

Minutes

County Council – Regular Session

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

Tuesday, September 25, 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.

Councilor Maggiore arrived during the discussion of item 3 at 6:06 p.m.

The following Councilors were in attendance:

**Present: 7 - Councilor Izraelevitz, Councilor Chandler, Councilor Maggiore, Councilor O'Leary,
Councilor Pongratz, Councilor Reiss, and Councilor Sheehey**

2. PLEDGE OF ALLEGIANCE

Led by: All.

3. PUBLIC COMMENT

Ms. Cindy Wells, 4611 Esperanza, spoke regarding the Tour de Los Alamos; the road conditions between the White Rock Visitor Center and Bandelier; and commended the Los Alamos Police Department and Darby Martinez, Traffic Department, on their outstanding service.

Ms. Helen Milenski, 1651 36th Street, applauded the Los Alamos County Clerk's Office for their efforts with National Voter Registration Day and expressed concern regarding smart meter implementation.

Mr. Vernon Kerr, 85 Chiquita, expressed concern regarding the sales delay of niches at the new columbarium.

Councilor Maggiore arrived during the discussion of this item at 6:06 p.m.

4. APPROVAL OF AGENDA

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

The motion passed by acclamation with the following vote:

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

5. PRESENTATIONS, PROCLAMATIONS AND RECOGNITIONS

- A. Proclamation declaring the Month of October as "Breast Cancer Awareness Month" in Los Alamos County

Councilor Chandler read and presented the proclamation to Ms. Nancy Partridge.

Ms. Nancy Partridge and Ms. Diane Hammond spoke.

- B. Recognition of Government Finance Officers Association Awards for FY2018 Budget, FY2017 CAFR, and FY2017 PAFR

Mr. Harry Burgess, County Manager, spoke.

Councilor O'Leary and Councilor Pongratz presented the recognition to the Los Alamos County Finance Department.

Ms. Helen Perraglio, Chief Financial Officer, spoke.

- C. Proclamation declaring the Month of October as "Domestic Violence Awareness Month"

Councilor Maggiore read and presented the proclamation to Los Alamos Police Chief Dino Sgambellone.

Chief Sgambellone spoke.

- D. Proclamation declaring the Month of October as "Drug Free Month"

Councilor Pongratz read and presented the proclamation to Los Alamos Police Chief Dino Sgambellone.

Chief Sgambellone spoke.

6. PUBLIC COMMENT FOR ITEMS ON CONSENT AGENDA

None.

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 in the staff reports be included for the record.

- A. Approval of Amendment No. 1 to Services Agreement No. AGR17-914 with Alpha Southwest, Inc. in the amount of \$300,000.00, Plus Applicable Gross Receipts Tax, For the Purpose of Inspection, Repair, and Ancillary Services on County Well and Booster Pumps

I move that Council approve Amendment No. 1 to Services Agreement No. AGR17-914 with Alpha Southwest, Inc. in the amount of \$300,000.00, for a revised total agreement amount of \$450,114.00, plus applicable gross receipts tax, for the purpose of Inspection, Repair, and Ancillary Services on County Well and Booster Pumps.

B. State Approval of County Budget

Local budgets approved by the Local Government Division of the New Mexico Department of Finance and Administration (DFA) are required by State Statute to be made a part of the minutes of that local body. Therefore, the letter with the approved budget from DFA is being provided here so that it may be incorporated into the minutes. No further Council action is required.

C. Board/Commission Appointment(s) - Labor Management Relations Board

I move that Council approve the appointment of the following individuals to the Labor Management Relations Board with terms ending August 31, 2019; Nathan "Trey" Frazier as the Labor Representative, Felicia Orth as the Management Representative, and Epifano "Eppie" Trujillo as the representative jointly selected by the Management and Labor nominees.

D. Consideration of Budget Revision 2019-17

I move that Council approve Budget Revision 2019-17 as summarized on Attachment A and that the attachment be made a part of the minutes of this meeting.

E. County Council Minutes for September 4, 2018, September 6, 2018, and September 11, 2018

I move that Council approve the County Council Minutes for September 4, 2018, September 6, 2018, and September 11, 2018.

Approval of the Consent Agenda:

The motion passed with the following vote:

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

8. INTRODUCTION OF ORDINANCE(S)

- A. Incorporated County of Los Alamos Code Ordinance No. 687, An Ordinance Authorizing the Incorporated County of Los Alamos to Enter Into a Loan Agreement and Promissory Note With the New Mexico Environment Department for the Purpose of Obtaining Loan Funds for the Construction of a New Wastewater Treatment Facility, Declaring the Necessity for the Loan, Restricting the Use of the Loan Funds Solely for the Project, and Pledging Loan Will be Payable from the Revenues of the Wastewater System**

Councilor Chandler introduced, without prejudice, Incorporated County of Los Alamos Ordinance No. 687, An Ordinance Authorizing the Incorporated County of Los Alamos to Enter Into a Loan Agreement and Promissory Note With the New Mexico Environment Department for the Purpose of Obtaining Loan Funds for the Construction of a New Wastewater Treatment Facility, Declaring the Necessity for the Loan, Restricting the Use of the Loan Funds Solely for the Project, and Pledging Loan Will be Payable from the Revenues of the Wastewater System and ask staff to assure that it is published as provided in the County Charter.

9. PUBLIC HEARING(S)

- A. Incorporated County of Los Alamos Code Ordinance No. 02-288; An Ordinance Amending Chapter 40, Article III, Sections 40-201 and 40-202 of the Code of the Incorporated County of Los Alamos Pertaining to the Sewage Service Rate Schedule and Determination of Charges

Mr. Tim Glasco, Utilities Manager, spoke.

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

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

Public Comment:

None.

A motion was made by Councilor Reiss, seconded by Councilor Pongratz, that Council adopt Incorporated County of Los Alamos Code Ordinance No. 02-288 and ask staff to assure that it is published in summary form.

The motion passed with the following vote:

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

No: 1 - Councilor O'Leary

RECESS

Councilor Izraelevitz called for a recess at 8:44 p.m. The meeting reconvened at 8:55 p.m.

10. BUSINESS

- A. A Resolution Declaring a Moratorium of Ninety Days (90) Days on the Enforcement of Chapter 28, Article VII, Safety in Public Places, of the Los Alamos County Code of Ordinances

Mr. Alvin Leaphart, County Attorney, spoke.

Public Comment:

None.

A motion was made by Councilor Maggiore, seconded by Councilor Chandler, that Council approve Resolution No. 18-22 with the modification that a moratorium of One-Hundred and Eighty (180) days be imposed on the Enforcement of Chapter 28, Article VII, Safety in Public Places of the Los Alamos County Code of Ordinances.

The motion passed with the following vote:

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

- B. Approval Of Authorization For The County Manager To Sign On Behalf Of The County The Recipient Acceptance Of A Revised Ten-Year Financial Assistance Award With The National Nuclear Security Administration (NNSA) that revises the budget, cost sharing, and related terms and conditions for the remaining years 6 through 10 For A Cooperative Agreement To Provide Fire Department Services For The Protection Of Los Alamos National Laboratory And Los Alamos County With A Revised County Cost Share Not To Exceed A Total Of \$59,759,311 For The Ten-Year Period

Mr. Harry Burgess, County Manager, spoke.
Mr. Steve Lynne, Deputy County Manager, spoke.
Fire Chief Troy Hughes spoke.

Public Comment:
None.

A motion was made by Councilor Maggiore, seconded by Councilor Pongratz, that Council authorize the County Manager to sign on behalf of the County the Recipient Acceptance of a revised ten-year Financial Assistance Award from NNSA that revises the budget, cost sharing, and related terms and conditions for the remaining years 6 through 10 for a Cooperative Agreement to Provide Fire Department Services for the Protection of Los Alamos National Laboratory and Los Alamos County with a revised county cost share not to exceed a total of \$59,759,311 for the ten-year period.

The motion passed with the following vote:

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

No: 1 - Councilor Chandler

- C.** Consideration of Change Order No. 5 to Services Agreement AGR17-30 and Budget Revision 2019-16 for the Otowi Well #2 Design, Drilling and Development Project

Mr. James Alarid, Deputy Utilities Manager-Engineering Division, spoke.
Mr. Kevin Powers, Deputy County Attorney, spoke.

Public Comment:
None.

A motion was made by Councilor Pongratz, seconded by Councilor Maggiore, that Council approve Change Order No. 5 to AGR 17-30 for the Otowi Well #2 Design, Drilling and Development Project in the amount of \$446,490.16 plus an additional \$100,000 contingency, for a total additional authorized amount of 546,490.16; and further moved that Council approve Budget Revision 2019-16 as summarized on Attachment D and that the budget revision be included in the minutes.

The motion passed with the following vote:

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

11. COUNCIL BUSINESS

A. Appointments

None.

B. Board, Commission, and Committee Liaison Reports

Councilor Reiss reported on the New Mexico Municipal League Self Insurers' Fund.
Councilor Pongratz reported on the Regional Coalition of LANL (Los Alamos National Laboratory) Communities meeting.
Councilor Chandler reported on the Board of Public Utilities meeting.
Councilor Maggiore reported on the Community Development Advisory Board.

C. County Manager's Report

1) County Manager's Report for September 2018

County Manager Harry Burgess reported on the Tourism Task Force; the Aquatic Center Pool re-opening; the Summer Concert Series; information kiosks at Camp May; updates on the Graduation Canyon restoration; the Youth Activity Center Hawk Hangout event; updates on the Airport hangar; updates on Mesa Library improvements; updates on the electric busses; commended Julie Habiger, Communications and Public Relations Director, for her initiative; updates on the 502 Project; affordable housing credit eligibility; and the columbarium update.

D. Council Chair Report

None.

E. General Council Business

None.

F. Approval of Councilor Expenses

None.

G. Preview of Upcoming Agenda Items

Councilor Maggiore requested representation at the next Regional Coalition of LANL Communities meeting.

12. COUNCILOR COMMENTS

None.

13. PUBLIC COMMENT

None.

14. ADJOURNMENT

The meeting adjourned at 10:31 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

SUSANA MARTINEZ
GOVERNOR



DUFFY RODRIGUEZ
CABINET SECRETARY

RICK LOPEZ
DIRECTOR

JOLENE SLOWEN
DEPUTY DIRECTOR

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

August 24, 2018

The Honorable David Izraelevitz
Los Alamos County
1000 Central Ave. Suite 300
Los Alamos, NM 87544

Dear Commissioner Izraelevitz:

The final budget for your local government entity for Fiscal Year 2018-2019, as approved by your governing body, has been examined and reviewed. The Department of Finance and Administration, Local Government Division (LGD) finds it has been developed in accordance with applicable statutes and budgeting guidelines, and sufficient resources appear to be available to cover budgeted expenditures. In addition, the *Budget Certification of Local Public Bodies* rule, 2.2.3 NMAC, requires that your entity's audit or "Agreed Upon Procedures" (per the *Tier System Reporting* rule, 2.2.2.16 NMAC) for Fiscal Year 2017 should have been submitted to the Office of the State Auditor as of this time. The LGD's information indicates that you are in compliance with this requirement. Therefore, in accordance with Section 6-6-2E NMSA 1978, the LGD certifies your entity's final Fiscal Year 2018-2019 budget.

Please take note that state statute requires all revenue sources be expended only for public purposes, and if applicable, in accordance with the Procurement Code, Chapter 13, Article 1, NMSA 1978. Use of public revenue is governed by Article 9, Section 14 of the Constitution of the State of New Mexico, commonly referred to as the anti-donation clause.

Budgets approved by the LGD are required to be made a part of the minutes of your governing body according to Section 6-6-5 NMSA 1978. In addition, Section 6-6-6 NMSA 1978 provides that the approved budget is binding on local officials and governing authorities; and any official or governing authority approving claims or paying warrants in excess of the approved budget or available funds will be liable for the excess amounts.

Finally, as required by Section 6-6-2H NMSA 1978, LGD is required to approve all budget increases and transfers between funds not included in the final approved budget. Beginning with Fiscal Year 2018-2019, all budget adjustments are required to be submitted on the Local Government Budget Management System (LGBMS).

If you have questions regarding this matter, please call Erica Cummings of my staff at 505-827-4127.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rick Lopez".

Rick Lopez, Director
Local Government Division

xc: file

Los Alamos County Council
Regular Meeting
September 25, 2018
Item 7.B.

State of New Mexico

Local Government Budget Management System (LGBMS)

Budget Recap - Fiscal Year 2018-2019

Los Alamos County (Incorporated) - Final - Approved

Printed from LGBMS on 2018-09-17 08:54:13

Fund	Cash	Investments	Revenues	Transfers	Expenditures	Balance	Reserves	Adjusted Balance
11000 General Operating Fund	8,697,419.00	925,226.00	61,145,325.00	-9,315,890.00	51,690,184.00	9,761,896.00	4,307,515.33	5,454,380.67
20300 County Property Valuation	618,479.00	0.00	175,000.00	0.00	240,448.00	553,031.00	0.00	553,031.00
20400 County Road	577,590.00	0.00	580,000.00	0.00	580,000.00	577,590.00	0.00	577,590.00
20600 Emergency Medical Services	397.00	0.00	10,500.00	0.00	10,500.00	397.00	0.00	397.00
20900 Fire Protection	48,508.00	0.00	563,000.00	0.00	563,000.00	48,508.00	0.00	48,508.00
21100 Law Enforcement Protection	573.00	0.00	39,200.00	0.00	39,773.00	0.00	0.00	0.00
21400 Lodgers' Tax	345,935.00	0.00	292,987.00	0.00	227,662.00	411,260.00	0.00	411,260.00
22000 Indigent Fund	342,617.00	0.00	1,747,000.00	317,000.00	2,345,621.00	60,996.00	0.00	60,996.00
22300 DWI Fund	15,272.00	0.00	62,000.00	24,500.00	86,500.00	15,272.00	0.00	15,272.00
22500 Clerks Recording & Filing Fund	82,503.00	0.00	21,000.00	0.00	28,550.00	74,953.00	0.00	74,953.00
29900 Other Special Revenue	6,564,927.00	12,300.00	181,000.00	423,250.00	3,309,325.00	3,872,152.00	0.00	3,872,152.00
39900 Other Capital Projects	23,833,320.00	25,285,694.00	4,950,000.00	3,562,830.00	8,072,000.00	49,559,844.00	0.00	49,559,844.00
40200 GRT Revenue Bond Debt Service	4,859,241.00	556,012.00	10,000.00	6,265,559.00	6,265,559.00	5,425,253.00	0.00	5,425,253.00
50200 Solid Waste Enterprise	2,229,531.00	1,696,520.00	4,624,300.00	0.00	4,275,028.00	4,275,323.00	0.00	4,275,323.00
50400 Airport Enterprise	886,051.00	0.00	634,000.00	478,611.00	1,062,406.00	936,256.00	0.00	936,256.00
51600 Fire Enterprise	1,236,412.00	0.00	26,687,454.00	-1,691,000.00	25,364,926.00	867,940.00	0.00	867,940.00
52100 Joint Utility	10,865,145.00	24,884,313.00	64,390,649.00	-864,860.00	64,691,600.00	34,583,647.00	0.00	34,583,647.00
53200 Transit Enterprise	1,488,062.00	0.00	4,469,627.00	800,000.00	4,865,667.00	1,892,022.00	0.00	1,892,022.00

Los Alamos County Council Regular Meeting September 25, 2018 Item 7.B.

69900 Other Internal Service	18,081,831.00	8,776.00	15,099,060.00	0.00	15,120,704.00	18,068,963.00	0.00	18,068,963.00
79900 Other Trust & Agency	176,534.00	193,234.00	0.00	0.00	0.00	369,768.00	0.00	369,768.00
Totals	80,950,347.00	53,562,075.00	185,682,102.00	0.00	188,839,453.00	131,355,071.00	4,307,515.33	127,047,555.67

Budget Revision 2019-16 Otowi Well

Board of Public Utilities Meeting Date: Sep 19, 2018

Council Meeting Date: Sep 25, 2018

	Fund/Dept	Brass Org	Revenue (decrease)	Expenditures (decrease)	Transfers In(Out)	Fund Balance (decrease)
1	Water Production Fund	54285699 8369		\$ 546,491		\$ (546,491)
<p>Description: The purpose of this budget revision is to increase the expenditure budget by \$546,491 for change order #5 in the amount of \$446,491 and \$100,000 contingency to the construction contract for Otowi Well No 2 (Contract: AGR17-30). No amendment necessary because the agreement allows for change orders (for unforeseen conditions in drilling the well) to increase funding up to the total amount budgeted. The unforeseen condition is encountering a fissured basalt geological formation.</p> <p>Fiscal Impact: The net fiscal impact to the Water Production Fund is an increase to expenditures and a decrease to fund balance in the amount of \$546,491.</p>						