



# County of Los Alamos

## Minutes

### County Council – Regular Session

Los Alamos, NM 87544

[www.losalamosnm.us](http://www.losalamosnm.us)

*Randall Ryti, Council Chair; Ryn Herrmann, Council Vice Chair;  
Theresa Cull, Melanee Hand, Suzie Havemann,  
Beverly Neal-Clinton, and David Reagor, Councilors*

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Tuesday, August 4, 2026

6:00 PM

Council Chambers – 1000 Central Avenue

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#### 1. OPENING/ROLL CALL

The Council Chair, Randall Ryti, called the meeting to order at 6:00 p.m.

Chair Ryti made opening remarks regarding the meeting's procedure.

**The following Councilors were in attendance:**

**Present: 6 – Councilor Ryti, Councilor Herrmann, Councilor Cull, Councilor Havemann,  
Councilor Neal-Clinton, and Councilor Reagor**

**Absent: 1 – Councilor Hand**

#### 2. PLEDGE OF ALLEGIANCE

Led by: All.

#### 3. PUBLIC COMMENT

Ms. Lare Mitchell spoke.

#### 4. APPROVAL OF AGENDA

**A motion was made by Councilor Cull, seconded by Councilor Neal-Clinton, that Council approve the agenda as presented.**

**The motion passed by acclamation with the following vote:**

**Yes: 6 – Councilor Ryti, Councilor Herrmann, Councilor Cull, Councilor Havemann,  
Councilor Neal-Clinton, and Councilor Reagor**

**Absent: 1 – Councilor Hand**

## 5. PRESENTATIONS, PROCLAMATIONS, AND RECOGNITIONS

### A. Quarterly Climate Action Plan Implementation Update

Ms. Angelica Gurule, Sustainability Manager, presented.  
Mr. Philo Shelton, Utilities Manager, spoke.  
Mr. Elias Isaacson, Community Development Director, presented.  
Ms. Anne Laurent, County Manager, spoke.  
Mr. Alvin Leaphart, County Attorney, spoke.

Public Comment:  
Mr. Chris Luchini spoke.  
Ms. Lare Mitchell spoke.  
Ms. Sue Barnes spoke.  
Mr. Phil Gursky spoke.  
Ms. Stephanie Nakhleh spoke.

**No action taken.**

## 6. PUBLIC COMMENT FOR ITEMS ON THE CONSENT AGENDA

None.

## 7. CONSENT AGENDA

### Consent Motion:

**A motion was made by Councilor Neal-Clinton, seconded by Councilor Herrmann, 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 Task Order No.5, Revision 2 under Services Agreement No. AGR-22-21d with Lloyd and Associates in the Amount of \$174,616.00 plus Applicable Gross Receipts Tax to Incorporate Specialized Technology, Furniture, Equipment, and Additional Sustainability Features in the Construction Documents for the Emergency Operations Center (EOC) at Fire Station 3

**I move that Council approve Task Order No.5, Revision 2 under Services Agreement No. AGR-22-21d with Lloyd and Associates in the Amount of \$174,616.00 plus Applicable Gross Receipts Tax to Incorporate Specialized Technology, Furniture, Equipment, and Additional Sustainability Features in the Construction Documents for the Emergency Operations Center (EOC) at Fire Station 3.**

- B. Approval of Revised FY2027 Equipment Replacement Schedule

**I move that Council approve the revised FY2027 Equipment Replacement Schedule.**

- C. Approval of the Expenditure of the Art in Public Places Fund, in an Amount Not-to-Exceed \$75,000 plus Applicable Gross Receipts Tax, for Commissioning Artist Daniel Borup to Create a Lion Sculpture for the Police Station, as Recommended by the Art in Public Places Board

**I move that the Council approve the expenditure of the Art in Public Places Fund, in an amount not-to-exceed \$75,000 plus applicable gross receipts tax, for commissioning artist Daniel Borup to create a lion sculpture for the Police Station, as recommended by the Art in Public Places Board.**

- D. Approval of Grant Agreement for E911 Grant Awarded to the Incorporated County of Los Alamos by the Department of Finance and Administration, Acting Through the Local Government Division, in the Amount Not to Exceed \$757,179 and Budget Revision 2027-06

**I move that Council approve the Fiscal Year 2027 E-911 Grant Agreement from the Department of Finance and Administration acting through the Local Government Division in an amount not to exceed \$757,179 and authorize the County Manager to execute the grant agreement.**

- E. Approval of Adjustment to Purchase Order No. 91298 for AGR27-815 With Advanced Network Management (ANM) for Three-Year Renewal of HPE Cohesity Software, a Backup and Data Recovery Solution, and Hardware, and Accompanying Addendum in the Not-to-Exceed Amount of \$403,706.31, Plus Applicable Gross Receipts Tax

**I move that Council approve the adjustment of purchase order no. 21298 three-year renewal of HPE Cohesity Software, a backup and recovery solution, and hardware, and accompanying addendum with Advanced Network Management (ANM) in the amount of \$403,706.31 plus applicable Gross Receipts Tax.**

The motion passed with the following vote:

**Yes: 6 – Councilor Ryti, Councilor Herrmann, Councilor Cull, Councilor Havemann, Councilor Neal-Clinton, and Councilor Reagor**

**Absent: 1 – Councilor Hand**

## **8. INTRODUCTION OF ORDINANCE(S)**

- A. Introduction of Incorporated County of Los Alamos Code Ordinance No. 02-385; An Ordinance Amending Chapter 40, Article III, Sections 40-151, and 40-152 of the Code of the Incorporated County of Los Alamos Pertaining to Gas Service Rates

**Councilor Cull introduced, without prejudice, Incorporated County of Los Alamos Code Ordinance No. 02-385; An Ordinance Amending Chapter 40, Article III, Sections 40-151, and 40-152 of the Code of the Incorporated County of Los Alamos Pertaining to Gas Service Rates and asked the staff to assure that it is published as provided in the County Charter.**

- B. Introduction of Incorporated County of Los Alamos Ordinance No. 760; An Ordinance Adopting A Local Economic Development Project For Public Support Of VE Holdings NM LLC, A Domestic Limited Liability Company Qualified To Conduct Business In The State Of New Mexico

**Councilor Herrmann introduced, without prejudice, Incorporated County of Los Alamos Ordinance No. 760; An Ordinance Adopting A Local Economic Development Project For Public Support Of VE Holdings NM LLC, A Domestic Limited Liability Company Qualified To Conduct Business In The State Of New Mexico, and asked staff to assure that it is published as provided in the County Charter.**

## **9. PUBLIC HEARING(S)**

- A.** Incorporated County of Los Alamos Resolution No. 26-17 Approving the Issuance by the Public Finance Authority of Not To Exceed \$230,000,000.00 of Its Workforce Housing Revenue Bonds On Behalf of Madrone – Los Alamos Housing I, LLC. [Related to Coyote Mesa Project]

Mr. Dan Osborn, Housing and Special Projects Manager, presented.

Public Comment:  
None.

**A motion was made by Councilor Neal-Clinton, seconded by Councilor Cull, that Council adopt Incorporated County of Los Alamos Resolution No. 26-17, a Resolution Approving the Issuance by the Public Finance Authority of Not to Exceed \$230,000,000.00 of Its Workforce Housing Revenue Bonds on Behalf of Madrone – Los Alamos Housing I, LLC For Purposes of Section 147 (f) of the Internal Revenue Code of 1986, As Amended, and Wisconsin Statutes Section 66.0304(11)(a).**

**The motion passed with the following vote:**

**Yes: 6 – Councilor Ryti, Councilor Herrmann, Councilor Cull, Councilor Havemann, Councilor Neal-Clinton, and Councilor Reagor**

**Absent: 1 – Councilor Hand**

## **10. BUSINESS**

- A.** Discussion and Possible Action on Recommendation from Environmental Sustainability Board on Proposed Single-Use Plastic Bag Ban Ordinance

Mr. David Hampton, Environmental Sustainability Board Chair, presented.

Mr. Alvin Leaphart, County Attorney, spoke.

Ms. Angelica Gurule, Sustainability Manager, spoke.

Public Comment:  
Ms. Joyce Anderson spoke.  
Ms. Sue Barnes spoke.  
Ms. Jody Benson spoke.  
Ms. Lisa Shin spoke.  
Ms. Linda Daly spoke.

A motion was made by Councilor Havemann, seconded by Councilor Herrmann, that Council direct the County Manager to develop a revised carry-out plastic bag Ordinance per Attachment B, as amended, and introduce this revised Ordinance to Council as soon as August 25<sup>th</sup>, but no later than September 8<sup>th</sup>, then follow this with a public hearing no later than September 29<sup>th</sup>.

The amendments suggested to the Attachment B Draft Ordinance:

- (1) Delete the word or the phrase “single-use” throughout the Ordinance text so it just says, “plastic carry-out bags.”
- (2) In the title, delete the part about encouraging retailers to charge a fee; leave that up to store owners and store managers – how they would like to handle that.
- (3) Amend Section 7 regarding penalties:
  1. For the first violation, issue a citation and/or warning, and the owner shall then have one week to comply before being cited again.
  2. For the second violation, a fine of not more than \$100.
  3. Third violation, a fine of not more than \$200.
  4. For the fourth violation and subsequent violations, a fine of not more than \$300. No other kind of punitive text.
- (4) Modify Paragraph B and replace the word “day” with “week” so that it would then read “each week an owner of a retail establishment violates this article shall constitute a separate violation.”

The motion failed with the following vote:

Yes: 3 – Councilor Herrmann, Councilor Cull, and Councilor Havemann

No: 3 – Councilor Ryti, Councilor Neal-Clinton, and Councilor Reagor

Absent: 1 – Councilor Hand

## RECESS

Councilor Ryti called for a recess at 8:22 p.m. The meeting reconvened at 8:37 p.m.

## 11. COUNCIL BUSINESS

### A. General Council Business

- 1) Discussion and Possible Approval of Los Alamos County Policy Resolution to the National League of Cities (NLC)

Ms. Danielle Duran, Intergovernmental Affairs Manager, presented.

Public Comment:

None.

A motion was made by Councilor Cull, seconded by Councilor Havemann, that Council approve the submission of the policy proposal as agreed upon to the National League of Cities policy process for consideration.

The motion passed with the following vote:

**Yes: 6 – Councilor Ryti, Councilor Herrmann, Councilor Cull, Councilor Havemann, Councilor Neal-Clinton, and Councilor Reagor**

**Absent: 1 – Councilor Hand**

2) Discussion and Possible Action on New Mexico Counties / State of New Mexico Statutory Amendment

Chair Ryti presented.

Mr. Alvin Leaphart, County Attorney, spoke.

Public Comment:

None.

A motion was made by Councilor Herrmann, seconded by Councilor Cull, that Council, through its Chair, respectfully object to the proposed statutory changes because many of the changes, assumedly unintentionally;

- (1) conflicts with Los Alamos County's charter that was lawfully adopted pursuant to Article X, Section 5 of the state constitution establishing incorporated counties;
- (2) conflicts with an incorporated county's statutory powers as a municipality as provided for in Article X, Section 5 of the state constitution (Incorporated Counties);
- (3) fails to recognize that incorporated counties do not have the same elected officials as other counties as allowed by Article X, Section 5 of the state constitution and as provided in this county's charter; and
- (4) improperly burdens the rights of self-government provided to the citizens of an incorporated county granted by Article X, Section 5 and Article X, Section 6 (Municipal Home Rule) of the state constitution.

The motion passed with the following vote:

**Yes: 6 – Councilor Ryti, Councilor Herrmann, Councilor Cull, Councilor Havemann, Councilor Neal-Clinton, and Councilor Reagor**

**Absent: 1 – Councilor Hand**

**B. Appointments**

None.

**C. Board/Commission Vacancy Report**

1) Board and Commission Vacancy Report

Chair Ryti called attention to vacancies on the report attached to the agenda.

**D. Board and Commission Reports**

None.

**E. County Manager's Report**

County Manager Laurent reminded all that the County Fair & Rodeo and the Craft Fair are this weekend.

**F. Council Chair Report**

Chair Ryti reported on:

- A recent consent order scoping meeting
- Weekly meetings

**G. Approval of Councilor Expenses**

None.

**H. Preview of Upcoming Agenda Items**

- 1) Tickler Report on Upcoming Agenda Items

Chair Ryti highlighted items on the report attached to the agenda.

**12. COUNCILOR COMMENTS**

Chair Ryti called attention to the Thomas Jefferson quote on the wall at the front of Chambers: "Every difference of opinion is not a difference of principle."

**13. ADJOURNMENT**

The meeting adjourned at 8:57 p.m.

INCORPORATED COUNTY OF LOS ALAMOS

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Randall Ryti, Council Chair

Attest:

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Michael D. Redondo, County Clerk

Meeting Transcribed by: Allison Collins, Senior Deputy Clerk

**8. *INTRODUCTION OF ORDINANCE(S)***

**B. OR1148-26**

Introduction of Incorporated County of Los Alamos Ordinance No. 760; An Ordinance Adopting A Local Economic Development Project For Public Support Of VE Holdings Nm LLC, A Domestic Limited Liability Company Qualified To Conduct Business In The State Of New Mexico

The attached attachment should have been Attachment B

**B – The Rock – LEDA Public Benefit Evaluation Summary**

## The Rock — LEDA Public Benefit Evaluation Summary

### 1. PRIVATE INVESTMENT & PUBLIC PARTICIPATION RATIO

|                                                                       |                |
|-----------------------------------------------------------------------|----------------|
| Total Project Cost (Construction+Equipment)                           | \$2,661,775.00 |
| Private Investment (Project Cost – Public Assistance)                 | \$1,793,775.00 |
| Developer's Cash Equity                                               | \$495,305.00   |
| Other Funding (\$1,200,000) + USDA/equipment grant funding (\$98,470) | \$1,298,470.00 |
| <b>LEDA Funding as % of Project Cost</b>                              | <b>32.6%</b>   |

### 2. LEVEL OF PUBLIC PARTICIPATION

|                                                                                  |                  |
|----------------------------------------------------------------------------------|------------------|
| LEDA Loan Principal (0% interest, 10-yr term)                                    | \$868,000        |
| Assumed Investment Income                                                        | 4.0%             |
| Loan Term (Years)                                                                | 10               |
| <b>TOTAL COST OF THE COUNTY PARTICIPATION (10-Yr Foregone Investment Income)</b> | <b>\$347,200</b> |

### 3. VALUE OF THE PUBLIC PARTICIPATION TO THE PROJECT

|                                                                       |                  |
|-----------------------------------------------------------------------|------------------|
| LEDA Loan Principal (0% interest, 10-yr term)                         | \$868,000        |
| Assumed Market Interest Rate At Standard Amortization Schedule        | 6.8%             |
| Loan Term (Years)                                                     | 10               |
| <b>TOTAL BENEFIT TO THE PROJECT (10-Yr, Potential Bank Interest )</b> | <b>\$328,008</b> |

### 4. ECONOMIC BENEFIT TO THE COUNTY (10-Year Public Revenue Generated by the Project)

|                                                                                       |                  |
|---------------------------------------------------------------------------------------|------------------|
| Construction Gross Receipts Taxes (GRT) Revenue (one-time, County portion)            | \$30,797         |
| Operating GRT Revenue (County portion, over 10 years)                                 | \$599,004        |
| Incremental Property Tax Revenue (over 10 years)                                      | \$155,755        |
| <b>TOTAL ECONOMIC BENEFIT TO THE COUNTY (10-Yr Participation Period)</b>              | <b>\$785,556</b> |
| Plus: 8 Full-Time-Equivalent Jobs Created at average annual salary of \$28,000 + tips |                  |

### 5. BOTTOM LINE

|                                                                   |                  |
|-------------------------------------------------------------------|------------------|
| Total Economic Benefit to the County (10-Yr Participation Period) | \$785,556        |
| Less: 10-year Foregone Investment Income                          | -\$347,200       |
| <b>TOTAL PUBLIC BENEFIT TO THE COUNTY (10-Yr)</b>                 | <b>\$438,356</b> |
| Public Return per \$1 of Participation Cost                       | \$ 2.26          |

*Every \$1 of public assistance cost generates about \$2.26 in public revenue over 10 years.*

**INCORPORATED COUNTY OF LOS ALAMOS CODE ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE ADDING CHAPTER 18, ARTICLE V, BANNING THE DISTRIBUTION OF SINGLE-USE PLASTIC CARRYOUT BAGS AND ENCOURAGING RETAIL ESTABLISHMENTS TO CHARGE A FEE FOR RECYCLED CONTENT PAPER CARRYOUT BAGS.**

**WHEREAS**, single-use plastic carryout bags do not biodegrade and instead persist in the environment for hundreds of years, slowly breaking down through abrasion, tearing and photo degradation into toxic plastic bits that contaminate soil and water while entering the food web when animals inadvertently ingest these materials; and

**WHEREAS**, the litter problem resulting from single-use plastic carryout bags is becoming increasingly difficult to manage and has costly negative implications for tourism, wildlife and aesthetics. It is the Incorporated County of Los Alamos' ("County") desire to conserve resources, reduce waste, litter, pollution and protect the public health, safety and welfare; and

**WHEREAS**, this Single-Use Plastic Carryout Bag Ordinance will eliminate the use of single-use plastic carryout bags by Retail Establishments within the jurisdiction of the County and encourage the use of reusable bags; therefore;

**BE IT ORDAINED BY THE GOVERNING BODY OF THE INCORPORATED COUNTY OF LOS ALAMOS** as follows:

**Section 1.** Chapter 18, Article V, is hereby added to the Los Alamos County Code of Ordinances and shall state as follows:

**Article V - Single-Use Plastic Carryout Bags**

**Section 2. Purpose.** The purpose of this Article is to protect and enhance the County's unique and precious environment, wildlife, and beauty through the reduction of Single-use Plastic Carryout Bags and to encourage the use of reusable or sustainable options. The litter problem resulting from Single-use Plastic Carryout Bags is becoming increasingly difficult to manage and has costly negative implications for tourism, wildlife, and the waterways. Due to such negative implications, Single-use Plastic Carryout Bags are injurious to the public health, safety, and welfare of the citizens of the County and are therefore a public nuisance.

**Section 3. Definitions**

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Code Official* means the county official who is charged with the administration and enforcement of this Code, or any representative authorized by the County Manager.

*Owner* means any individual, partnership, limited partnership, firm, company, corporation, association, joint-stock company, trust, estate, or other legal entity that owns a

Retail Establishment, or their representative, agent or assigns who are responsible for the daily operation of the store.

*Plastic* means a synthetic material made from linking monomers through a chemical reaction to create a polymer chain that can be molded or extruded at high heat into various solid forms, including material derived from petroleum or a biologically based polymer such as corn or other plant sources.

*Recyclable Cardboard Box* means a box made of non-coated cardboard, corrugated paper or paper.

*Recycled Content Carryout Paper Bag* means a carryout bag that is made of paper and contains a minimum of forty percent post-consumer recycled paper content and is one hundred percent recyclable.

*Retail Establishment* means a retail business including, but not limited to, a convenience store, restaurant, grocery store, pharmacy, food truck, home improvement store, liquor store, gas station, seasonal or temporary business, farmers market or farm stand, food or good delivery service provider, and seller of merchandise and dry goods to consumer.

*Reusable Carryout Bag* means a carryout bag that is designed and manufactured for multiple uses; is made of cloth or hemp product; and has stitched handles (either thread or ultrasonic).

*Single-use Plastic Carryout Bag* means a checkout or carryout bag made from Plastic that is provided to a customer for the purpose of transporting groceries, food, or other goods.

#### **Section 4. Policy**

(a) Retail Establishments shall not provide or sell to a customer a Single-use Plastic Carryout Bag or any other bag or box that is not a Reusable Carryout Bag, Recycled Content Carryout Paper Bag, or Recyclable Cardboard Box for the purpose of carrying groceries, food, or other goods.

(b) This Section shall not apply to bags:

1. provided to customers for use with loose or bulk products, produce, meat or fish or when provided for separating items to avoid contamination or prevent damage from moisture or for sanitary, public health or environmental protection purposes;
2. provided for prepared takeout food with a potential for leakage, as determined by the Retail Establishment, that is not intended for consumption on the Retail Establishment's premises;
3. provided by healthcare providers or veterinarians to contain prescription drugs or medical necessities;
4. provided by laundry or dry-cleaning establishments;
5. used to transport or contain live animals;
6. used to transport chemical pesticides or drain-cleaning or other toxic chemicals sold at Retail Establishments;
7. used to protect newspapers from inclement weather;

8. distributed by manufacturers for packaging or preparing goods for display prior to sale; or
9. provided by food banks.

**Section 5. Fee for Recycled Content Carryout Paper Bag.** Retail Establishments are encouraged to impose a fee for each Recycled Content Carryout Paper Bag provided to customers in order to offset the Retail Establishment's costs of complying with this Article and to encourage the use of Reusable Carryout Bags.

**Section 6. Responsibility of Enforcement.** The County Code Compliance Officer and Code Officials are authorized to enforce the provisions of this Article.

**Section 7. Penalties.**

(a) Any owner of Retail Establishment who violates any of the provisions of this Article shall be deemed guilty of a petty misdemeanor, and, upon conviction shall be subject to the following penalties:

1. A fine of not more than \$100.00 for the first violation;
2. A fine of not more than \$200.00 for the second violation;
3. A fine of not more than \$500.00 for the third violation; and
4. A fine of not more than \$500.00 or imprisonment for not more than five days or both for the fifth or subsequent violations.

(b) Each day an owner of a Retail Establishment violates this Article shall constitute a separate violation.

(c) Nothing contained in this section shall prevent the County from taking other such lawful action as may be necessary to prevent or remedy any violation or to bring an action to enjoin any violation of this Article.

**Section 8. Effective Date.** This Ordinance shall become effective one hundred eighty (180) days after the publication of the notice of adoption.

**Section 9. Severability.** Should any section, paragraph, clause or provision of this ordinance, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance.

**Section 10. Repealer.** All 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.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

**COUNCIL OF THE INCORPORATED**

**COUNTY OF LOS ALAMOS**

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**Randall Ryti**  
**Council Chair**

**ATTEST: (SEAL)**

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**Michael D. Redondo**  
**Los Alamos County Clerk**

## **Sec. 5 [Incorporated counties.]**

Any county at the time of the adoption of this amendment, which is less than one hundred forty-four square miles in area and has a population of ten thousand or more may become an incorporated county by the following procedure:

**A.** upon the filing of a petition containing the signatures of at least ten percent of the registered voters in the county, the board of county commissioners shall appoint a charter commission consisting of not less than three persons to draft an incorporated county charter; or

**B.** the board of county commissioners may, upon its own initiative, appoint a charter commission consisting of not less than three persons to draft an incorporated county charter; and

**C.** the proposed charter drafted by the charter commission shall be submitted to the qualified voters of the county within one year after the appointment of the commission and if adopted by a majority of the qualified voters voting in the election the county shall become an incorporated county.

The charter of an incorporated county shall provide for the form and organization of the incorporated county government *and shall designate those officers which shall be elected, and those officers and employees which shall perform the duties assigned by law to county officers.*

An incorporated county may exercise all powers and shall be subject to all limitations granted to municipalities by Article 9, Section 12 of the constitution of New Mexico *and all powers granted to municipalities by statute.*

A charter of an incorporated county shall be amended in accordance with the provisions of the charter.

Nothing herein contained shall be construed to alter or amend the existing constitutional provisions regarding apportionment of representation in the legislature or in the boundaries of legislative districts or judicial districts, nor the jurisdiction or organization of the district or probate courts.

The provisions of this amendment shall be self-executing. (As added November 3, 1964.)

N.M. Const. Art. X, § 5

[Emphasis Added]