

Minutes

County Council – Regular Session

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

Tuesday, August 6, 2019

6:00 PM

Council Chambers - 1000 Central Avenue

TELEVISED

1. OPENING/ROLL CALL

The Council Chair, Sara Scott, called the meeting to order at 6:03 p.m.

The following Councilors were in attendance:

**Present: 6 - Councilor Scott, Councilor Izraelevitz, Councilor Maggiore,
Councilor Robinson, Councilor Ryti, and Councilor Schmidt**

Absent: 1 - Councilor Sheehey

2. PLEDGE OF ALLEGIANCE

Led by: All.

Councilor Scott asked for a moment of silence to express sadness, empathy, and support for the families, friends, and communities of El Paso and Dayton who have been victims of tragic acts of gun violence.

Moment of silence

(After moment of silence) Councilor Scott stated that as Council prepares for the next legislative session she will propose that Los Alamos County make common sense gun violence prevention measures a legislative priority.

3. PUBLIC COMMENT

Mr. Stuart Bowling, 505 Oppenheimer #813, commented on Ordinance 695.

Mr. Paul Bombardt, 5695 Quemazon, commented on the proposed conference center.

Mr. Patrick Sullivan, Executive Director Los Alamos Commerce, commented on the proposed conference center.

Ms. Linda Deck, 10 El Morro, commented on the proposed conference center.

Mr. Eduardo Santiago, 166 Navajo, commented on the proposed land grant.

Ms. Cindy Wells, 4611 Esperanza, commented on the proposed convention center.

Ms. Shannon CdeBaca, 1446 43rd, commented on the proposed land grant.

Mr. Dean Decker, 5510 Quemazon, spoke on the proposed land grant.

Mr. Brian McIntyre, 2164 41st, commented on the proposed land grant.

4. APPROVAL OF AGENDA

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

The motion passed by acclamation with the following vote:

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

Absent: 1 - Councilor Sheehey

5. PRESENTATIONS, PROCLAMATIONS AND RECOGNITIONS

A. Proclamation declaring the Month of August as "Bear Month" in Los Alamos County

Councilor Robinson read and presented the proclamation to Dr. Kathleen Ramsey.

Dr. Ramsey spoke.

6. PUBLIC COMMENT FOR ITEMS ON CONSENT AGENDA

None.

7. CONSENT AGENDA

Consent Motion:

A motion was made by Councilor Ryti, 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. Incorporated County of Los Alamos Resolution No. 19-17; A Resolution Appointing Utah Associated Municipal Power Systems ("UAMPS") Member Representative

I move that Council adopt Incorporated County of Los Alamos Resolution No. 19-17; A Resolution Appointing Utah Associated Municipal Power Systems ("UAMPS") Member Representative.

B. County Council Minutes for July 23, 2019

I move that Council approve the County Council Minutes for July 23, 2019.

C. Amendment to the FY20 Compensation and Classification Plan, the re-grading of the Telecommunications Network Specialist Job Description

I recommend that Council approve the amendment to the FY20 Compensation and Classification Plan.

Approval of the Consent Agenda:

The motion passed with the following vote:

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

Absent: 1 - Councilor Sheehey

8. INTRODUCTION OF ORDINANCE(S)

- A.** Incorporated County of Los Alamos Ordinance No. 695; AN ORDINANCE ADOPTING AN ECONOMIC DEVELOPMENT PROJECT FOR PUBLIC SUPPORT OF TNJLA LLC., A NEW MEXICO CORPORATION

Councilor Izraelevitz introduced, without prejudice, Incorporated County of Los Alamos Ordinance No. 695; an ordinance adopting an economic development project for public support of TNJLA LLC., a New Mexico corporation.

- B.** Introduction of Incorporated County of Los Alamos Ordinance No. 696 Providing for the Transfer of Land to Los Alamos Public Schools

Councilor Schmidt introduced, without prejudice, Incorporated County of Los Alamos Ordinance No. 696, an Ordinance providing for the transfer of land to Los Alamos Public Schools, and ask staff to assure that it is published as provided in the County Charter and that the property description in this publication include utility and drainage easements as required.

9. PUBLIC HEARING(S)

- A.** New Liquor License Application No.1119254, Small Brewer 2nd Off-Site Location Liquor License, filed by Applicant, Boese Brothers Brewing, LLC, 145 Central Park Square, Los Alamos, NM 87544

Mr. Harry Burgess, County Manager, spoke.

Public Comment:
None.

A motion was made by Councilor Maggiore, seconded by Councilor Ryti, that Council approve New Liquor License Application No. 1119254 Boese Brothers Brewing, LLC d/b/a Boese Brothers Brewing.

The motion passed with the following vote:

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

Absent: 1 - Councilor Sheehey

10. BUSINESS

- A. Incorporated County of Los Alamos Resolution No. 19-18; A Resolution Authorizing and Approving an Increase in the Participant's Entitlement Share Under the Carbon Free Power Project Power Sales Contract for the Lay-off Power Sales Agreement Associated with Joint Use Module Plant Operations at the Carbon Free Power Project; and Related Matters

Mr. Philo Shelton, Utilities Manager, spoke.

Public Comment:

None.

A motion was made by Councilor Ryti, seconded by Councilor Maggiore, that Council adopt Incorporated County of Los Alamos Resolution No. 19-18; A Resolution Authorizing and Approving an Increase in the Participant's Entitlement Share Under the Carbon Free Power Project Power Sales Contract for the Lay-off Power Sales Agreement Associated with Joint Use Module Plant Operations at the Carbon Free Power Project; and Related Matters.

The motion passed with the following vote:

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

Absent: 1 - Councilor Sheehey

11. COUNCIL BUSINESS

- A. **Appointments**

None.

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

Councilor Ryti reported on the Community Health Council; New Mexico Counties Board of Director Meeting; and a public meeting on Senior Centers.

Councilor Maggiore reported on the Regional Transit meeting.

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

County Manager Harry Burgess reported on the upcoming Rodeo and Fair weekend, and the upcoming Special Council meeting on August 12, 2019.

- D. **Council Chair Report**

Council Chair Scott reported on a meeting with Los Alamos National Lab (LANL) Director Mason; the Manhattan Project National Historic Park statement and moment of silence to remember the 74th Anniversary of the Hiroshima bombing; the Energy Summit; a topical workshop on buildings, rentals, and other housing policies relevant to energy conservation and transition to green energy and more efficiency; and a meeting to integrate future land uses.

E. General Council Business

None.

F. Approval of Councilor Expenses

A motion was made by Councilor Maggiore, seconded by Councilor Schmidt, to approve travel expenses for Councilor Izraelevitz and Councilor Robinson to attend the Energy Community Alliance (ECA) meeting in September.

The motion passed by acclamation with the following vote:

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

Absent: 1 - Councilor Sheehey

G. Preview of Upcoming Agenda Items

Councilor Ryti requested an item relating to local business preference be placed on an upcoming agenda.

12. COUNCILOR COMMENTS

Councilor Schmidt thanked citizens for the public comment on the potential land transfer.

Councilor Robinson thanked Council for allowing him to present the Bear Month Proclamation.

Councilor Izraelevitz thanked Councilor Scott for having a moment of silence and stressed the importance of Council to consider approaches to reduce gun violence.

13. PUBLIC COMMENT

None.

14. ADJOURNMENT

The meeting adjourned at 7:10 p.m.

INCORPORATED COUNTY OF LOS ALAMOS

Sara C. Scott, Council Chair

Attest:

Naomi D. Maestas, County Clerk

Meeting Transcribed by: Victoria L. Martinez, Deputy Clerk

August 6, 2019, Los Alamos County Council meeting, 1000 Central Ave.
Los Alamos, NM

Dear Council Members:

I submit this document to be included in the minutes of this meeting.

You Los Alamos County Councilors, upon election, by law, are legally bound to a fiduciary trust to your taxpayers. Deviation from your fiduciary responsibilities is a breach of that trust.

Enacting ORD0856-19 with or without the public hearing scheduled on that subject on August 27, 2019, is abrogating your fiduciary responsibility to us taxpayers. It is "breach of trust".

LA County employees/County Manager/Councilors do not have the authority to give away taxpayers land without express permission from the taxpayers. In normal course this is obtained via voter referendum. All of you officials involved here have been perhaps confused by the vagueness of the NMEDD online documents and/or your understanding of how NMEDD applies to what you are doing here, vis a vis your own legal responsibilities.

You have bypassed the needed referendum vote. However a successful referendum vote IS legally required to support the donation of the land specified in this ordinance. Without this, the conveyance is illegal.

Stuart Bowling
505 Oppenheimer Drive, #813
Los Alamos, NM, 87544