

INCORPORATED COUNTY OF LOS ALAMOS RESOLUTION NO. 19-29

**A RESOLUTION TO UPDATE A PAYMENT IN LIEU OF A FRANCHISE FEE
FOR THE INCORPORATED COUNTY OF LOS ALAMOS, DEPARTMENT OF
PUBLIC UTILITIES PURSUANT TO CHARTER SECTION 506**

WHEREAS, Incorporated County of Los Alamos ("County") is an incorporated county under the law of the State of New Mexico; and

WHEREAS, the pursuant to the New Mexico Constitution, the County is a Home-Rule jurisdiction and has adopted a governing charter; and

WHEREAS, County Charter Section 506 requires that the County and its Department of Public Utilities ("DPU") through its Board of Public Utilities ("BPU") include in its annual budget requirements an amount for payment of in lieu of franchise fees that would be normally assessed against privately owned gas and electric utilities; and

WHEREAS, the County currently assess a two percent (2.0%) in lieu franchise fee on the gross revenues of the gas and electric distribution systems of DPU; and

WHEREAS, to ensure that the County is properly managing the public right-of-way in an equitable and fair manner to others using the right-of-way; the County has conducted a review of other local public body franchise fees for similar services and uses; and

WHEREAS, after review and comparison, the Council believes it necessary to increase the current in-lieu franchise fee of 2.0% to ~~X.X%~~ 3% on the gross revenue sales of the natural gas and electric distribution systems; and

WHEREAS, such an increase is necessary to ensure compliance with the Charter requirement that the Department of Public Utilities pay into the general fund an amount equal to franchise fees that would normally be assessed against gas and electric utilities occupying the right of way.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE INCORPORATED COUNTY OF LOS ALAMOS, that the in-lieu franchise fee, as required by the County Charter Section 506, which shall be included in the County's DPU budget, shall be ~~X.X%~~ 3% on the gross revenue sales of the natural gas and electric distribution systems of the DPU.

PASSED AND ADOPTED this _____ day of _____, 2020.

**COUNCIL OF THE INCORPORATED
COUNTY OF LOS ALAMOS**

Council Chair

ATTEST:

Naomi D. Maestas
Los Alamos County Clerk