



LOS ALAMOS

# County of Los Alamos

## Minutes

### Board of Public Utilities

1000 Central Avenue  
Los Alamos, NM 87544

*Steve Tobin, Chair; Cornell Wright Vice Chair;  
Eric Stromberg, Charles Nakhleh, and, Robert Gibson, Members;  
Philo Shelton, Ex Officio Member  
Steve Lynne, Ex Officio Member  
Theresa Cull, Council Liaison*

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Wednesday, January 17, 2024

5:30 PM

Municipal Building, Council Chambers

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**Public Participation: In person or <https://us06web.zoom.us/j/88515885437>**

#### **1. CALL TO ORDER**

This regular meeting of the Incorporated County of Los Alamos Board of Public Utilities was held on Wednesday, January 17, 2024 at 1000 Central Avenue in Council Chambers. Board Chair Steve Tobin called the meeting to order at 5:30 p.m. Members of the public were notified of the ability to participate and provide public comment in-person or over Zoom. The following board members were in attendance:

**Present: 7 - Board Members Tobin, Wright, Stromberg, Nakhleh, Gibson, Shelton, and Lynne**

#### **2. PUBLIC COMMENT**

Chair Tobin called for public comment on items on the Consent Agenda or those not otherwise included on the agenda. There was none.

#### **3. APPROVAL OF AGENDA**

Chair Tobin called for discussion or a motion to approve the agenda. Member Gibson mentioned that the BPU approved a change to the agenda order at the December meeting that was not reflected on this agenda. He requested that item 4.I. "Preview of Upcoming Agenda Items" be moved after item 8. "Status Reports." Item 6 "Consent Agenda" remained as published.

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**Member Gibson moved and Member Wright seconded that the agenda be approved as amended. The motion passed by the following vote:**

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**Yes: 5 - Board Members Tobin, Wright, Stromberg, Nakhleh and Gibson**

#### **4. BOARD BUSINESS**

#### **4.A. Chair's Report**

Chair Tobin presented Vice Chair Wright with a Certificate of Appreciation for his years of service to the Board, Department, County and Citizens of Los Alamos.

Vice Chair Wright made the following comments:

1. He thanked the board, council, and department staff for their patience.
  2. He asked the board and council to find a way to support nuclear power.
  3. He addressed the County Manager and referenced the quote by Thomas Jefferson on the wall of Council Chambers. He asked that it be lowered so that it would be visible under the screen. It is an important reminder for Council, Board members and staff.
- Vice Chair Wright closed by stating that it has been enjoyable and rewarding to serve on the board.

##### **4.A.1. [17804-24](#)**

#### **Introduction of Council Liaison to the BPU**

Chair Tobin reported that at Council's first regular meeting of the year(January 9, 2023) members reappointed Councilor **Theresa Cull as Vice-Chair**. According to the Municipal Code Sec.8-13. Council liaisons *"The council vice-chair will serve as liaison to the board of public utilities."*

##### **4.A.2. [18246-24](#)**

#### **Information Items from Steve Tobin, BPU Chair**

1. Vice Chair Wright's resignation from the BPU is effective January 31, 2024.
2. Update on the interview process for the BPU Vacancy (there are eight applicants).
3. Training/Travel Opportunity for BPU: ECA Forum - Building Nuclear Partnerships & Projects, May 8-9, 2024 in Kennewick, WA

#### **4.B. Board Member Reports**

There were none.

#### **4.C. Utilities Manager's Report**

Mr. Shelton reviewed his written report which is attached to the minutes. He provided summarized comments and responded to board member inquiries as appropriate. No action was taken on this item.

#### **4.D. County Manager's Report**

Mr. Lynne reported that his last day as County Manager is March 1st. He plans to be present for the February board meetings and Ms. Anne Laurent,will also be present. He thanked Board Member Wright for his great service to the County. He also reported that HR is approaching the end of the market study process and report to Council soon.

#### **4.E. Council Liaison's Report**

Council Vice Chair Cull participated remotely and reported on recent Council activities that were of note to the board and department.

1. Reviewed Council meetings from Dec. 2023 and January 2024.
2. Thanked Member Wright for his service.
3. Reviewed changes to BPU Appointment Process.

She responded to board member inquiries and provided clarifying information as appropriate. Member Gibson spoke.

**4.F. Environmental Sustainability Board Liaison's Report**

Mr. Armand Groffman reported on recent ESB activities including:

1. Review of the December 11, 2023 meeting
2. Provided details on emissions presentation by EconoDataLab. The presentation video and the 2021 Consumption-Based Emissions Inventory Report are available on the County website:

[https://losalamos.legistar.com/LegislationDetail.aspx?](https://losalamos.legistar.com/LegislationDetail.aspx?ID=6445823&GUID=C4B6B2A0-7E75-4094-A3BE-E219738B2757&Options=&Search=)

[ID=6445823&GUID=C4B6B2A0-7E75-4094-A3BE-E219738B2757&Options=&Search=](https://losalamos.legistar.com/LegislationDetail.aspx?ID=6445823&GUID=C4B6B2A0-7E75-4094-A3BE-E219738B2757&Options=&Search=)

**4.G. General Board Business**

**4.G.1. [17978-24](#) Approval of BPU Revisions to Action Regarding DPU Relevant LARES Recommendations**

Chair Tobin reported that in January 2023, the BPU divided the LARES recommendations into three groups: (a) in process, (b) future and (c) educate. On November 1, 2023 and on January 17, 2024; the Board reviewed only the "in process" recommendations.

**After board discussion no action was taken on this item. Further discussion and possible action may be scheduled for the next meeting.**

**4.G.2. 17803-24**

**Election of Board of Public Utilities Chair and Vice Chair for Calendar Year 2024**

Chair Tobin explained that the board is required by Ordinance to elect a chair and vice-chair annually in January. He then reviewed the process to be followed which was also outlined in the meeting packet.

Chair Tobin called for nominations for Chair:

- 1). Member Nakhleh nominated Member Gibson; seconded by Member Tobin
- 2). Member Wright nominated Member Stromberg; seconded by Member Stromberg

Chair Tobin then closed nominations and asked the nominees whether they would like to make any statements; there were no statements.

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Chair Tobin called for votes on the nominations for Chair

- 1). Member Gibson voted for Member Gibson
- 2). Member Nakhleh voted for Member Gibson
- 3). Member Stromberg voted for Member Stromberg
- 4). Member Wright voted for Member Stromberg
- 5). Member Tobin voted for Member Gibson

Member Gibson was elected Chair by a vote of 3:2. He will assume his duties at the close of this meeting.

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Chair Tobin called for nominations for Vice Chair:

- 1). Member Wright nominated Member Stromberg; seconded by Member Tobin

Chair Tobin closed nominations.

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Chair Tobin then called for votes on the nomination for Vice Chair

- 1). Member Gibson voted for Member Stromberg
- 2). Member Nakhleh voted for Member Stromberg
- 3). Member Stromberg voted for Member Stromberg
- 4). Member Wright voted for Member Stromberg
- 5). Member Tobin voted for Member Stromberg

Member Stromberg was unanimously elected Vice Chair. He will assume his duties at the close of this meeting.

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**4.H. Approval of Board Expenses**

None for this meeting.

**5. PUBLIC HEARING(S)**

**5.A.     [RE0583-23](#)     Affirmation of the Incorporated County of Los Alamos Open Meetings Resolution No. 24-01**

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**Member Tobin moved and Member Wright seconded that the Board of Public Utilities affirm Incorporated County of Los Alamos Resolution No. 24-01; 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 to the Meetings of County Boards, Commissions and Other Public Bodies Created by the State and Those Appointed by the Council ("Appointed County Committees.")**

**Member Gibson proposed a friendly amendment to restate the motion to match the title of the resolution and strike the words "the County Indigent Hospital and County Health Care Board."**

**Member Tobin accepted**

**Member Wright accepted**

**There was no board discussion or public comment.**

**Revised motion:**

**Member Tobin moved and Member Wright seconded that the Board of Public Utilities affirm Incorporated County of Los Alamos Resolution No. 24-01; A Resolution Establishing Minimum Standards of Reasonable Notice to the Public For All Meetings of the Council, County Boards, Commissions and Other Public Bodies Created by the State and Those Appointed by the Council ("Appointed County Committees.")**

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

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**Yes:     5 - Board Members Tobin, Wright, Stromberg, Nakhleh and Gibson**

- 5.B. [OR1000-24a](#) Incorporated County of Los Alamos Ordinance No. 24-728, An Ordinance Authorizing the Execution and Delivery of a Water Project Fund Loan/Grant Agreement By and Between the New Mexico Finance Authority ("NMFA") and the Incorporated County of Los Alamos, New Mexico (The "Borrower/Grantee"), in the Total Amount of \$5,000,000, Including a Loan in the Amount of \$2,400,000, Evidencing an Obligation of the Borrower/Grantee to Utilize the Loan/Grant Amount Solely for the Purpose of Financing the Costs of Construction and Replacement of 16,500 Feet of Existing 16-Inch Pipe and Waterlines, and Solely in the Manner Described in the Loan/Grant Agreement; Providing for the Pledge and Payment of the Loan Amount and an Administrative Fee Solely From Net System Revenues of the Joint Utility System of the Borrower/Grantee; Certifying that the Loan/Grant Amount, Together With Other Funds Available to the Borrower/Grantee, is Sufficient to Complete the Project; Approving the Form of and Other Details Concerning the Loan/Grant Agreement; Ratifying Actions Heretofore Taken; Repealing All Action Inconsistent with this Ordinance; and Authorizing the Taking of Other Actions in Connection With the Execution and Delivery of the Loan/Grant Agreement

Mr. James Alarid, Deputy Utility Manager - Engineering presented and responded to board member inquiries as appropriate.

Member Wright spoke.

Member Tobin spoke.

Member Nakhleh spoke.

Member Gibson spoke.

There was no board discussion or public comment.

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**Member Stromberg moved and Member Wright seconded that the Board of Public Utilities approve Incorporated County of Los Alamos Ordinance No. 24-728; and forward to Council for introduction and adoption. The motion passed by the following vote:**

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**Yes: 5 - Board Members Tobin, Wright, Stromberg, Nakhleh and Gibson**

## **6. CONSENT AGENDA**

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**Member Wright moved and Member Gibson seconded that the Board of Public Utilities approve the items on the Consent Agenda as presented and that the motions in the staff reports be included in the minutes for the record. The motion passed by the following vote:**

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**Yes: 5 - Board Members Tobin, Wright, Stromberg, Nakhleh and Gibson**

- 6.A. [16963-24](#) Approval of Board of Public Utilities Meeting Minutes

**I move that the Board of Public Utilities approve the minutes of the December 6, 2023 Regular Session as presented.**

- 6.B. [18056-24a](#) Award of IFB24-35 for the Purpose of the El Vado Fiber Optic Project with Kelly Cable of New Mexico LLC.

I move that the Board of Public Utilities approve the Award of IFB24-35 for the Purpose of the El Vado Fiber Optic Project with Kelly Cable of New Mexico LLC in the Amount of \$444,532.51 and a contingency in the amount of \$90,000.00, for a total of \$534,532.51, plus Applicable Gross Receipts Tax and forward to Council for approval.

- 6.C. [18120-24a](#) Approval of the Calculation of Revenue Transfer from Electric and Gas Funds for Operations during Fiscal Year 2023 and Approval of Budget Revision 2024-43

I move that the Board of Public Utilities recommend the transfer of revenues of 5% from the electric and gas funds during fiscal year 2023 to the general fund, and re-direct these amounts to be used within the joint utility system fund for purposes designated by Council in accordance with Incorporated County of Los Alamos Ordinance 02-324.

I further move that the Board approve Budget Revision 2024-43 as summarized on Attachment D and that the attachment be made a part of the minutes of this meeting.

I further move that these actions be forwarded to Council with a recommendation for approval.

I further move that the Board of Public Utilities recommend Council extend the profit transfer redirection option per County Code Section 40-63(d) for an additional year to be from FY2023 through FY2029.

## **7. BUSINESS**

- 7.A. [18053-24](#) Work Plan to Implement Electric Time of Use and Demand Rate Structures

Ms. Karen Kendall, Deputy Utility Manager - Finance & Administration presented. She responded to board member inquiries and provided clarifying information as appropriate.

Member Wright spoke.

Member Nakhleh spoke.

Member Gibson spoke

Mr. Stephen Marez spoke.

There was no public comment. During board discussion Member Wright and Mr. Shelton spoke. No action was taken on this item.

- 7.B. [18054-24](#) Overview of Cash and Reserves

Ms. Karen Kendall, Deputy Utility Manager - Finance and Administration presented. She responded to board member inquiries and provided clarifying information as appropriate.

Member Wright spoke.

Member Gibson spoke.

Mr. Shelton spoke.

There was no public comment or board discussion. No action was taken on this item.

**7.C.     [18188-24a](#)**

Approval of Amendment #4 to Task Order No. 4 to AGR20-48b for the Purpose of Engineering Services associated with the TA-50 Waterline Relocation Project with CDM Smith.

Mr. James Alarid, Deputy Utility Manager - Engineering presented. He responded to board member inquiries and provided clarifying information as appropriate.

Member Gibson spoke

Member Tobin spoke.

There was no public comment or board discussion.

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**Member Wright moved and Member Stromberg seconded that the Board of Public Utilities approve Amendment #4 to Task Order No. 4 to AGR20-48b for the Purpose of Engineering Services associated with the TA-50 Waterline Relocation Project with CDM Smith in the Amount of \$32,820.65, which amount includes Applicable Gross Receipts Tax, for a total Task Order No. 4 Cost of \$443,072.91, which amount includes Applicable Gross Receipts Tax and forward to Council for approval. The motion passed by the following vote:**

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**Yes:     5 - Board Members Tobin, Wright, Stromberg, Nakhleh and Gibson**

**7.D.     [18189-24a](#)**

Approval of Change Order No. 5 to IFB23-05 for the Purpose of Construction Services associated with the TA-50 Waterline Relocation Project with DUB-L-EE, LLC.

Mr. James Alarid, Deputy Utility Manager - Engineering presented.

There were no board questions, public comment, or board discussion.

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**Member Nakhleh moved and Member Tobin seconded that the Board of Public Utilities approve Change Order No. 5 to IFB23-05 for the Purpose of Construction Services associated with the TA-50 Waterline Relocation Project with DUB-L-EE, LLC in the Amount of \$152,278.78, for a total contract amount of \$889,876.20, plus Applicable Gross Receipts Tax, and forward to Council for approval. The motion passed by the following vote:**

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**Yes:     5 - Board Members Tobin, Wright, Stromberg, Nakhleh and Gibson**



- 7.E. [18225-24a](#) Approval and Ratification of Amendment No. 1 to AGR20-23 Engineering Services for the Otowi Well No. 2 and Otowi Well No. 4 MCC Replacement Project with Wilson & Company Inc., Engineers and Architects.

Mr. James Alarid, Deputy Utility Manager - Engineering presented. He responded to board member inquiries and provided clarifying information as appropriate.  
Member Gibson spoke.

There was no public comment or board discussion.

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**Member Wright moved and Member Gibson seconded that the Board of Public Utilities approve and ratify Amendment No. 1 to AGR20-23 Engineering Services for the Otowi Well No. 2 and Otowi Well No. 4 MCC Replacement Project with Wilson & Company Inc., Engineers and Architects, in the Amount of \$27,044.35 for a total agreement cost of \$232,857.89, plus Applicable Gross Receipts Tax, and forward to Council for approval. The motion passed by the following vote:**

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**Yes: 5 - Board Members Tobin, Wright, Stromberg, Nakhleh and Gibson**

- 7.F. [18227-24a](#) Approval of Budget Revision 2024-47 for the Purpose of Funding Vertical Breakers

Ms. Karen Kendall, Deputy Utility Manager - Finance & Administration presented. She responded to board member inquiries and provided clarifying information as appropriate.  
Member Tobin spoke.

Member Stromberg spoke.

Mr. Shelton spoke.

Mr. Marez spoke.

There was no public comment or board discussion.

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**Member Stromberg moved and Member Wright seconded that the Board of Public Utilities approve Budget Revision 2024-47 to fund vertical breakers and forward to Council for approval. The motion passed by the following vote:**

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**Yes: 5 - Board Members Tobin, Wright, Stromberg, Nakhleh and Gibson**

## **8. STATUS REPORTS**

### **16928-24 Monthly Status Reports**

Mr. Shelton provided the following status reports in the meeting packet. He responded to board member inquiries and provided clarifying information as appropriate.

- 1). Electric Reliability Update
- 2). Accounts Receivables Report
- 3). Risk/Safety Report

No action was taken on this item.

## **4.I. Preview of Upcoming Agenda Items**

**16936-24**

**Tickler File for the Next Three Months**

Chair Tobin highlighted the agenda items for the upcoming work session and regular meeting. Member Gibson requested an update on GDS. Member Nakhleh requested a Chromium Plume update, and Member Stromberg requested an update on gas recovery fund.

**9. PUBLIC COMMENT**

Chair Tobin called for public comment on any item. There was none.

**10. ADJOURNMENT**

**The meeting adjourned at 8:10 pm.**

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**APPROVAL**

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**Board of Public Utilities Chair Name**

\_\_\_\_\_  
**Board of Public Utilities Chair Signature**

\_\_\_\_\_  
**Date Approved by the Board**

**ATTACHMENTS**

4.C. Utilities Manager Report - 1/17/2024 & UAMPS 2024 Events Calendar