



County of Los Alamos

Minutes

County Council – Regular Session

*Denise Derkacs, Council Chair, Theresa Cull, Council Vice-Chair,
Melanee Hand, Suzie Havemann, Keith Lepsch,
David Reagor, and Randall Ryti, Councilors*

Tuesday, September 26, 2023

6:00 PM

Council Chambers – 1000 Central Avenue

1. OPENING/ROLL CALL

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

Council Chair Derkacs made opening remarks regarding the procedure of the meeting.

Ms. Linda Matteson, Deputy County Manager, listed the county employees in attendance via Zoom.

The following Councilors were in attendance:

**Present: 7 – Councilor Derkacs, Councilor Cull, Councilor Hand, Councilor Havemann,
Councilor Lepsch, Councilor Reagor, and Councilor Ryti**

2. PLEDGE OF ALLEGIANCE

Led by: All.

3. STATEMENT REGARDING CLOSED SESSION

Councilor Havemann read the following statement to be included in the minutes: “The matters discussed in the closed session of County Council held on September 26, 2023, that began at 4:30 p.m. were limited only to the topics specified in the notice of the closed session, and no action was taken on any matter in the closed session. We request this statement be included in the meeting minutes.”

4. PUBLIC COMMENT

None.

5. APPROVAL OF AGENDA

A motion was made by Councilor Ryti, seconded by Councilor Cull, that Council approve the agenda as presented.

The motion passed with the following vote:

Yes: 7 – Councilor Derkacs, Councilor Cull, Councilor Hand, Councilor Havemann, Councilor Lepsch, Councilor Reagor, and Councilor Ryti

6. PRESENTATIONS, PROCLAMATIONS AND RECOGNITIONS

A. Proclamation Designating October 2023 as "Arts & Humanities Month" In Los Alamos County

Councilor Ryti read and presented the proclamation to Los Alamos MainStreet & Creative District Executive Director Jacquelyn Connolly and Los Alamos Arts Council Director Brandi Engeman.

Ms. Jacquelyn Connolly spoke.
Ms. Brandi Engeman spoke.

B. Proclamation Designating October 2nd - 6th, 2023 as "Customer Service Week" in Los Alamos County

Councilor Hand read and presented the proclamation to Representatives of the Customer Care Center.

Ms. Karen Kendall, Deputy Utilities Manager – Finance and Administration, spoke.

7. PUBLIC COMMENT FOR ITEMS ON CONSENT AGENDA

None.

8. CONSENT AGENDA

Consent Motion:

A motion was made by Councilor Cull, seconded by Councilor Ryti, 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 Authorized Signers for County Bank and Investment Accounts

I move that Council approve the individuals authorized to sign on the County of Los Alamos bank and investment accounts as presented in Attachment A, to be effective on September 26, 2023.

B. Vacation of Utility Easement Within Lot 273A, a Subdivision of Lot 273, Western Area No. 1 (1331A 46th Street)

I move that Council Approve the Vacation of Utility Easement within Lot 273A, a subdivision of Lot 273, Western Area No. 1.

- C. Approval of Budget Revision 2024-17, Carryover of Available Budget Amounts from FY 2023 to FY 2024

I move that Council approve Budget Revision 2024-17 as summarized on Attachments A and B and that the attachments be made part of the minutes of this meeting.

- D. Approval of Amendment 2 to the Professional Services Agreement between the Center for Health Innovation and Incorporated County of Los Alamos

I move that the Council approve Amendment 2 to the Professional Services Agreement between the Center for Health Innovation and Incorporated County of Los Alamos representing Los Alamos County Health Council as indicated on Attachment A; and I further move Council approve the related Budget Revision 2024-19 summarized in Attachment B and the attachment be made part of the minutes of the meeting.

Approval of the Consent Agenda:

The motion passed with the following vote:

Yes: 7 – Councilor Derkacs, Councilor Cull, Councilor Hand, Councilor Havemann, Councilor Lepsch, Councilor Reagor, and Councilor Ryti

9. PUBLIC HEARING(S)

- A. Incorporated County of Los Alamos Code Ordinance No. 02-351; An Ordinance Amending Chapter 40, Article III, Sections 40-121, 40-122, and 40-123 of the Code of the Incorporated County of Los Alamos Relating to Electric Rate Schedules, Customer Service Charges, and Electric Energy Charges

Mr. Philo Shelton, Utilities Manager, spoke.

Ms. Karen Kendall, Deputy Utilities Manager – Finance and Administration, presented.

Mr. Nick Weaver, Project Consultant, GDS Associates, Inc., presented.

Public comment:

None.

A motion was made by Councilor Ryti, seconded by Councilor Havemann, that Council adopt Incorporated County of Los Alamos Code Ordinance No. 02-351; an ordinance amending Chapter 40, Article III, Sections 40-121, 40-122, 40-123 of the Code of the Incorporated County of Los Alamos Relating to Electric Rate Schedules, Customer Service Charges, and Electric Energy Charges.

After further discussion, Councilor Ryti restated the motion. There were no objections.

A motion was made by Councilor Ryti, seconded by Councilor Havemann, that Council adopt Incorporated County of Los Alamos Code Ordinance No. 02-351 as corrected; an ordinance amending Chapter 40, Article III, Sections 40-121, 40-122, 40-123 of the Code of the Incorporated County of Los Alamos Relating to Electric Rate Schedules, Customer Service Charges, and Electric Energy Charges.

The motion passed with the following vote:

Yes: 6 – Councilor Derkacs, Councilor Cull, Councilor Hand, Councilor Havemann, Councilor Lepsch, and Councilor Ryti

No: 1 – Councilor Reagor

- B.** Incorporated County of Los Alamos Resolution No. 23-31, a Resolution Authorizing the Utilities Manager and the Deputy Utilities Manager - Finance And Administration, to Execute Documents with the New Mexico Environment Department on Behalf of Los Alamos County Relating to a Water Production Pipeline Along New Mexico Highway 4 in Los Alamos, Special Appropriation Project Number SAP 22-G2352-STB

Mr. James Alarid, Deputy Utilities Manager – Engineering, presented.

Public comment:
None.

A motion was made by Councilor Cull, seconded by Councilor Hand, that Council approve Incorporated County of Los Alamos Resolution No. 23-31, a Resolution Authorizing the Utilities Manager and the Deputy Utilities Manager - Finance And Administration, to Execute Documents with the New Mexico Environment Department on Behalf of Los Alamos County Relating to a Water Production Pipeline Along New Mexico Highway 4 in Los Alamos, Special Appropriation Project Number SAP 22-G2352-STB.

The motion passed with the following vote:

Yes: 7 – Councilor Derkacs, Councilor Cull, Councilor Hand, Councilor Havemann, Councilor Lepsch, Councilor Reagor, and Councilor Ryti

10. BUSINESS

- A.** Presentation by Granicus OpenCities on the New County Government Website

Ms. Julie Williams-Hill, Public Information Officer, presented.
Mr. David Cuevas, Senior Project Manager, Granicus, presented.
Ms. Pamela Justice, Senior Application Analyst/Developer, presented.

Public comment:
Mr. Robert Gibson spoke.

No action taken.

RECESS

Councilor Derkacs called for a recess at 7:58 p.m. The meeting reconvened at 8:09 p.m.

B. Animal Shelter Update

Mr. Dino Sgambellone, Police Chief, presented.
Mr. Paul Sena, Animal Shelter Manager, spoke.
Ms. Theresa Phelan, Senior Public Service Aide, spoke.

Public comment:
Ms. Wendee Brunish spoke.

No action taken.

11. BUSINESS

A. General Council Business

No report.

B. Appointments

1) Board/Commission Appointments - Library Board

Councilor Ryti presented.
Ms. Gwen Kalavaza, Library Manager, spoke.

Public comment:
None.

A motion was made by Councilor Cull, seconded by Councilor Ryti, that Council nominate and appoint Frances Knudson, Sarah Work, and Brian Reardon to fill appointments on the Library Board with Frances Knudson and Sarah Work for terms beginning September 1, 2023, and ending August 31, 2025, and Brian Reardon for a term beginning September 1, 2023*, and ending August 31, 2024.

***Although this motion was made, seconded, and voted upon, the motion was incorrect; the term for which Mr. Reardon was appointed began in 2022.**

Councilor Hand moved to amend the motion to appoint Frances Knudson and Brian Reardon to the two-year terms and Sarah Work to the one-year term.

The amendment died for lack of a second.

The ORIGINAL motion passed with the following vote:

**Yes: 7 – Councilor Derkacs, Councilor Cull, Councilor Hand, Councilor Havemann,
Councilor Lepsch, Councilor Reagor, and Councilor Ryti**

C. Boards and Commission Vacancy Report

No report.

D. Board, Commission, and Working Group Liaison Reports

Councilor Haveman reported on the Parks and Recreation Board and the Environmental Sustainability Board.

Councilor Hand reported on the Planning and Zoning Commission and a Boards and Commissions meeting.

Councilor Ryti reported on the Lodgers' Tax Advisory Board.

Councilor Derkacs requested that "Committee" be removed from the Item going forward.

E. County Manager's Report

1) County Manager's Report for August 2023

County Manager Steven Lynne reported on the Personnel Board's proposed changes to personnel rules. He also reported on a meeting with the Governor of San Ildefonso Pueblo during which they discussed potential partnering on Broadband service and advised Council of an upcoming meeting between the Pueblo's governing body and the County Council. County Manager Lynne reported on a meeting with State and Federal legislative staff and officials regarding capital projects and cleanup. He also highlighted content from the Community Development Department's August update.

F. Council Chair Report

1) Council Working Group on LARES Recommendations

Chair Derkacs reported on the formation of a new working group to address the implementation of recommendations from the Los Alamos Resiliency and Sustainability Task Force.

2) Trip Report, Washington DC

Chair Derkacs reported on the National Cleanup Workshop and advocacy meetings.

G. Approval of Councilor Expenses

A motion was made by Councilor Cull, seconded by Councilor Reagor, that Council approve Councilor Ryti attending the Intergovernmental Affairs meeting in Minneapolis, Minnesota.

The motion passed with the following vote:

Yes: 7 – Councilor Derkacs, Councilor Cull, Councilor Hand, Councilor Havemann, Councilor Lepsch, Councilor Reagor, and Councilor Ryti

H. Preview of Upcoming Agenda Items

1) Tickler Report of Upcoming Agenda Items

Chair Derkacs highlighted upcoming items.

12. COUNCILOR COMMENTS

Councilor Hand attended a meeting for Los Alamos Main Street Futures and a Los Alamos Fire Department strategic planning session open to the community. She also noted several upcoming events.

Councilor Ryti attended a Fire Department session related to the reaccreditation process. He also reported on the National Association of Counties' Environment, Energy, and Land Use Committee and that he was appointed the new Vice Chair of the Energy Subcommittee.

13. ADJOURNMENT

The meeting adjourned at 10:11 p.m.

INCORPORATED COUNTY OF LOS ALAMOS

Denise Derkacs, Council Chair

Attest:

Naomi D. Maestas, County Clerk

Meeting Transcribed by: Allison Collins, Deputy Clerk

Incorporated County of Los Alamos
Authorized Signers on Bank and Investment Accounts
September 26, 2023

A. The following individuals are authorized signers for the **Bank of Albuquerque Reclamation and Decommissioning Trust** accounts, which are used by the Department of Public Utilities for costs associated with the San Juan decommissioning and mine reclamation.

Steven Lynne, County Manager
 Helen M. Perraglio, ASD Director
 Melissa Dadzie, Deputy Chief Financial Officer
 Mauricia J. Chavarria-Quam, Accounting Operations Manager
 Beatrice N. Odezulu, Accounting Operations Manager
 Karen Kendall, Deputy Utility Manager Finance and Administration

	Institution	Account Name/Purpose	Account # For Finance Use Only
1	Bank of Albuquerque, N.A.	LA County Reclamation Trust	
2	Bank of Albuquerque, N.A.	LA County Decommissioning Trust	

This list of Authorized Signers was approved by County Council on September 26, 2023.

 Denise Derkacs, Council Chair

Budget Revision Summary 2024-17

Department	Division	Carryover Amount	Summary of Expenditures
Administrative Services Department	Finance	\$ 50,000	Additional Support for Special Projects
Administrative Services Department	Information Management	\$ 489,600	Software and Equipment Purchases
Administrative Services Department	Records Management	\$ 150,000	Contract Services
Community Development Department	Economic Development	\$ 207,900	Advertising and Marketing
Community Services Department	Golf Course	\$ 14,300	Contract Services and Maintenance
Community Services Department	Library Operations/Collections	\$ 46,800	Furniture Replacement and Library Collections
Community Services Department	Open Space	\$ 100,000	Contract Services-Permaculture Barriers and Trail Maintenance
Community Services Department	Parks	\$ 157,000	Contract Services and Maintenance
Community Services Department	Recreation	\$ 69,300	Professional Services for instructors, repairs and maintenance, delayed purchases for equipment
County Attorney	County Attorney	\$ 133,000	Professional Services- Outside Council
County Clerk	County Clerk	\$ 12,900	Equipment
County Manager Office	Human Resources	\$ 83,000	Travel, Training and Advertising
County Manager Office	Risk Management	\$ 73,000	Training, Equipment and Software
Los Alamos Police Department	Animal Control	\$ 38,000	Shelter Upgrades
Los Alamos Police Department	Detention	\$ 48,200	Officer Vests and Intercoms
Los Alamos Police Department	Dispatch	\$ 217,300	Dispatch Software and Switchboard
Los Alamos Police Department	Emergency Management	\$ 6,100	Hazard Mitigation
Los Alamos Police Department	Operations	\$ 297,700	License Plate Reader, Taser Replacement, Skydo Drone
Public Works	Airport	\$ 80,000	Hangar Acquisition
Public Works	Fleet	\$ 321,000	Delayed Purchase of Fleet
Public Works	Capital Projects	\$ 150,000	Asset Management Software
Public Works	Traffic and Streets	\$ 237,000	Delayed Purchase-Snow Removal Equipment
Utilities	All Divisions	\$ 9,195,695	Continued Projects and Initiatives
Grand Total		\$ 12,177,795	

Fund	Carryover Total by Fund
General Fund	\$ 2,508,100
Fleet Fund	\$ 321,000
Risk Management Fund	\$ 73,000
Airport Fund	\$ 80,000
Utilities Fund	\$ 9,195,695
Grand Total by Fund	\$ 12,177,795

Budget Revision 2024-17

BPU Meeting Date: Sep 20, 2023

Council Meeting Date: Sep 26, 2023

	Fund & Department	Org	Object	Revenue (decrease)	Expenditures (decrease)	Transfers In(Out)	Fund Balance (decrease)
1	Joint Utilities Fund - Electric Distribution LASS Substation; Los Alamos URD Replacement (cables, jboxes, pedestals); Overhead System Replacement (poles, xarms, transformers); Upgrade primary conductors - Hills Subdivision; Replace Switches (SC1305A, SC1309, SC1309A, SC1401A2, SC1803) w/ new conductors; White Rock URD Replacement (cables, jboxes, pedestals); and Oppenheimer Trinity URD Replacements	51285299	8369		\$ 1,370,000		\$ (1,370,000)
2	Joint Utilities Fund - Gas SCADA Pressure Sensing Stations	53185399	8369		\$ 219,590		\$ (219,590)
3	Joint Utilities Fund - Water Production Mechanical and electrical upgrades; SCADA transition project; TA-50 water transmission line relocation; contingency for AGR22-68 design mechanical and electrical upgrades; contingency for AGR17-16a NM-4 16" waterline design; replace 14" transmission line Rose Street (FY2023 Profit Transfer Project)	54285699	8369		\$ 4,695,203		\$ (4,695,203)
4	Joint Utilities Fund - Water Distribution Replace 8" distribution line Rose Street (FY2023 Profit Transfer Project)	54185499	8369		\$ 188,199		\$ (188,199)
5	Joint Utilities Fund - Wastewater Bayo Canyon Lift Station Elimination Project; White Rock Water Reclamation Facility Construction; Contingency	55185599	8369		\$ 2,722,703		\$ (2,722,703)

Description: The purpose of the carryovers is to continue work to completion on specific projects and initiatives that were originally budgeted in FY2023.

Fiscal Impact: The net fiscal impact to the Joint Utilities Fund in FY2024 is to increase expenditures and decrease fund balance by \$9,195,695.

PROFESSIONAL SERVICES AGREEMENT – AMENDMENT 2

issued by

Center for Health Innovation

A Professional Services Agreement between the Center for Health Innovation, a 501c 3 non- profit organization and existing under the laws of New Mexico, with its principal office located in Silver City, New Mexico (“CHI”) and Incorporated County of Los Alamos (“Subcontractor”), representing Los Alamos Health Council is hereby amended to include the following additions. All other articles remain the same.

Article I – Statement of Work

The Subcontractor will be responsible for the scope of work as presented in Attachment A (see below).

Article IV – Period of Performance

The period of performance under this subcontract shall be for 3 state fiscal years (SFY) with SFY 2022 commencing October 18, 2021 through June 30, 2022, SFY 2023 commencing July 1, 2022 through June 30, 2023, and SFY 2024 commencing July 1, 2023 through May 31, 2024.

Article V – Maximum Reimbursement

The total maximum reimbursement to the Subcontractor for the performance of this agreement is \$150,000 paid in the amount of \$50,000 per SFY. SFY2022 shall be for a 9-month period paid at \$5,555.55 per month; SFY2023 shall be for a 12-month period paid at \$4,166.66 per month; and SFY24 shall be for an 11-month period at \$4545.45 per month. These amounts will apply unless changed by written amendment to this agreement.

Article VI – Payment

CHI shall reimburse the Subcontractor, upon receipt of all eligible invoice along with any required documents, up to the total maximum reimbursement set forth in Article V. Payment will be provided for items completed per Article I - Scope of Work of this agreement. All project-related staff, travel, benefits, materials, supplies and other administrative costs are the responsibility of the Subcontractor.

Eligible invoices should be submitted monthly. If a health council falls more than 2 months behind on their invoicing, they will be contacted by NMAHC for assistance and must resolve any issues and be caught up with their invoices by the next invoicing period. Health councils cannot go more than 3 months without invoicing. For example, if a health council has not invoiced for July and August, it must include all 3 months (July, Aug and Sept) in the September invoice. Anything prior to the current 3-month period cannot be billed. Future invoices will be allowed following the same principle. The exception is the final month of the contract, whereby all invoices for year 3 must be received by June 5, 2024.

Invoices for all activities for October 2021 through June 2022 will not be accepted or paid if not submitted by July 5th, 2022. Invoices for any activities for July 2022 through June 2023 will not

be accepted or paid if not submitted by July 5th, 2023. Invoices for any activities for July 2023 through May 2024 will not be accepted or paid if not submitted by June 5th, 2024.

All payments shall be based on the availability of funding. All payments must be allowable by the funding source and any restrictions defined by the funding source will be restricted under this agreement. All payments also will be considered provisional and subject to adjustment for compliance with the total maximum reimbursement established in Article V, in the event such adjustment is necessary as a result of an audit by CHI or the Federal Government.

Authorized Signature below is acknowledgement and acceptance of this modification.

Subcontractor Signature

Date

Print Name and Title of Authorized Official

NEW CDC/Kellogg Contracts

In order to process FY24 contracts, all health councils must:

- Submit a new W-9 signed by the authorized official to the Center for Health Innovation.
- Return the contract signed by the authorized official to the Center for Health Innovation.

All health council coordinators, leaders and/or members must:

Deliverable	Deliverable Detail/Milestones	Documentation
1. Initial Start Up	1A. Hire a staff/contractor. 20-40 hours per week is suggested.	Contact information provided on Monthly Report. (1-time or if there are changes)
	1B. A leadership team is established to meet regularly and guide the development or capacity improvement process.	Health Council leadership team roster uploaded to Monthly Report. (1-time or if there are changes)
2. Improve Health Council capacity	2A. Attend capacity assessment training. Complete assessment of organizational core components.	Completed capacity assessment submitted with monthly report. (1-time)
	2B. Identify capacity components to establish or improve (see checklist) and develop an action plan.	Capacity priorities and action plan submitted with monthly report. (1-time)
	2C. Document progress on capacity action plan.	Capacity action plan progress report submitted with monthly report. (Quarterly)
3. Attend technical assistance (TA) meetings.	3A. TA will be provided to health councils by DOH Health Promotion Team and NMAHC. (AASTEC and/or other tribal support is available as needed).	3A. Report TA meetings attended, outcomes and TA needs on the Monthly Report. (Monthly)
4. Participate in peer learning opportunities.	4A. Real-time, remote, peer-led learning opportunities will be available monthly (1 st and 3 rd Mondays). Peer learning sessions are recorded and accessible to all health councils. The learning sessions and recordings, along with resource libraries, learning circles and other learning opportunities are available through NMAHC’s learning platform.	4A. Report trainings attended on the Monthly Report. (Monthly)
5. Attend Statewide Health Council meeting	5A. All health councils should plan to attend the Annual Statewide Health Council meeting to network with staff from other health councils, NMAHC and DOH; share experiences and accomplishments; and learn from others.	5A. Meeting registration and Sign In. NMAHC will have these documents on file. (1-time) Meeting evaluation. NMAHC will have these documents on file. (1-time)
6. Submit reports to support evaluation.	5A. Submit a completed invoice and Monthly Reports with back-up to NMAHC. One Monthly Report must be completed for each month invoiced. 5B. Complete a capacity assessment, capacity improvement action plan and report action plan progress. (See #1)	6A. <ul style="list-style-type: none"> ● Completed Invoice (cannot go more than 3 months without invoicing). ● Monthly Report (one for each month invoiced) with back-up documentation listed in the report.

		<ul style="list-style-type: none"> Completed capacity assessment, capacity plan and progress reports (see #1)
7. [Optional] Community Health Improvement Planning	7A, [Optional] Once a health council establishes core organizational capacity, it can begin a process to identify at least one health council priority where research and implementation of best practices is applied. This deliverable includes the Community Health Improvement Plan (CHIP) process and also meets deliverable #5 of the DOH traditional contract.	7A. [Optional] Submit CHIP form with monthly report (1-time) OR documentation provided to DOH for deliverable #5.

Los Alamos County Council
Regular Session
September 26, 2023
Item 8.D Attachment A

Budget Office Revision 2024-19

	Fund & Department	Org	Object	Revenue (decrease)	Expenditures (decrease)	Transfers In(Out)	Fund Balance (decrease)
1	LACHC/CSD/Social Services	14650910	3479	50,000	\$0		\$ 50,000
2	LACHC/CSD/Social Services	14650910	8***		\$ 50,000		\$ (50,000)
3							\$ -
4							\$ -
5							\$ -
6							\$ -
7							\$ -
8							\$ -
9							\$ -
10							\$ -
Description : The purpose of this budget revision is to include amendment two of the agreement from CHI and update the revenue and expenditure authority to the grant award.							
Fiscal Impact: 0.00							

Los Alamos County Council
Regular Session
September 26, 2023
Item 9.A Attachment A

Los Alamos County Council
Regular Public Meeting
September 26, 2023
Council Agenda Item No. CO671-23b
Correction to Attachment "A", Page 1, 10th Recital

INCORPORATED COUNTY OF LOS ALAMOS CODE ORDINANCE NO. 02-351

AN ORDINANCE AMENDING CHAPTER 40, ARTICLE III, SECTIONS 40-121, 40-122, AND 40-123 RELATING TO ELECTRIC RATE SCHEDULES, CUSTOMER SERVICE CHARGES, AND ELECTRIC ENERGY CHARGES

WHEREAS, the Incorporated County of Los Alamos (“County”) is an incorporated county of the State of New Mexico as provided in Section 5, Article 10 of the New Mexico Constitution; and pursuant to Section 5, Article 10 of the State Constitution, is also granted all powers of a municipality; and

WHEREAS, pursuant to Article V of the County Charter, there is a Department of Public Utilities (“Department”) charged with the duty to operate a County owned electric, gas, water and sewer systems; and

WHEREAS, Section 504 of the County Charter requires the Department be operated on a compensatory basis, with rates being just, reasonable, and comparable to those in neighboring communities; and

WHEREAS, the Department and Utility Manager have identified the need to increase natural gas and water rates to meet the projected revenue requirements of the Department; and

WHEREAS, pursuant to Section 203.1.d. of the County Charter, any change in County utility rates must be done via ordinance; and

WHEREAS, pursuant to Section 4.6.a. of the *Board of Public Utilities Procedural Rules* (ed. 7/20/22), the Utilities Manager is responsible for preparing and presenting proposed utility rate ordinances to the Board of Public Utilities; and

WHEREAS, pursuant to Section 504 of the County Charter, the rates to be paid for utility services shall then be proposed by the Board of Public Utilities to the County Council and shall become effective on the date of adoption by Council; and

WHEREAS, pursuant to Section 4.6.a. of the *Board of Public Utilities Procedural Rules*, the proposed rates must be presented at least one month prior to the Board of Public Utilities public hearing on a final proposed utility rate ordinance; and

WHEREAS, the Utilities Manager shall introduce the draft ordinance to the board of Public Utilities and present the budget and operational reasons for the proposed rate ordinance; and

WHEREAS, the Utilities Manager presented the proposed rate increases for **natural gas electricity** to the Board of Public Utilities on July 19, 2023; and

WHEREAS, the Utilities Manager, after receiving comments from the Board of Public Utilities, presented the final rate ordinance on August 16, 2023; and

WHEREAS, the Board of Public Utilities [accepted and recommended/accepted and modified, etc.] the final rate ordinance and recommended forwarding it to Council for adoption;

and

WHEREAS, on September 5, 2023, the County Council, pursuant to Section 203.2.1 of the County Charter introduced the proposed rate ordinance; and

WHEREAS, on September 26, 2023, the County Council, pursuant to Section 203.2.2 of the County Charter held a public hearing on the proposed rate ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE INCORPORATED COUNTY OF LOS ALAMOS, as follows:

Section 1. Sections 40-121, 40-122 and 40-123 of the Los Alamos County Code of Ordinances are amended to read as follows:

Sec. 40-121. Schedules.

(a) Residential rate service schedule 6-A is applicable only for normal domestic light and power use in individual residences, dwelling units, and individual apartments, where each unit is separately metered. All service shall be delivered through a single set of service wires at a single service location and measured by one meter.

(b) Small commercial (less than 50 kilowatts per month) rate service schedule 6-G is applicable for commercial lighting, small power and other commercial, business, professional and small industrial loads. All service shall be delivered through a single set of service wires at a single service location and measured by one meter. The customer's monthly demand shall be less than 50 kilowatts (kW), but excludes customers to whom service is applicable under another rate service schedule. When a customer under this schedule establishes a demand of 50 kilowatts or greater for two consecutive months, the large commercial (50 kilowatts per month or greater) rate schedule 6-K will be charged for the current billing month plus a minimum of 11 succeeding billing months.

(c) Large commercial (50 kilowatts per month or greater) rate service schedule 6-K is applicable to all customers with a demand over 50 kilowatts per month or greater. All service shall be delivered through a single set of service wires at a single service location and measured by one meter, but excludes those customers to whom service is applicable under another rate schedule.

(d) Small county (less than 50 kilowatts per month), schedule 6-L, and small public schools (less than 50 kilowatts per month), schedule 6-N, are applicable, respectively, to power used by the incorporated county and the public schools. All service shall be provided by single set of service wires at a single service location at one point of delivery, measured by one meter. The customer's demand for the month shall be less than 50 kilowatts, but excludes those customers to whom service is applicable under another rate schedule. When a customer under this schedule establishes a demand of 50 kilowatts or greater for two consecutive months, the large county (50 kilowatts per months or greater) schedule 6-M, or the large public schools (50 kilowatts per month or greater) schedule 6-R, rate schedule will be charged for the current billing month plus a minimum of 11 succeeding billing months.

(e) Large county (50 kilowatts per month or greater), schedule 6-M, and large public schools (50 kilowatts per month or greater) schedule 6-R, are applicable, respectively, to the

incorporated county of Los Alamos and the public schools. All service shall be provided by a single set of service wires at a single service location supplied at one point of delivery, measured by one meter, and the customer's demand for the month shall be 50 kilowatts or greater, but excludes those customers to whom service is applicable under another rate schedule.

(f) Municipal street and traffic light service rate schedule 6-P is applicable to electric service provided to the incorporated county for street and traffic lights.

(g) Area lighting service schedule 6-Q is applicable to all customers for private area lighting service.

(h) Special electric service schedule 6-S is applicable to large power users with an annual load factor less than 20 percent and a connected load greater than 50 kilowatts. Annual load factor is calculated as average demand divided by peak demand to be calculated in January for the prior 12 months.

(i) Municipal water production system rate schedule 6-W is applicable to metered electric service provided to the incorporated county for bulk water pumping.

(j) Commercial time-of-use rate schedule 6-T is applicable to each commercial customer otherwise subject to rate service schedules 6-G or 6-K who has given at least 15-days' notice to the utilities department that it wishes to obtain electric service under this rate service schedule. Any customer requesting service under this schedule shall be required to remain on this schedule for no less than 12 consecutive months before notice is given to return to rate service schedule 6-G or 6-K.

(k) Residential time-of-use rate schedule 6-U is applicable to each residential customer otherwise subject to rate service schedules 6-A who has given at least 15-days' notice to the utilities department that it wishes to obtain electric service under this rate service schedule. Any customer requesting service under this schedule shall be required to remain on this schedule for no less than 12 consecutive months before notice is given to return to rate service schedule 6-A.

(l) County time-of-use rate schedule 6-V is applicable to each county customer otherwise subject to rate service schedules 6-L or 6-M; public schools time-of-use rate schedule 6-Y is applicable to each public school customer otherwise subject to rate service schedules 6-N or 6-R, who has given at least 15-days' notice to the utilities department that it wishes to obtain electric service under this rate service schedule. Any customer requesting service under schedule 6-V or 6-Y shall be required to remain on this schedule for no less than 12 consecutive months before notice is given to return to rate service schedule 6-L, 6-M, 6-N, 6-R.

Sec. 40-122. Electric customer service charges.

Customer service charges are to be applied as follows:

- (1) To each customer billed under rate service schedule 6-A, \$12.00 per month per meter through June 30, 2024 and \$12.60 per month per meter beginning July 1, 2024.
- (2) To each customer billed under rate service schedules 6-G, 6-K, 6-L, 6-M, 6-N and 6-R, \$22.00 per month per meter through June 30, 2024 and \$23.10 per month per meter beginning July 1, 2024.

- (3) To each customer billed under rate service schedule 6-S, \$65.00 per month per meter through June 30, 2024 and \$68.25 per month per meter beginning July 1, 2024.
- (4) To each customer billed under rate service schedule 6-W, \$217.75 per month through June 30, 2024 plus charges for energy and demand and \$228.64 beginning July 1, 2024 plus charges for energy and demand.
- (5) To each customer billed under rate service schedule 6-T, \$32.00 through June 30, 2024 and \$33.60 beginning July 1, 2024; service schedule 6-U, \$17.00 through June 30, 2024 and \$17.85 beginning July 1, 2024; service schedules 6-V and 6-Y, \$32.00 through June 30, 2024 and \$33.60 beginning July 1, 2024 per month per meter.
- (6) To each customer billed under rate service schedule 6-P, \$19.18 per month per meter through June 30, 2024 and \$20.14 per month per meter beginning July 1, 2024.

Sec. 40-123. Electric energy charges.

In addition to applicable customer service charges, electric energy charges and demand charges are to be applied as follows:

- (1) *Schedule 6-A.* Each customer billed under rate service schedule 6-A shall be charged \$0.1152 \$0.1282 per kilowatt hour through June 30, 2024 and \$0.1413 per kilowatt hour beginning July 1, 2024. ~~In addition to the charge authorized by this subsection, the following optional charges are authorized subject to rules promulgated by the department necessary to carry out its provisions:~~
 - a. ~~*Fixed option.* Customers billed under rate service schedule 6-A may choose to subscribe monthly to 100 kWh blocks of green power at the additional rate of \$0.5000 per block. The total of the subscribed blocks shall not exceed 90 percent of that customer's minimum monthly electric consumption during the previous 12 months.~~
 - b. ~~*Variable option.* Customers billed under rate service schedule 6-A may choose to subscribe to green power for 90 percent of their monthly electric consumption. Such consumption shall be billed at the additional rate of \$0.0050 per kilowatt hour.~~
- (2) *Schedule 6-G.* Each customer billed under rate service schedule 6-G shall be charged \$0.1111 \$0.1229 per kilowatt hour through June 30, 2024 and \$0.1351 per kilowatt hour beginning July 1, 2024. ~~In addition to the charge authorized by this subsection, the following optional charges are authorized subject to rules promulgated by the department necessary to carry out its provisions:~~
 - a. ~~*Fixed option.* Customers billed under rate service schedule 6-G, may choose to subscribe monthly to 100 kWh blocks of green power at the additional rate of \$0.5000 per block. The total of the subscribed blocks shall not exceed 90 percent of that customer's minimum monthly electric consumption during the previous 12 months.~~

- ~~b. *Variable option.* Customers billed under rate service schedule 6-G may choose to subscribe to green power for 90 percent of their monthly electric consumption. Such consumption shall be billed at the additional rate of \$0.0050 per kilowatt hour.~~
- (3) ~~*Schedule 6-L.* Each customer billed under rate service schedule 6-L shall be charged \$0.1442 \$0.1263 per kilowatt hour through June 30, 2024 and \$0.1388 per kilowatt hour beginning July 1, 2024. In addition to the charge authorized by this subsection, the following optional charges for rate service schedule 6-L are authorized subject to rules promulgated by the department necessary to carry out its provisions:~~
- ~~a. *Fixed option.* Customers billed under rate service schedule 6L may choose to subscribe monthly to 100 kWh blocks of green power at the additional rate of \$0.5000 per block. The total of subscribed blocks shall not exceed 90 percent of that customer's minimum monthly electric consumption during the previous 12 months.~~
- ~~b. *Variable option.* Customers billed under rate service schedule 6L may choose to subscribe to green power for 90 percent of their monthly electric consumption. Such consumption shall be billed at the additional rate of \$0.0050 per kilowatt hour.~~
- (4) ~~*Schedule 6-N.* Each customer billed under rate service schedule 6-N shall be charged \$0.1089 \$0.1205 per kilowatt hour through June 30, 2024 and \$0.1326 per kilowatt hour beginning July 1, 2024. In addition to the charge authorized by this subsection, the following optional charges for rate service schedule 6-N are authorized subject to rules promulgated by the department necessary to carry out its provisions:~~
- ~~a. *Fixed option.* Customers billed under rate service schedule 6-N may choose to subscribe monthly to 100 kWh blocks of green power at the additional rate of \$0.5000 per block. The total of subscribed blocks shall not exceed 90 percent of that customer's minimum monthly electric consumption during the previous 12 months.~~
- ~~b. *Variable option.* Customers billed under rate service schedule 6-N may choose to subscribe to green power for 90 percent of their monthly electric consumption. Such consumption shall be billed at the additional rate of \$0.0050 per kilowatt hour.~~
- (5) ~~*Schedule 6-P.* Each customer billed under rate service schedule 6-P shall be charged \$0.1034 \$0.1146 per kilowatt hour through June 30, 2024 and \$0.1264 per kilowatt hour beginning July 1, 2024. In addition to the charge authorized by this subsection, the following optional charges for rate service schedule 6-P are authorized subject to rules promulgated by the department necessary to carry out its provisions:~~
- ~~a. *Fixed option.* Customers billed under rate service schedule 6-P may choose to subscribe monthly to 100 kWh blocks of green power at the additional rate of \$0.5000 per block. The total of subscribed blocks shall not exceed 90 percent of that customer's minimum monthly electric consumption during the previous 12 months.~~
- ~~b. *Variable option.* Customers billed under rate service schedule 6-P may choose to subscribe to green power for 90 percent of their monthly electric consumption. Such consumption shall be billed at the additional rate of \$0.0050 per kilowatt hour.~~

- (6) *Schedule 6-K.* Each customer under rate service schedule 6-K shall be charged ~~\$11.00~~ \$12.05 per kW of peak demand through June 30, 2024 and \$13.20 per kW of peak demand beginning July 1, 2024, plus ~~\$0.0824~~ \$0.0899 per kilowatt hour through June 30, 2024 and \$0.0985 per kilowatt hour beginning July 1, 2024. In addition to the charge authorized by this subsection, the following optional charges are authorized subject to rules promulgated by the department necessary to carry out its provisions:

~~Customers billed under rate service schedule 6-K may choose to subscribe to green power for one percent, two percent, three percent, five percent, ten percent, 50 percent or 90 percent of their monthly energy electric consumption. Such consumption shall be billed at the additional rate of \$0.0050 per kilowatt hour.~~

- (7) *Schedule 6-M.* Each customer under rate service schedule 6-M shall be charged ~~\$10.50~~ \$11.50 per kW of peak demand through June 30, 2024 and \$12.60 per kW of peak demand beginning July 1, 2024, plus ~~\$0.0834~~ \$0.0914 per kilowatt hour through June 30, 2024 and \$0.1001 beginning July 1, 2024. In addition to the charge authorized by this subsection, the following optional charges for rate service schedule 6-M are authorized subject to rules promulgated by the department necessary to carry out its provisions:

~~Customers billed under rate service schedule 6-M may choose to subscribe to green power for one percent, two percent, three percent, five percent, ten percent, 50 percent or 90 percent of their monthly energy electric consumption. Such consumption shall be billed at the additional rate of \$0.0050 per kilowatt hour.~~

- (8) *Schedule 6-R.* Each customer under rate service schedule 6-R shall be charged ~~\$10.50~~ \$11.51 per kW of peak demand through June 30, 2024 and \$12.60 per kW of peak demand beginning July 1, 2024, plus ~~\$0.0763~~ \$0.0836 per kilowatt hour through June 30, 2024 and \$0.0916 per kilowatt hour beginning July 1, 2024. In addition to the charge authorized by this subsection, the following optional charges for rate service schedule 6-R are authorized subject to rules promulgated by the department necessary to carry out its provisions:

~~Customers billed under rate service schedule 6-R may choose to subscribe to green power for one percent, two percent, three percent, five percent, ten percent, 50 percent or 90 percent of their monthly energy electric consumption. Such consumption shall be billed at the additional rate of \$0.0050 per kilowatt hour.~~

- (9) *Schedule 6-Q.*
- a. All metered customers under rate service schedule 6-Q shall be billed ~~\$1.20~~ \$1.31 per light per month through June 30, 2024 and \$1.43 per light per month beginning July 1, 2024, in addition to ~~\$0.128~~ \$0.140 per kilowatt hour through June 30, 2024 and \$0.1526 per kilowatt hour beginning July 1, 2024.
 - b. Unmetered customers under rate service schedule 6-Q shall be billed:

1. For each 70-watt high pressure sodium lamp which is privately owned and maintained, ~~\$3.44~~ \$3.77 per month through June 30, 2024 and \$4.13 per month beginning July 1, 2024.
2. For each 70-watt high pressure sodium lamp for county or public school use, ~~\$4.46~~ \$4.88 per month through June 30, 2024 and \$5.34 per month beginning July 1, 2024.
3. For each 70-watt high pressure sodium lamp for residential or commercial use, ~~\$4.50~~ \$4.93 per month through June 30, 2024 and \$5.40 per month beginning July 1, 2024.
4. For each 100-watt high pressure sodium lamp which is privately owned and maintained, ~~\$4.84~~ \$5.30 per month through June 30, 2024 and \$5.80 per month beginning July 1, 2024.
5. For each 100-watt high pressure sodium lamp for county or public school use, ~~\$5.80~~ \$6.35 per month through June 30, 2024 and \$6.95 per month beginning July 1, 2024.
6. For each 100-watt high pressure sodium lamp for residential or commercial use, ~~\$6.06~~ \$6.64 per month through June 30, 2024 and \$7.27 per month beginning July 1, 2024.
7. For each 175-watt mercury vapor lamp which is privately owned and maintained, ~~\$8.10~~ \$8.87 per month through June 30, 2024 and \$9.71 per month beginning July 1, 2024.
8. For each 175-watt mercury vapor lamp for county or public school use, ~~\$8.86~~ \$9.70 per month through June 30, 2024 and \$10.62 per month beginning July 1, 2024.
9. For each 175-watt mercury vapor lamp for residential or commercial use, ~~\$9.30~~ \$10.18 per month through June 30, 2024 and \$11.15 per month beginning July 1, 2024.
10. For each 400-watt mercury vapor lamp which is privately owned and maintained, ~~\$17.14~~ \$18.77 per month through June 30, 2024 and \$20.55 per month beginning July 1, 2024.
11. For each 400-watt mercury vapor lamp for county or public school use, ~~\$17.45~~ \$19.11 per month through June 30, 2024 and \$20.93 per month beginning July 1, 2024.
12. For each 400-watt mercury vapor lamp for residential or commercial use, ~~\$18.34~~ \$20.08 per month through June 30, 2024 and \$21.99 per month beginning July 1, 2024.

(10) *Schedule 6-W.* Customers under rate service schedule 6-W shall be billed:

- a. A monthly energy charge equal to the sum of the actual LAC/DOE electric resource pool unit cost for the applicable month plus ~~\$0.046~~ \$0.018 per kilowatt hour through June 30, 2024 and \$0.020 per kilowatt hour beginning July 1, 2024 for the water production system; and
- b. A monthly demand charge equal to the actual LAC/DOE electric resource pool demand cost per kW times the water production system kW demand coincident with the LAC/DOE electric resource pool demand for the applicable month.

(11) *Schedule 6-T and 6-U.*

- a. Customers under rate service schedule 6-T and 6-U shall be billed:
 1. During the winter season beginning at 12:00 midnight on October 1 through 11:59 p.m. on April 30 of each year at an on-peak rate of ~~\$0.1269~~ \$0.1404 per kWh and an off-peak rate of ~~\$0.0894~~ \$0.0986 per kWh through June 30, 2024 and an on-peak rate of \$0.1543 per kWh and an off-peak rate of \$0.1084 per kWh beginning July 1, 2024; and
 2. During the summer season beginning at 12:00 midnight on May 1 through 11:59 p.m. on September 30 of each year at an on-peak rate of ~~\$0.1232~~ \$0.1363 per kWh and an off-peak rate of ~~\$0.0808~~ \$0.0894 per kWh through June 30, 2024 and an on-peak rate of \$0.1498 per kWh and an off-peak rate of \$0.0983 per kWh beginning July 1, 2024.
- b. For purposes of this rate service schedule 6-T and 6-U, on-peak hours are defined for the winter season as beginning at 9:00 a.m. and ending at 10:00 p.m. each weekday. On-peak hours are defined for the summer season as beginning at 9:00 a.m. and ending at 8:00 p.m. each weekday. Off-peak hours for winter and summer seasons are defined as any hours not otherwise defined as on-peak.

(12) *Schedule 6-V and 6-Y.*

- a. Customers under rate service schedule 6-V and 6-Y shall be billed:
 1. During the winter season beginning at 12:00 midnight on October 1 through 11:59 p.m. on April 30 of each year at an on-peak rate of ~~\$0.1209~~ \$0.1337 per kWh and an off-peak rate of ~~\$0.0849~~ \$0.0939 per kWh through June 30, 2024 and an on-peak rate of \$0.1469 per kWh and an off-peak rate of \$0.1032 per kWh beginning July 1, 2024; and
 2. During the summer season beginning at 12:00 midnight on May 1 through 11:59 p.m. on September 30 of each year at an on-peak rate of ~~\$0.1174~~ \$0.1298 per kWh and an off-peak rate of ~~\$0.0770~~ \$0.0852 per kWh through June 30, 2024 and an on-peak rate of \$0.1426 per kWh and an off-peak rate of \$0.0936 per kWh beginning July 1, 2024.
- b. For purposes of this rate service schedule 6-V and 6-Y, on-peak hours are defined for the winter season as beginning at 9:00 a.m. and ending at 10:00 p.m. each weekday. On-peak hours are defined for the summer season as

beginning at 9:00 a.m. and ending at 8:00 p.m. each weekday. Off-peak hours for winter and summer seasons are defined as any hours not otherwise defined as on-peak.

- (13) *Schedule 6-S*. Each customer under rate service schedule 6-S shall be charged ~~\$41.00~~ \$12.17 per kW of peak demand through June 30, 2024 and \$13.38 per kW of peak demand beginning July 1, 2024, plus ~~\$0.0824~~ \$0.0908 per kilowatt through June 30, 2024 and \$0.0999 per kilowatt beginning July 1, 2024.

Section 2. Effective Date. This ordinance shall become effective upon adoption by the county Council and shall be implemented as soon as practical thereafter.

Section 3. 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 4. 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 26th day of September 2023.

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

**Denise Derkacs,
Council Chair**

ATTEST: (SEAL)

**Naomi D. Maestas
Los Alamos County Clerk**

