planning and zoning commission; environmental sustainability board; transportation board; valuation protests board, variance board, ~~and the youth advisory board~~, and the community development advisory board.
- (b) All standing boards and commissions will continue to function indefinitely, unless specifically discontinued by the county council or as otherwise provided by county ordinance. Boards or commissions shall be terminated only by express action of the county council. A board or commission may be assigned more than one task concurrently, but the absence of one or more assigned tasks at any time shall not affect the board or commission's continuing status.

Section 2. An Article XV is hereby enacted to be added to Chapter 8 creating the "Community Development Advisory Board" as follows:

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.

Sec. 8-302. - Membership, Terms and Qualifications.

The community development advisory board shall be composed of five (5) 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 (3) years. Two (2) initial appointments shall expire after one (1) 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 three (3) members on the board will expire their term after two (2) years and rotation of appointments shall continue. Board members can be reappointed for no more than three (3) terms.

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) Review all monthly property maintenance code enforcement reports including issued notices of violation and citations and photographic evidence.
- (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.

Section 3. Severability. If any section, paragraph, clause or provision of this Code Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or enforceability of that section, paragraph, clause or provision shall not affect any of the remaining provisions of this Code Ordinance.

Section 4. Effective Date. This Code Ordinance shall become effective thirty (30) days after publication of notice of its adoption.

Section 5. Repealer. All other ordinances or resolutions, or parts thereof, inconsistent herewith 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 _____, 2018.

INCORPORATED COUNTY OF LOS ALAMOS

David Izraelevitz,
Council Chair

ATTEST:

Naomi D. Maestas,
Los Alamos County Clerk

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