

LOS ALAMOS

Department of Public Utilities

Electric, Gas, Water, and Wastewater Services

Board of Public Utilities

Procedural Rules

May 21, 2014

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This manual contains the current procedures adopted by the Los Alamos County Board of Public Utilities to exercise jurisdiction and control of the Los Alamos Department of Public Utilities in accordance with Los Alamos County Charter, Article V - Utilities.

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Part 1: Introduction and Administration

1.1. Purpose

This Procedural Rules (PR) contains the current rules adopted by the Incorporated County of Los Alamos (County), Board of Public Utilities (BPU) to fulfill its responsibility to exercise jurisdiction and control of the Los Alamos Department of Public Utilities (DPU) in accordance with the Los Alamos County Charter, Article V – Utilities and the County Code of Ordinances. This PR was initially approved by the BPU on May 21, 2014.

1.2. Reasons for Adoption

- a. To realize the efficiency of having all on-going BPU general and meeting procedures in one place.
- b. To quickly orient new BPU members to current BPU procedures.
- c. To eliminate redundant or conflicting BPU procedures over time.
- d. To ease the reviewing of current procedures and processes when considering new issues.
- e. To support continuity and consistency of BPU processes and procedures.
- f. To provide clear, pro-active guidance to the Department of Public Utilities and Utilities Manager.
- g. To comply with Article V of the Los Alamos County Charter and County Code of Ordinances.

1.3. Consistency

Each process or procedure in this PR is expected to be consistent with State and Federal law, the County of Los Alamos Charter, the Los Alamos County Code of Ordinances, and other County ordinances and resolutions, all of which have precedence over these BPU procedures. Except for time-limited or procedural-only BPU decisions (approving minutes, electing an officer, etc.), which are recorded in regular BPU minutes, all on-going BPU procedures shall be included or referenced in this document. The Manager of the Department of Public Utilities (Utilities Manager) is responsible for developing and implementing department processes and procedures that are consistent with this PR and the decisions of the Council and BPU.

1.4. Transition

As soon as some version of the PR is voted on by at least four of the five voting members of the BPU, those procedures are deemed to supersede any past procedure that might be found in old minutes unless a prior BPU resolution or contract obligates the or BPU or DPU to a specific matter. If any actual or apparent conflict arises between the PR and other adopted policies or BPU resolutions, the matter shall be resolved by a majority vote of the entire BPU.

1.5. Changes

These rules will be reviewed and revised as necessary or at least annually at the regular July BPU meeting. The Utilities Manager will help the BPU formulate new language in the PR by distributing proposed changes in advance using software that shows all changes for BPU members to review. Any change to this PR must be approved by a vote of at least four of the five voting members of the BPU. Any BPU member as well as the Utilities Manager may submit proposed changes. Whenever changes are adopted, the updated document should be quickly made available to the BPU and to those staff who assist the BPU in its work. The previous version should be stored separately for future reference if needed.

1.6. Specificity

Each new rule will be drafted to fit in the appropriate place within the PR. Conceptually, procedures should be drafted from the "outside in," *i.e.*, the broadest procedure statement should be stated first, then the next broadest, etc. down to the level of detail that the BPU finds appropriate for BPU action and below which management is afforded discretion as to how it implements the procedures.

1.7. Maintenance of the Procedural Rules

- a. The Utilities Manager shall update the PR after the BPU makes any changes and shall post that version on the BPU website within 30 days of the approved changes.
- b. On at least a biennial basis the BPU shall request the County Attorney's review the PR to ensure compliance with current State, federal, and local law.
- c. The full PR and all the appendices, as may be amended from time to time as provided ~~in~~ herein, will be maintained and available to the public on the DPU's website.

1.8. Context of Other Laws, Rules, and Policies

This PR fits into this hierarchy as provided below:

- a. Laws and Applicable Regulations and Los Alamos County Charter
- b. Los Alamos County Code of Ordinances
- c. Los Alamos County Council Resolutions
- d. Los Alamos County administrative policies
- e. This BPU Procedures Manual
- f. Utilities Manager-Approved Departmental Procedures
- g. Processes or procedures set by Deputy Managers Under the Utilities Manager

1.9. Annual Reaffirmation

Each year during the July BPU meeting each board member will affirm that he/she has received, read, understands, and agrees to abide by this Board of Public Utilities Procedures Manual and the applicable documents referenced in the Appendix. See [Appendix A](#) for the re-affirmation signature sheet.

Part 2: Organization Essentials

2.1. Mission Statement

To provide safe and reliable utility services in an economically and environmentally sustainable fashion.

2.2. Vision Statement

To be a high-performing utility matched to our community, contributing to its future with diversified and innovative utility solutions.

2.3. Values Statement

We value our: CUSTOMERS by being service oriented and fiscally responsible; EMPLOYEES AND PARTNERSHIPS by being collaborative, fair, trustworthy, and professional; ENVIRONMENT through innovative and progressive solutions; COMMUNITY by being communicative and organized.

2.4 Accountability

The BPU and DPU are accountable to (1) the customers of the Los Alamos County Department of Public Utilities and (2) the Citizens of the County of Los Alamos represented by the County Council.

2.5. Strategic Planning

The following are the strategic planning goals of the Board:

- a. The BPU is expected to always think strategically.
- b. The Utilities Manager is expected to annually develop (1) Strategic Objectives, (2) Long-Term Goals, and (3) Short-Term Goals for the DPU based on the procedures in this PR and to present the Strategic Objectives and Long-Term Goals to the BPU for approval. See [Appendix B](#) for the current DPU Strategic Objectives, Long-Term Goals, and Short-Term Goals.
- c. The BPU will assure alignment of the DPU's Strategic Objectives with those of the County, and then forward the approved Strategic Objectives document to the County Council for their information.

2.6. Climate of Compliance

It is the fundamental rule of the BPU that all BPU and DPU business and other practices be conducted in compliance with all applicable laws and regulations of the United States, the State of New Mexico, and the County of Los Alamos, specifically:

- a. The Los Alamos County Charter, Article V – Utilities (See [Appendix C.](#))
- b. The Los Alamos County Code of Ordinances, Chapter 40 – Utilities (See [Appendix D.](#))

- c. Other adopted ordinances, resolutions, policy, or rule by the County Council
- d. The Board of Public Utilities Procedural Rules
- e. The Rules and Regulations, Los Alamos County Board of Public Utilities

2.7. Code of Conduct

Members of the BPU will comply with the State and Los Alamos County Code of Conduct Ordinance. See [Appendix E](#).

2.8. Guiding Principles

In addition to the Los Alamos County Code of Conduct, the BPU will follow these Guiding Principles:

- a. The safety of the public and DPU employees is the BPU's priority, outweighing all other considerations. The BPU will work with the Utilities Manager to foster a culture of safety in the DPU. Refer to [Appendix O](#) for the DPU's Culture of Safety Vision Statement.
- b. The BPU has responsibilities to the DPU customers to preserve and increase the value of DPU assets and to ensure the long-term viability of all DPU utilities.
- c. The BPU will strive to establish and maintain fair and just utility rates for each utility service that fully cover the costs for operation, maintenance, future replacement and upgrades, and debt service for each utility. Rate structures should reflect the fixed and variable costs associated with each utility.
- d. The BPU will adjust and propose rates for each utility service in a timely manner to address changes in the costs associated with that utility service.
- e. The BPU will promote policies, procedures, and processes to improve the performance and reliability of each utility, as measured against national standards at a reasonable cost to the DPU customers.
- f. The BPU will recommend policies, procedures, and processes that will improve the environmental sustainability of DPU operations at a reasonable cost to the DPU customers.
- g. The BPU will promote the development and maintenance of documented, comprehensive plans for operation of the DPU during emergency conditions.
- h. The BPU will promote programs such as education, energy surveys, and irrigation analysis that will enable DPU customers to use our water, sewer, gas, and electrical utility services in a manner that will protect the environment, conserve resources, and be cost-effective to the DPU customers.

2.9. Standards of BPU Member Public Behavior

- a. The extent of a BPU member's authority is one vote in BPU meetings.

- b. BPU members shall not interfere with the Utilities Manager in the operation of the DPU.
- c. BPU members shall not direct DPU employees.
- d. BPU members shall maintain civil decorum at meetings, treating each other with courtesy and respect; remembering that “*Every difference of opinion is not a difference of principle.*” – Thomas Jefferson.
- e. BPU members’ interaction with the public, each other, and staff will be open, transparent, and professional.
- f. BPU members must maintain the confidentiality of closed sessions and information gained from their position on the BPU. Release and disclosure of confidential information must be approved by a majority of the BPU and County Council.
- g. Representing the Board to Council:
 - Each BPU member is free to communicate with the County Council as a private citizen; the BPU member should clearly state that the Board Member is not speaking for the BPU unless specifically appointed by the BPU to be the spokesperson for the BPU on a particular issue.
 - Issues discussed and decisions made during open BPU meetings should be accurately communicated to the County Council.
- h. The rules contained in the current edition of these Procedural Rules, the Council’s Annual Meeting Resolution, any applicable adopted Council Board and Commission Procedural Rules, and the current version of **Roberts Rules of Order** shall govern the BPU in all cases to which they are applicable and in which they are not inconsistent with any special rules of order the BPU may adopt.
- i. BPU members, if acting within the scope of their duty, are subject to the immunities and limitations of the New Mexico Tort Claims Act, Sections 41-4-1, *et seq.*, NMSA 1978, as amended.

2.10. Whistleblowers

Members of the BPU will abide by the New Mexico “Whistleblower Protection Act,” NMSA 1978, Chapter 10, Article 16C. See [Appendix F](#) for additional information.

2.11. Documents Retention/Destruction

- a. The BPU shall preserve all information relating to litigation, audits, and investigations.
- b. From time to time, due to pending, threatened, or otherwise reasonably foreseeable litigation, audits, government investigations, or similar proceedings, the County Attorney or the Utilities Manager may issue BPU members a notice to suspend the destruction of specific records. No records so specified may be destroyed by BPU members until the notice is withdrawn in writing by County Attorney or the Utilities Manager.

- c. The County of Los Alamos, BPU, and its departments are subject to State Inspection of Public Records requirements and has a records and information management governance policy. Contact the Utilities Manager or the BPU Secretary for more detailed information.

2.12. Open Meetings

- a. All meetings of a quorum of BPU members held for the purpose of formulating public policy, discussing public business, or for taking any action within the authority of the BPU, are public meetings. Meetings or portions of BPU meetings can only be closed when the matter to be considered falls within one of the exceptions defined in the New Mexico Open Meetings Act (NMSA 1978, §§ 10-15-1 through 10-15-4); any questions regarding BPU meetings and/or closed sessions should be directed to the County Attorney.
- b. As required by the County Council, BPU meetings will be broadcast to the public using the County's on-line streaming capabilities; to the extent possible, BPU meetings will be held in meeting rooms with audio-video capabilities.
- c. Each January the County Council passes and the BPU will affirm a resolution establishing minimum standards of reasonable notice to the public for all meetings of the Council, the County Indigent Hospital and County Health Care Board and of all County boards, commissions, and policy-making bodies.
 - 1) The resolution sets the requirements for public notice and agenda publication for regular meetings, special meetings, emergency meetings, and closed sessions.
 - 2) Refer to [Appendix G](#), for the current County Open Meetings Resolution.
- d. BPU shall issue a notice of potential quorum no later than 72 hours prior to a potential quorum.
- e. Board members should avoid exchanging e-mails, phone calls, or other communication in which a quorum of BPU members may be included to discuss a policy issue, upcoming agenda item, or related matter; such communications may violate the State's Open Meetings Act, however sending correspondence to the Board's Secretary or Utilities Manager is acceptable. This issue is commonly known as a "rolling quorum."
- f. Refer to [Appendix H](#), State of New Mexico Attorney General's "Open Meetings Act Compliance Guide", which may be amended from time to time.

2.13. Media Relations

- a. The BPU promotes transparency in its decision-making process. As such public and media representatives are welcome to all open Board meetings and shall receive meeting agendas and agenda packets upon request.

- b. Each BPU member is free to interact with the media as a private citizen; the BPU member should clearly state that he/she is not speaking for the BPU unless specifically appointed as spokesperson for the BPU on a particular issue.
- c. Issues discussed during closed BPU meetings should not be revealed to the media.
- d. Issues discussed and decisions made during open BPU meetings should be accurately communicated to the media.
- e. BPU members may consider referring the media to DPU public relations staff on certain issues or may request assistance from DPU public relations staff in responding to media requests.
- f. BPU members shall be professional in their manner and conduct at meetings. Even though media representatives may not be present at an open BPU meeting, meeting minutes, audio recordings, and/or video recordings are public record and will be made available to the public and media representatives upon request.

2.14. Education and Development

- a. BPU applicants shall be provided an online link to this PR so they can better understand the roles and responsibilities of BPU membership.
- b. Within two months of being appointed, each new BPU member will be provided an orientation to the Department of Public Utilities, including its mission, policies, procedures, and programs, as well as his or her roles and responsibilities as a board member. This orientation will be provided or coordinated by the BPU Chair. Newly appointed BPU members will also receive a copy of the *APPA Handbook for Public Power Policymakers*, the County's *Public Involvement Guide for Boards and Commissions*, and the County's *Orientation Manual for Members of Boards and Commissions*. (The *Orientation Manual for Members of Boards and Commissions* includes several provisions that differ from the County Charter provisions for the BPU; nevertheless, the document may provide useful general guidance for BPU members and officers.)
- c. Each BPU member is expected to seek continuing education that will enhance his or her ability to effectively fulfill the duties of a BPU member and is encouraged to obtain a relevant certification within two years of appointment to the BPU. An example certification program is the Public Power Governance Certificate Program. Refer to the APPA information in [Appendix I](#) or visit <https://publicpower.org/governance-resources>.

Part 3: Board Structure and Processes

3.1. Governing Style

The BPU will approach its task with a style that emphasizes outward vision rather than an internal preoccupation, that encourages diversity in viewpoints, that underlines strategic leadership more than administrative detail, that is cognizant of the clear distinction between Board and staff roles, and that promotes pro-active rather than reactive approaches. In this spirit, the BPU will:

- a. Comply with this PR and discuss variances in open session.
- b. Be accountable to the DPU customers and the citizens of Los Alamos County for competent, conscientious, and effective accomplishment of its obligations as a body. It will allow no officer or individual of the BPU to usurp this role or hinder this commitment.
- c. Monitor and regularly discuss the BPU's own process and performance.
- d. Seek to ensure the continuity of its governance functions by identifying capable County citizens, encouraging them to apply for County Council appointment to the BPU, then adequately orienting and training new BPU members.
- e. Be an initiator of policy, and not just react to DPU staff initiatives.

3.2. BPU Job Descriptions

The job of the BPU is to exercise jurisdiction and control over the DPU. In this role, the BPU must lead the DPU toward desired operational and financial performance objectives and ensure that these objectives are met. The BPU's specific contributions are unique to its trusteeship role and necessary for proper governance and management.

- a. To perform its job, the **BPU** shall:
 - 1) Work with the Utilities Manager to define and refine the DPU's mission, values, strategies, and major goals/outcomes and hold the Utilities Manager accountable for developing strategic objectives and long-term goals based on these procedures.
 - 2) Develop an annual performance plan with priorities for Utilities Manager. The performance plan should align with the DPU's strategic objectives and long-term goals already approved by the BPU and should identify the performance standards by which the Utilities Manager is expected to achieve those objectives/goals/outcomes.
 - 3) Monitor the performance of the DPU relative to the achievement of the objectives/goals/outcomes.
 - 4) Select, nurture, evaluate annually, recommend fair compensation for and, if necessary, recommend termination of the Utilities Manager, who functions as the Board's sole agent.

- 5) Ensure financial solvency and integrity of the DPU through its processes and actions.
- 6) Require periodic financial and management external audits to ensure compliance with the law and good practices in accordance with Article V of the Los Alamos County Charter.
- 7) Participate in the annual DPU Strategic Planning Process as described elsewhere in this PR.
- 8) Review, approve, and recommend an annual DPU budget, including the Schedule of Funds, to the County Council.
- 9) Review, approve, and recommend utility rate ordinances to the County Council.
- 10) Review and approve utility contracts greater than or equal to ~~\$50,000~~ \$100,000, and review, approve and recommend utility contracts greater than ~~\$200,000~~ \$300,000 to the County Council. (Refer to Los Alamos County Code of Ordinances, Sec. 31-74. " Authority to execute contracts.")
- 11) Maintain and constantly improve all on-going procedures of the BPU in this PR.
- 12) Support the Utilities Manager in strategic, operational, and human resources issues before county staff and/or County Council.
- 13) Evaluate and strive to improve the BPU's performance as a governing board.
- 14) Actively work with DPU staff to communicate the value of the DPU to its stakeholders. Possible activities may include:
 - Accompanying the Utilities Manager and participating in presentations to civic organizations.
 - Attending County Council meetings where DPU topics will be presented or discussed.
 - ~~Accompanying the Utilities Manager to scheduled radio station interviews following BPU meetings.~~
- 15) Seek input and involve DPU stakeholders in BPU policy considerations and decisions using methods such as:
 - Exploring ways to get more stakeholder inputs while policies are being formed.
 - Using DPU bill inserts to distribute information and solicit public input on issues.
 - Utilizing the Los Alamos County On-Line Forum.
 - Use the bi-annual DPU customer survey to gather public input on issues.
 - Forming ad-hoc citizen's panels to address strategic questions and make recommendations to the BPU.
- 16) Work with the County Council to get citizens with diverse backgrounds appointed to the BPU to assure that the BPU represent the community interests it serves.

- b. For the BPU to function effectively, **each BPU member** must:
- 1) Regularly attend BPU regular and special meetings.
 - 2) Review the agenda packet for each meeting and come to the meeting prepared to discuss the items in the agenda.
 - 3) Participate in BPU discussions at meetings.
 - 4) If possible before a BPU meeting, prepare any lengthy reports and/or comments in writing and provide them to the BPU Secretary at or before the meeting.
 - 5) Adhere to these procedural rules.
 - 6) Represent interests of DPU customers.
 - 7) Rotate attendance at boards and commissions lunches.
 - 8) Accept and fulfill duties assigned by the BPU Chair.
 - 9) In BPU meeting discussions, focus on policy consideration and direction versus operational issues; discuss technical details of DPU operations with DPU staff prior to the BPU meeting if possible.
 - 10) Actively endeavor to understand and balance the varied concerns of DPU customers.
- c. The **BPU Chair** has the following additional responsibilities:
- 1) Meet with Utilities Manager approximately two weeks before each regular BPU meeting to review and approve the agenda items for the meeting.
 - 2) Conduct the regular and special BPU meetings.
 - 3) Obtain BPU member volunteers, or if necessary, appoint BPU members for committees and Board projects.
 - 4) Review meeting minutes after each BPU meeting.
 - 5) Sign approved BPU meeting minutes.
 - 6) Review and approve the Utilities Manager's travel pre-approvals and reimbursements.
 - 7) To the extent possible, attend weekly "Leadership Council" meetings to be aware of County Council agenda and to provide information about BPU issues to County leadership; if necessary, ask the BPU Vice-Chair to attend.
 - 8) Represent the BPU at County Council meetings, particularly those where DPU issues will be discussed.
 - 9) Provide an annual oral report to County Council to keep them aware of issues facing the BPU which may significantly impact the operations of other County departments.
 - 10) Help the BPU spend appropriate time on policy considerations, processes, and direction versus operational issues; guide BPU meeting discussions away from operational details and toward policy issues.

- d. In the absence of the Chair, the **BPU Vice-Chair** shall assume the duties of the Chair.
- e. The **BPU immediate past Chair** is encouraged serve as mentor for the current BPU Chair.
- f. The **Utilities Manager**, an ex-officio non-voting member of the BPU: Refer to Part 4 of this PR for a description of the Utilities Manager’s Responsibilities.
- g. The **County Manager** will be an ex-officio non-voting member of the BPU and is encouraged to:
 - 1) Attend the meetings of the BPU or send a designated alternate deputy administrator.
 - 2) Serve as a liaison between the Board and County Administration to ensure that (a) the Council is aware in advance of actions by the DPU which may significantly impact County operations, and (b) that DPU is aware in advance of actions by the County which may significantly impact DPU operations.
 - 3) Provide an annual briefing to the BPU on the strategic objectives of the County at the April BPU meeting.
- h. The **County Council Liaison** is encouraged to:
 - 1) Attend the meetings of the BPU or send a designated alternate County Council member.
 - 2) Keep the County Council informed on BPU and DPU issues that may have a major impact on the County.
 - 3) Keep the BPU informed on County Council issues that may have a major impact on the BPU or the DPU.
 - 4) Sit at the dais or with members of the BPU at Council Liaison discretion, at which time, the Council Liaison name-placard shall be displayed.
 - 5) Participate in DPU discussion when the Council Liaison has clarifying points pertinent to the discussion.
 - 6) Refrain from interjecting opinion into discussion, unless speaking as a member of the public during periods reserved for public comment.

3.3. Annual Calendar of BPU Activities

The BPU will generally follow the calendar of activities outlined below, although, circumstances may dictate that the timing of some of these activities be adjusted. Additional BPU activities such as consideration of utility rate ordinances and utility contracts will occur from time to time. The calendar for the current year is included as [Appendix J](#).

July

- BPU Chair and DPU staff begin orientation for new BPU member(s).
- BPU discusses and agrees on content of Chair's report to County Council.
- BPU reviews PR and revises it as appropriate.
- BPU members reaffirm the PR.

August

- BPU Chair and DPU staff complete orientation for new BPU member(s).
- BPU members encouraged to attend the annual DPU staff strategic planning workshop.
- BPU approves resolution removing uncollectable utility accounts from accounts receivable list for the fiscal year five years in the past.

September

- BPU works with the Utilities Manager to review and revise the mission, vision, and values statements.
- BPU works with the Utilities Manager to review and revise DPU Strategic Objectives and Long-Term Goals.
- BPU Chair makes annual report to County Council.
- BPU receives and discusses quarterly Conservation Program update.
- BPU approves budget carryovers from previous fiscal year.
- BPU receives and discusses DPU quarterly report.

October

- BPU receives and discusses Department of Public Utilities Quarterly Report
- BPU reviews and approves DPU Strategic Objectives and Long-Term Goals.

November

- BPU begins annual self-evaluation.

December

- BPU receives and discusses quarterly Conservation Program update.
- BPU completes annual self-evaluation.
- BPU approves meeting calendar for upcoming calendar year.
- BPU receives and discusses DPU quarterly report.

January

- BPU elects Chair and Vice Chair for calendar year.
- BPU appoints members to Audit Committee for calendar year.
- BPU assigns members to Boards and Commissions luncheon schedule for calendar year.
- BPU votes compliance with County Open Meetings Resolution.
- BPU approves meeting agenda outline

February

- BPU discusses budget for the next fiscal year.

March

- BPU receives the annual financial report for the previous fiscal year.
- BPU approves budget for the next fiscal year.
- BPU receives and discusses quarterly Conservation Program update.
- BPU reviews results of customer satisfaction survey.

- BPU receives and discusses DPU quarterly report.

April

- BPU starts Utility Manager's performance evaluation process (may require several closed sessions).
- BPU and Utilities Manager review and amend goals and performance plan for the next fiscal year (may require several closed sessions in conjunction with the Utility Manager's performance evaluation process).
- BPU receives briefing from County Manager on the County strategic objectives.

May

- BPU approves year-end budget adjustments.
- BPU completes Utilities Manager's performance evaluation, which will include Utilities Manager's goals and performance plan for the next fiscal year.
- BPU Chair submits Utilities Manager's performance evaluation and recommended salary action to the Chair of the County Council.
- County Council appoints new member(s) to BPU for a term. (Appointments to fill unexpired terms will occur when needed,
- County residents apply to County Council for appointment to BPU. (Applications to fill unexpired terms will be solicited when needed,)

June

- BPU receives and discusses quarterly Conservation Program update.
- BPU receives and discusses DPU quarterly report.

3.4. BPU Meetings

- a. Regular Meetings – regular meetings will generally be held on the third Wednesday of each month at 5:30 p.m. Regular meetings will be set under the requirements of the annual Opening Meetings Resolution adopted by Council. Public comment will be taken at the beginning of the meeting for items that are not on the agenda or do not require action by Council. Comments on action items will be taken at the time the action is considered. Public comment also will be taken at the end of the meeting on any topic. Comments generally will be limited to three minutes unless announced for shorter time by the Chair. Comments also will be accepted by available written methods.
- b. Work Sessions – work sessions will generally be held on the first Wednesday of each month at 5:30 p.m. The board may schedule work sessions on a regular basis under the requirements of the annual Open Meetings Resolution. Board meetings designated as work sessions will be held for the primary purpose of discussing issues at length with staff in an informal setting without taking formal action, except for required procedural actions such as approving minutes from a prior meeting or adopting a

statement for inclusion in the minutes regarding a closed session. Public comment will be taken only at the beginning and ending of the session, and by available written methods.

- c. Closed Meetings - The Chair may call a closed session to discuss issues (such as pending litigation, personnel matters, collective bargaining strategy) pursuant to NMSA 1978, 10-15- 1 (H) (2,5 etc.). Following the closed session, the Chair will call for a motion that is substantially similar to the following: "I move that the Board approve the following statement for inclusion in the minutes: 'The matters discussed in the closed session held on (MONTH)(DAY)(YEAR) that began at (TIME) were limited only to those topics specified in the (NOTICE)(MOTION) of the closed session.'" This motion is a procedural motion, therefore only a show of hands is required rather than a roll call vote.
- d. Special Meetings – The Chair may call a special meeting, or the Board at an open meeting may set a special meeting for the purpose of conducting County business. Notice of a special meeting will follow the requirements of the annual Open Meetings Resolution.
- e. Emergency Meetings - The Chair may call an emergency meeting in accordance with the annual Open Meetings Resolution.

3.5. BPU Meeting Agenda Template

The following template describes the items that will be addressed and the order of business in a typical BPU meeting; not every meeting will include every item in the template. Agenda items will be substantially completed within 72 hours of each meeting.

1. **Call to Order**
2. **Public Comment (on consent agenda items and items not otherwise listed on the agenda)**
3. **Approval of Agenda**
4. **Board Business**
 - a. **Chair's Report**
 - b. **Board Member Reports**
 - c. **Utilities Manager's Report**
 - d. **County Manager's Report**
 - e. **Council Liaison's Report**
 - f. **Environmental Sustainability Board Liaison's Report**
 - g. **General Board Business**
 - h. **Approval of Board Expenses**
 - i. **Preview of Upcoming Agenda Items**
 1. **Tickler File for the Next Three Months**
5. **Public Hearings (Any BPU action will be in the Public Hearings section of the agenda.)**

6. Consent Agenda
 - a. Approval of Minutes
7. Business
8. Status Reports
 - a. Electric Reliability Report
 - b. Accounts Receivable Report
 - c. Safety t Report
9. Public Comment (on any item)
10. Adjournment

3.6. Public Comments

The following is the BPU's general rule concerning public comment during BPU meetings:

- a. Agendas will include a standing public comment period at the beginning of meetings for items not otherwise listed on the agenda.
- b. Agendas will include a standing public comment period at the end of meetings for any items.
- c. Public Hearings – After the presenter has given his or her presentation, the Chair will open the public hearing for comments on the particular topic in the agenda and will close the public hearing when commenting is finished. Any formal BPU action on the item will occur in the Public Hearings section of the BPU meeting agenda after public comments are finished.
- d. Business Items - After the presenter has given his or her presentation, after initial Board discussion, and prior to accepting a main motion on an item, the Chair will formally open the floor for a public comment period to receive comments related to the specific agenda item. If a public hearing has been held on the topic during the meeting, the Chair may request that comments not be repeated. The Board may continue to have additional discussion on the item after the public comment period.
- e. Oral public comment should be limited to four minutes per person. Requests to make comments exceeding four minutes should be submitted to the Board in writing prior to the meeting. The text of lengthy comments should be submitted to the Board prior to the meeting, if possible, but may also be submitted during or after the meeting.
- f. Individuals representing or making a combined statement for a large group present at a meeting may be allowed additional time for comment at the discretion of the Board. The Board may agree to this by consent (no motion necessary).
- g. BPU members may at any time ask the Chair that a presenter, member of the public, or staff member speak to provide clarification or additional information about an agenda item. This is not considered to be part of the public comment period. BPU members should not correct, rebut, or dialogue with a member of the public during the public comment period.

- h. Procedures regarding public comment will be included on agendas so that interested citizens know how to submit written comments prior to the meeting for Board consideration.
- i. Written public comment submitted prior to or during the meeting will be provided to the recording secretary to enter into the minutes as attachments. Oral public comments will be summarized by the recording secretary in the minutes to give a brief succinct account of the overall substance of the person's comments.
- j. Additional useful guidance and suggestions for public hearings and other ways and means of sharing information with or gathering input from DPU customers can be found in the Los Alamos County *Public Involvement Guide for Boards and Commissions*.

3.7. Meeting Agendas

- a. BPU meeting agenda shall comply with the State of New Mexico "Open Meetings Act." Refer to [Appendix I](#), State of New Mexico Attorney General's "Open Meetings Act Compliance Guide" and the County's annual Open Meeting resolution.
- b. All public hearings, consent, and business items shall be substantially complete 72 hours prior to action being taken.
- c. The agenda must contain a list of specific items of business to be discussed or transacted at the meeting, but there is no requirement for any additional description of what the Board may do with a specific item of business on the agenda.
- d. Agenda items will be substantially completed within 72 hours of each meeting.

3.8. Meetings Minutes

- a. Meeting minutes should be a succinct record of what was done at the meeting, not a transcript of what was said during the meeting.
- b. In substance, but not necessarily format, BPU meeting minutes will comply with Roberts Rules of Order, the County Boards and Commissions Manual, the New Mexico "Open Meetings Act", and the sample set of meeting minutes in the staff report for the April 17, 2013, BPU meeting; refer to [Appendix K](#).
- c. Board members should carefully review draft meeting minutes before approval and request that additional discussion details be included if needed to provide further explanation of a topic.
- d. Board members may request during the meeting that portions of discussions be recorded in the minutes if they believe the details to be of great importance to the overall record,
- e. Any items requiring further action by the Board or follow-up by Staff should be captured in the minutes.

- f. Approved minutes of BPU meetings are the official record of BPU meetings; recordings of BPU meetings will be retained for at least one year for reference purposes.

3.9. Removal/Replacement of a BPU Member

- a. Article V of the County Charter states circumstances that would warrant removal of a BPU member by the County Council.
- b. A BPU member may resign by submitting written notice to the Chair of the BPU and the Chair of the County Council; except for such circumstances that warrant an earlier departure, the resigning member should continue to serve on the BPU until a replacement is appointed by the County Council.
- c. If a Board member resigns or is removed, the BPU will work with the County Council to get a replacement appointed within 60 days. The BPU will identify capable Los Alamos County citizens and encourage them to apply for County Council appointment to the BPU.

3.10. BPU Self-Evaluation

- a. During November and December, the BPU will perform an annual self-evaluation of its own performance. The BPU may invite major stakeholders (e.g., DPU staff, County Council, County Manager) to participate in specific aspects of the evaluation.
- b. The purposes and reasons for the BPU self-evaluation are intended to:
 - 1) Promote understanding of roles and responsibilities
 - 2) Provide orientation for new members
 - 3) Address, and perhaps help resolve, board conflicts
 - 4) Clarify what members expect from the group and self
 - 5) Identify priorities for the BPU's future efforts
 - 6) Identify BPU strengths and weaknesses
 - 7) Identify opportunities for improvement in BPU performance
 - 8) Help identify needed changes to this PR
 - 9) Ensure that self-evaluation aligns with at least three of the Baldrige "Criteria for Performance Excellence."
- c. Refer to [Appendix L](#) for a BPU self-evaluation template adapted from the *APPA Handbook for Public Power Policymakers*. The BPU will change the self-evaluation topics over time to fit the changing business climate, relations with the Utilities Manager, relations with the County Council, and to include lessons learned from previous self-evaluations.
- d. In its self-evaluation the BPU will address open-ended questions such as:
 - 1) What did the BPU accomplish during the past year?
 - 2) What did the BPU fail to accomplish during the past year?
 - 3) What did the BPU do well during the past year?
 - 4) What did the BPU do poorly during the past year?

- 5) What were the key issues of the past year? Did the BPU address them adequately”
- e. The BPU will seek broad participation in the self-evaluation process by:
 - 1) Soliciting suggestions for self-evaluation questions from DPU staff, County staff, County Council, and the public.
 - 2) Inviting the immediate past BPU member(s) to participate in the self-evaluation.
 - 3) Inviting the County Council Liaison, County Manager, and County Attorney to participate in the self-evaluation.
- f. The BPU will explore ways to make the BPU self-evaluation honest and candid.
- g. The BPU will explore ways to collect questions, complaints, and compliments to be addressed in the annual self-evaluation process.

3.11. Dispute Resolution Process

- a. From time to time the County Council may not adopt a BPU approved utility rate ordinance or may not approve a budget, personnel action, or utility contract recommended by the BPU.
- b. In this situation the BPU will reconsider its recommendation and may submit either a revised or a reinforced recommendation to the County Council.
- c. If the BPU does not develop a recommendation that is approved by the County Council in a timely manner, it will request the Council to appoint an appropriate number of councilors to a joint County Council/BPU working group that is charged to reach an agreement within a specified time.

Part 4: Utilities Manager Responsibilities

4.1. Essential Duties and Responsibilities

- a. The Utilities Manager's essential duties and responsibilities are described in the Los Alamos County Job Description and Classification for the Utilities Manager, Job Code 7001; refer to [Appendix N](#).
- b. The following sections address some of the Utilities Manager's responsibilities that particularly relate to the BPU.

4.2. Strategic Planning

- a. The Utilities Manager should implement a systematic, cyclical strategic planning process to develop (1) Strategic Objectives, (2) Long-Term Goals, and (3) Short-Term Goals for the DPU and present the Strategic Objectives and Long-Term Goals to the BPU for approval.
- b. The DPU strategic planning processes should be based on the current *Baldrige Criteria for Performance Excellence* or an equivalent standard that is acceptable to the BPU.
- c. Refer to [Appendix M](#) for a description of the DPU Strategic Planning Process.

4.3. Operations and Management

- a. The Utilities Manager is responsible for the day-to-day operations of the department and management of its personnel.
- b. The Utilities Manager's operation of the department and management of its employees, in general, shall be subject to the personnel code and the procurement code. In general, other administrative County-wide policies shall be followed to the extent they do not conflict with the BPU's jurisdiction.
- c. Special processes and procedures necessary for the operation of the DPU shall be proposed by the Utilities Manager, approved by the BPU, and put in place with the assistance of the County Manager.

4.4. Annual Budget

- a. The Utilities Manager is responsible for preparing and presenting a preliminary and a final annual DPU budget to the BPU.
- b. The proposed annual DPU budget intended for BPU approval should address each of the utilities individually and include 10-year forecasts that project changes in sales, revenue and expenses, and the rates and borrowing necessary to sustain each utility.
- c. The proposed DPU budget intended for County Council approval should be based on the BPU approved budget and shall address the DPU on a bi-annual basis.

- d. The Utilities Manager should present the preliminary annual budget at the February BPU meeting and the final annual budget at the March BPU meeting

4.5. Annual and Quarterly Financial Reports

- a. The Utilities Manager shall prepare and provide to the BPU an audited annual financial report as of the end of the previous fiscal year of each utility and of the department.
 - 1) The annual financial report shall adhere to generally accepted accounting principles as promulgated by the Governmental Accounting Standards Board and the Financial Accounting Standards Board as applicable.
 - 2) The annual financial report shall be audited by one or more independent auditors; this may be accomplished as part of the audit of the County's ~~Comprehensive~~ Annual Comprehensive Financial Report.
 - 3) The annual report shall be provided for BPU information at the March BPU meeting.
 - 4) The accepted annual report shall be suitably summarized and formatted then provided to the County Council and made available to the public on the DPU website.
- b. The Utilities Manager shall prepare quarterly DPU performance reports.
 - 1) Each quarterly report should include information about capital projects, operational and financial performance, and DPU highlights during the previous quarter. The operational and financial performance reports should include data for the previous quarters of the fiscal year plus cumulative totals.
 - 2) Quarterly reports shall be provided to the BPU and the County Council and made available to the public on the DPU website.

4.6. Rate Ordinances

- a. The Utilities Manager is responsible for preparing and presenting proposed utility rate ordinances to the BPU.
- b. ~~At least one month~~ the BPU meeting prior to the public hearing on a final proposed utility rate ordinance before the BPU, the Utilities Manager shall introduce the draft ordinance and present the budget and operational reasons for the proposed rate ordinance. A revised rate ordinance presented to the BPU after rejection of the original rate ordinance by the County Council need not be submitted ~~one month~~ in advance of the public hearing but may be acted upon by the BPU when submitted.
- c. When the final proposed utility rate ordinance is presented to the BPU for approval, the Utilities Manager shall make a presentation to the BPU that

approximates that which will be made to the County Council to obtain their acceptance of the ordinance.

4.7. BPU Membership

The Utilities Manager shall be an ex officio non-voting member of the BPU.

4.8. Strategic Initiative

To maintain control of strategic initiatives, the BPU shall formally add strategic initiatives that have been adopted and approved by the BPU to the PR in the appendix under a separate file titled "Strategic Initiatives of the BPU." These initiatives can be altered or removed from the PR with a simple majority vote. If an initiative is removed, it is no longer considered a formal strategic initiative of the BPU. Any member of the BPU can add to the agenda a business item to consider removal or alteration of a strategic initiative in the section. See [Appendix P](#) for more information.

Appendices

The full PR and all the appendices listed below can be found online on the County's DPU website at <http://ladpu.com/bpu>.

- A. Annual Reaffirmation of the Procedural Rules
- B. DPU Strategic Objectives, Long-Term Goals, and Short-Term Goals for the Current FY
- C. Los Alamos County Charter, Article V – Utilities
- D. Los Alamos Code of Ordinances, Chapter 40 – Utilities
- E. Los Alamos County Code of Conduct (Code Ordinance No. 02-240)
- F. New Mexico "Whistleblower Protection Act," NM Statutes Chapter 10, Article 16C
- G. Los Alamos County Council's Annual Resolution for Open Meeting Compliance
- H. State of New Mexico Attorney General's "Open Meetings Act Compliance Guide"
- I. American Public Power Association Governance Resources
- J. BPU Calendar for the Current Year
- K. Guidelines for Preparation of Meeting Minutes
- L. BPU Self-Evaluation Template (Revised 11/17/2021)
- M. Strategic Planning Process – Key Process Steps (KPS)
- N. Los Alamos County Job Description and Classification for the Utilities Manager
- O. DPU Culture of Safety Vision Statement
- P. Strategic Initiatives of the BPU