



County of Los Alamos

Los Alamos, NM 87544
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Minutes

County Council – Regular Session

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

Tuesday, May 23, 2023

6:00 PM

Council Chambers – 1000 Central Avenue

1. OPENING/ROLL CALL

The Council Chair, Denise Derkacs, called the meeting to order at 6:03 p.m.

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

Ms. Anne Laurent, Deputy County Manager, listed the county employees in attendance via Zoom.

Councilor Cull arrived at the meeting during the discussion of Item 4 at 6:07 p.m.

Councilor Lepsch arrived at the meeting during the discussion of Item 10 B at 8:12 p.m.

The following Councilors were in attendance:

**Present: 5 - Councilor Derkacs, Councilor Havemann, Councilor Reagor, Councilor Lepsch,
and Councilor Rytí**

Absent: 1 - Councilor Hand

Remote: 1 - Councilor Cull

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 May 23, 2023 that began 4:30 p.m. were limited only to those topics specified in the notice of the closed session, and no action was taken on any matter in the closed session.

4. PUBLIC COMMENT

Mr. Michael Dolejsi thanked Council for listening to student activists and allowing them to present.

5. APPROVAL OF AGENDA

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

The motion passed with the following vote:

Yes: 5 – Councilor Derkacs, Councilor Cull, Councilor Havemann, Councilor Reagor, and Councilor Ryti

Absent: 2 – Councilor Lepsch and Councilor Hand

RECESS

Councilor Derkacs called for a recess at 6:10 p.m. The meeting reconvened at 6:19 p.m.

6. PRESENTATIONS, PROCLAMATIONS, AND RECOGNITIONS

A. Proclamation declaring the Second Week of June as "Annual LGBTQ+ Pride Week" in Los Alamos County

Councilor Ryti read and presented the proclamation to Fortis Brown.

Mx. Fortis Brown, Friends of Los Alamos Pride member, spoke.

No action taken.

B. Proclamation Declaring the Month of May as "Building Safety Month"

Councilor Havemann read and presented the proclamation to David Martinez, Building Safety Manager.

Mr. David Martinez, Building Safety Manager, spoke.

Mr. Paul Andrus, Community Development Department Director, spoke.

No action taken.

C. Proclamation Declaring the week of May 21-27, 2023 as "National Public Works Week"

Councilor Reagor read and presented the proclamation to Juan Rael, Public Works Director and Eric Martinez, Deputy Public Works Director.

Mr. Juan Rael, Public Works Director, spoke.

No action taken.

4. PUBLIC COMMENT (Heard out of order due to technical issues)

Ms. Lauren Copeland spoke about public comments and accessibility.

- D. Presentation by Los Alamos Middle School Students on Raising the Minimum Wage in Los Alamos County

Ms. Madeline Lueninghoener presented.

Ms. Samatha Kranthijanya presented.

No action taken.

7. PUBLIC COMMENT FOR ITEMS ON CONSENT AGENDA

None.

8. CONSENT AGENDA

Councilor Reagor requested item 8.E. be removed from the Consent Agenda and added under Business. There were no objections.

Consent Motion:

A motion was made by Councilor Havemann, seconded by Councilor Reagor, that Council approve the items on the Consent Agenda and that the motions contained in the staff reports, as amended, be included for the record.

- A. Approval of Services Agreement No. AGR23-16 with Cintas Corporation in the Amount of \$700,000, plus Applicable Gross Receipts Tax, for the Purpose of Uniform Rentals

I move that the Council approve Services Agreement No. AGR23-16 with Cintas Corporation in the amount of \$700,000, plus applicable gross receipts tax, for the purpose of Uniform rentals.

- B. Approval of General Services Agreement No. AGR23-61 with Los Alamos Juvenile Justice Advisory Board, LLC (JJAB) in the Amount not to Exceed \$751,745.00 for the Purpose of Early Intervention Services for At-Risk Elementary School Youth and Families

I move that Council approve General Services Agreement No. AGR23-61 with the Los Alamos Juvenile Justice Advisory Board, LLC in the Amount of \$751,745.00 for the Purposes of Early Intervention Services for At-Risk Elementary School Youth and Families.

- C. Award of Bid No. 23-68 in the Amount of \$649,405 plus Applicable Gross Receipts Tax to Albuquerque Asphalt, Inc. for the Barranca Road Mill and Overlay Project and Establish a Project Budget in the Amount of \$1,400,000

I move that Council award Bid No. 23-68 in the Amount of \$649,405 plus Applicable Gross Receipts Tax to Albuquerque Asphalt, Inc. for the Barranca Road Mill and Overlay Project and Establish a Project Budget in the Amount of \$1,400,000.

- D. Approval of Amendment No. 4 to Services Agreement No. AGR17-01 with Output Services Group, Inc. in the amount of \$75,000, plus Applicable Gross Receipts Tax, for the Purpose of Bill Printing, Mailing, and Electronic Billing Notification Services

I move that Council approve amendment no. 4 for Services Agreement No. AGR17-01 with Output Services Group, Inc. in the amount of \$75,000, plus applicable gross receipts tax, for the purpose of bill printing, mailing, and electronic billing notification services.

- E. Approval of Budget Revision 2023-42 to Authorize an Increased Budget for Purchased Power in the Electric Utility in the Amount of \$8,000,000

Item moved to Business.

- F. Approval of DOE/LAC Resource Pool Budget for Fiscal Years 2024 & 2025

I move that Council approve the 2024-2025 Resource Pool Budget as presented.

- G. Approval of Budget Revision 2023-43 for Routine Mid-Year Grant Adjustments to Align with Grant Awards Received

I move that Council approve Budget Revision 2023-43 as summarized on Attachments A and B and that the attachments be made a part of the minutes of this meeting.

- H. Approval of US Department of Transportation Federal Highway Administration Charging and Fueling Infrastructure Discretionary Grant Application for an amount not to exceed \$5 Million Dollars for the Purpose of Planning, Designing and Developing Electric Vehicle Charging Infrastructure

I move that Council give approval to submit US Department of Transportation (USDOT) Charging and Fueling Infrastructure (CFI) Discretionary Grant Application in an amount not to exceed \$5 Million for the purpose of planning, designing, and developing electric vehicle charging infrastructure.

Approval of Consent Agenda:

The motion passed with the following vote:

Yes: 5 – Councilor Derkacs, Councilor Cull, Councilor Havemann, Councilor Reagor, and Councilor Ryti

Absent: 2 – Councilor Lepsch and Councilor Hand

9. INTRODUCTION OF ORDINANCE(S)

- A. Introduction of Incorporated County of Los Alamos Ordinance No. 724; an Ordinance Authorizing The Sale Of Certain County-Owned Real Property Commonly Known As 375 20th Street, To Pet Pangaea, LLC, A New Mexico Limited Liability Company, And Upon, And Only Upon, The Effective Date Of This Ordinance, Terminating The Existing Purchase, Sale And Development Agreement For Real Property Located In The Incorporated County Of Los Alamos Commonly Referred To As 3661 & 3689 Trinity Authorized By Ordinance No. 686

Councilor Ryti introduced, without prejudice, Incorporated County of Los Alamos Ordinance No. 724; An Ordinance Authorizing The Sale Of Certain County-Owned Real Property Commonly Known as 375 20th Street, To Pet Pangaea, LLC, A New Mexico Limited Liability Company, and Upon, and Only Upon, The Effective Date Of This Ordinance, Terminating the Existing Purchase, Sale and Development Agreement for Real Property Located in the Incorporated County of Los Alamos Commonly Referred to as 3661 & 3689 Trinity Authorized by Ordinance No. 686, and asked staff to assure that it is published as provided in the County Charter.

10. PUBLIC HEARING(S)

- A. Incorporated County of Los Alamos Code Ordinance No. No. 02-343 an Ordinance Amending the Text of Chapter 16, "County of Los Alamos Development Code", AN ORDINANCE AMENDING THE TEXT OF CHAPTER 16, ARTICLE II DIVISION 1. SECTION 16-6(b)(3)c 1., SECTION 16-6(c)(3)d 1., ARTICLE IV DIVISION 3. SECTION 16-28(c) TABLE 27, SECTION 16-30(a)(1) TABLE 29 TO REVISE THE REQUIRED AMOUNT OF OFF-STREET PARKING IN DOWNTOWN LOS ALAMOS (DTLA), AND WHITE ROCK TOWN CENTER (WRTC), ALL MIXED USED AND NON-RESIDENTIAL ZONE DISTRICTS; AND SECTION 16-30(b) TO CLARIFY ADDITIONAL PARKING REDUCTIONS IN DTLA, WRTC, ALL MIXED USE AND NON-RESIDENTIAL ZONE DISTRICTS, with Revisions Related to Alternative Parking Regulations and Reduction Allowances in Downtown Los Alamos (DTLA), White Rock Town Center(WRTC), all Mixed Use and Non-Residential Zone Districts, as Amended at May 2, 2023, County Council Regular Session

Ms. Sobia Sayeda, Planning Manager, spoke.

Ms. Jessica Lawlis, Dekker/Perich/Sabatini (D/P/S), Urban Planner, presented.

Mr. Will Gleason, Dekker/Perich/Sabatini (D/P/S), Principal Urban Planner, presented.

Mr. Paul Andrus, Community Development Department Director, spoke.

Public comment:

Mr. Phil Gursky spoke.

Mr. Charlie Nakhleh spoke.

Ms. Stephanie Nakhleh spoke.

A motion was made by Councilor Havemann, seconded by Councilor Ryti, that Council adopt Incorporated County of Los Alamos Code Ordinance No. 02-343 as amended at the May 2, 2023 County Council meeting and asked staff to ensure that it is published in summary form.

The motion passed with the following vote:

Yes: 5 – Councilor Derkacs, Councilor Cull, Councilor Havemann, Councilor Reagor, and Councilor Ryti

Absent: 2 – Councilor Lepsch and Councilor Hand

- B. Incorporated County of Los Alamos Code Ordinance No. 02-345; an Ordinance Amending Chapter 32, Section 32-18, Refuse Recycling and Solid Waste Facility Fees

Mr. Juan Rael, Public Works Director, spoke.

Mr. Joshua Levings, Office Manager, spoke.

Public comment:

None.

A motion was made by Councilor Havemann, seconded by Councilor Reagor, that Council adopt Incorporated County of Los Alamos Ordinance No. 02-345; An ordinance amending Chapter 32, Section 32-18, Refuse, Recycling and Solid Waste Fees.

The motion passed with the following vote:

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

Absent: 1 – Councilor Hand

RECESS

Councilor Derkacs called for a recess at 8:17 p.m. The meeting reconvened at 8:28 p.m.

- C.** Incorporated County of Los Alamos Ordinance No. 723, An Ordinance Terminating the Economic Development Project for Public Support From the State of New Mexico for the Benefit of UbiQD, Inc. A Delaware Corporation

Mr. Daniel Ungerleider, Economic Development Administrator, presented.

Mr. Hunter McDaniel, UbiQD, Founder and Chief Executive Officer, spoke.

Public comment:

None.

A motion was made by Councilor Lepsch, seconded by Councilor Ryti, that Council adopt Incorporated County of Los Alamos Ordinance No. 723, an ordinance terminating the Economic Development Project of UbiQD, Inc. He further moved that, upon passage, the Ordinance be published in summary form.

The motion passed with the following vote:

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

Absent: 1 – Councilor Hand

- D.** Incorporated County of Los Alamos Code Ordinance No. 02-344 A Code Ordinance Amending Chapter 38, Article II, Division 3, Section 38-92 (Traffic Code)

Mr. Steven Lynne, County Manager, presented.

Public comment:

None.

A motion was made by Councilor Ryti, seconded by Councilor Reagor, that Council adopt Incorporated County of Los Alamos Code Ordinance No. 02-344 and asked staff to assure that it is published in summary form.

The motion passed with the following vote:

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

Absent: 1 – Councilor Hand

11. BUSINESS

- A. Approval of Services Agreement No. AGR23-11 with Cascadia Consulting Group, Inc., in the Amount of \$280,195, plus applicable Gross Receipts Tax, for the Purpose of Performing a Community Greenhouse Gas Emissions (GHG) Study and Climate Action Plan

Ms. Angelica Gurule, Sustainability Manager, presented.

Public comment:

Ms. Katie Leonard spoke.

A motion was made by Councilor Havemann, seconded by Councilor Ryti, that Council approve the award of Agreement AGR23-11 with Cascadia Consulting Group, Inc., in the Amount of \$280,195.00 plus Applicable Gross Receipts Tax for the Purpose of Performing a Community Greenhouse Emissions Study and Climate Action Plan.

The motion passed with the following vote:

Yes: 5 – Councilor Derkacs, Councilor Cull, Councilor Lepsch, Councilor Havemann, and Councilor Ryti

No: 1 – Councilor Reagor

Absent: 1 – Councilor Hand

- B. Presentation and Possible Action to Support the Establishment of the Climate Investment Center

Ms. Angelica Gurule, Sustainability Manager, spoke.

Ms. Beth Beloff presented.

Mr. Ken Hughes presented.

Public Comment:

None.

A motion was made by Councilor Ryti, seconded by Councilor Havemann, that Council support the establishment of the Climate Investment Center, for the purpose of assisting the State of New Mexico in meeting its climate goals through the receipt of appropriate federal funds earmarked for green banks to support clean energy and other climate and equity-based investments and return with financial commitment at the next available opportunity.

The motion passed with the following vote:

Yes: 5 – Councilor Derkacs, Councilor Cull, Councilor Lepsch, Councilor Havemann, and Councilor Ryti

No: 1 – Councilor Reagor

Absent: 1 – Councilor Hand

Consent Item 8.E.

Approval of Budget Revision 2023-42 to Authorize an Increased Budget for Purchased Power in the Electric Utility in the Amount of \$8,000,000

Mr. Philo Shelton, Utilities Manager, spoke.

Public Comment:
None.

A motion was made by Councilor Reagor, seconded by Councilor Havemann, that Council approve Budget Revision 2023-42 to authorize an increased budget for purchased power in the Electric utility in the amount of \$8,000,000; as summarized on Attachment A, and that the attachment be made part of the minutes of this meeting.

The motion passed with the following vote:

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

Absent: 1 – Councilor Hand

12. COUNCIL BUSINESS

A. General Council Business

- 1) Discussion and Possible Action to Submit Public Comment on the Chromium Plume Interim Measures and Final Remedy Environmental Assessment Scoping as part of the National Environmental Policy Act (NEPA) Process

Mr. Philo Shelton, Utilities Manager, spoke.

A motion was made by Councilor Lepsch, seconded by Councilor Ryti, that Council authorize the Chair with the co-signature of the department of public utilities manager to finalize and sign a letter, based on the Council's input, on the Environmental Assessment for the Chromium Plume Interim Measures and Final Remedy.

The motion passed with the following vote:

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

Absent: 1 – Councilor Hand

B. Appointments

1) Board/Commission Appointment(s) - Board of Public Utilities

A motion was made by Councilor Cull, to nominate Robert Gibson and Martin Hook to fill one vacancy on the Board of Public Utilities and move that Council appoint one nominee to the vacant position as follows:

By roll call vote, Councilors vote for one nominee, and the nominee with the highest total of four or more votes will be appointed to fill the term beginning July 1, 2023 and ending June 30, 2028. There were no objections.

Public Comment:

None.

Councilor Derkacs called for a roll call vote to appoint one member to the Board of Public Utilities.

**Councilors Derkacs, Cull, Havemann, Lepsch, Reagor, and Ryti voted for:
Robert Gibson**

After a roll call vote, Mr. Robert Gibson was appointed to the Board of Public Utilities.

2) Board/Commission Appointments - Environmental Sustainability Board

Ms. Angelica Gurule, Sustainability Manager, spoke.

Public Comment:

None.

A motion was made by Councilor Havemann, seconded by Councilor Ryti, to nominate Kes Luchini, Hermann Geppert-Kleinrath, Zarifa Dushdurova, Joseph Chandler, and Laura Burrows to fill two (2) vacancies on the Environmental Sustainability Board.

By roll call vote, Councilors vote for two nominees to fill the vacancies and the two with the highest vote total of four or more be appointed to fill a partial term beginning May 23, 2023 and ending July 31, 2023 and a full term beginning August 1, 2023 and ending July 31, 2025.

Councilor Derkacs called for a roll call vote to appoint members to the Environmental Sustainability Board.

**Councilors Derkacs, Cull, Havemann, Lepsch, Reagor, and Ryti voted for:
Hermann Geppert-Kleinrath**

**Councilors Reagor and Ryti voted for:
Zarifa Dushdurova**

**Councilors Derkacs, Cull, Havemann, and Lepsch voted for:
Joseph Chandler**

After a roll call vote, Mr. Hermann Geppert-Kleinrath and Joseph Chandler were appointed to the Environmental Sustainability Board.

C. Board, Commission and Committee Vacancy Report

No Report.

D. Board, Commission, and Committee Liaison Reports

No Report.

E. County Manager's Report

No Report.

F. Council Chair Report

No Report.

G. Approval of Councilor Expenses

None.

H. Preview of Upcoming Agenda Items

1) Tickler Report of Upcoming Agenda Items

Councilor Derkacs highlighted upcoming items.

13. COUNCILOR COMMENTS

None.

14. PUBLIC COMMENT

None.

15. ADJOURNMENT

The meeting adjourned at 10:29 p.m.

INCORPORATED COUNTY OF LOS ALAMOS

Denise Derkacs, Council Chair

Attest:

Naomi D. Maestas, County Clerk

Meeting Transcribed by: Allison Collins, Deputy Clerk

Budget Revision 2023-42

BPU Meeting Date: May 17, 2023

Council Meeting Date: May 23, 2023

	Fund & Department	Org	Object	Revenue (decrease)	Expenditures (decrease)	Transfers In(Out)	Fund Balance (decrease)
1	Joint Utilities Fund - Electric Production	51185195	4355	\$ 8,000,000			\$ 8,000,000
2	Joint Utilities Fund - Electric Production	51185135	8367		\$ 8,000,000		\$ (8,000,000)
3							
4							
5							
6							
7							
8							
9							
10							
Description: The purpose of this budget revision is to increase the expenditure budget for purchased power and associated revenue. See staff report for further details.							
Fiscal Impact: The net impact to the Joint Utilities Fund is zero.							

Budget Revision 2023-43

Council Meeting Date: 05/23/2023

	Fund & Department	Org	Object	Revenue (decrease)	Expenditures (decrease)	Transfers In(Out)	Fund Balance (decrease)
1	Please see Grant Adjustment Sheet for Details						
2	Attachment B						
3							
4							
5							
6							
7							
8							
9							
10							
Description: Approval of Budget Revision 2023-43 for Routine Mid-Year Grant Adjustments to align with Grant Awards Received							
Fiscal Impact: Total revenues increased by grants totaled 15,205,816 and Decreased by \$15,605,438 for a net impact \$399,622 decrease. Total Expenditures increased by grants totaled \$1,571,386 and decreased by \$16,080,376 for a net impact of \$14,508,990 decrease. Both revenue and expenditures are across various funds.							

FY2023 MID-YEAR BUDGET REVISION - GRANTS WORKSHEET

DEPARTMENT - DIVISION/GRANT		GRANT INFORMATION	BUDGET CATEGORY	CURRENT APPROVED BUDGET	PROPOSED REVISION	REVISED BUDGET
POLICE	DISPATCH	E911 GRANT <i>Dispatch</i> <i>July 1, 2022 - June 30,</i> <i>2023</i>	Revenue	(197,454)	7,466	(189,988)
			Expense	197,454	(7,466)	189,988
	ENFORCEMENT	STEP-BUCKLE UP <i>July 1, 2022 - Sept 30,</i> <i>2023</i> <i>(last 3 months of grant</i> <i>cycle)</i>	Revenue	(11,949)	11,713	(236)
			Expense	0	277	277
	EMERGENCY MANAGEMENT	ARPA <i>July 1, 2022 - June 30,</i> <i>2023</i>	Revenue	(126,716)	83,411	(43,305)
			Expense	89,876	(3,266)	86,610
		EMPG <i>Emergency Management</i> <i>Planning Grant</i> <i>July 1, 2022 - June 30,</i> <i>2023</i>	Revenue	0	(118,079)	(118,079)
			Expense	0	(37,500)	(37,500)
		HAZARD MITIGATION <i>September 17, 2020 - June</i> <i>16, 2023</i>	Revenue	0	(37,500)	(37,500)
			Expense	0	(25,815)	(25,815)
		SHSGP <i>State Homeland Security</i> <i>Grant Program</i> <i>- Continuation of</i> <i>Operations (COOP)</i>	Revenue	0	(25,815)	(25,815)
			Expense	0	(178,709)	(178,709)
		SHSGP <i>State Homeland Security</i> <i>Grant Program</i> <i>-EOP</i> <i>Planning/Radio/Drone/</i> <i>Surveillance Project</i>	Revenue	0	(178,709)	(178,709)
			Expense	182,087	(3,378)	178,709
		SHSGP <i>State Homeland Security</i> <i>Grant Program</i> <i>-Election Security</i>	Revenue	(215,000)	91,819	(123,181)
			Expense	0	123,181	123,181
	VICTIMS ASSISTANCE	VOCA <i>July 1, 2022 - September</i> <i>30, 2023 (last 3 months of</i> <i>grant year, first 3 months of</i> <i>County's fiscal year)</i>	Revenue	(364)	(644)	(1,008)
			Expense	0	1,080	1,080
	BULLET PROOF VESTS	USDOJ <i>FFY22 Allocation (FY23</i> <i>Spend)</i>	Expense	0	5,300	5,300

	LERF <i>Law Enforcement Retention Fund</i>	DISTRIBUTION <i>Period Jul 1, 2022- June 30, 2023</i>	Revenue	0	(11,450)	(11,450)
			Expense	0	11,450	11,450
	LEPF <i>Law Enforcement Protection Fund</i>	DISTRIBUTION <i>Period Jul 1, 2022- June 30, 2023</i>	Expense	82,019	283	82,302
FIRE	FIRE PROTECTION FUND	DISTRIBUTION <i>Fund Balance at June 30, 2022 = \$1,390,672</i>	Revenue	(974,147)	29,000	(945,147)
			Expense	2,277,587	58,232	2,335,819
CSD	COMMUNITY HEALTH COUNCIL	NM DEPARTMENT OF HEALTH	Expense	12,952	(12,952)	0
		CENTER FOR HEALTH INNOVATION	Revenue	0	(50,000)	(50,000)
		FUND BALANCE <i>EOY2022 = \$74,737</i>	Expense	68,890	(68,890)	0
	OPIOID SETTLEMENT <i>(Non Federal or Non State Funded)</i>		Revenue	0	(127,000)	(127,000)
			Expense	0	127,000	127,000
	LIBRARY GO BOND	2020 GO BONDS	Revenue	0	(28,621)	(28,621)
			Expense	28,620	1	28,621
	LIBRARY STATE AIDE	NM STATE AIDE GRANT <i>FY2023</i>	Revenue	(29,952)	14,569	(15,383)
			Revenue	(28,617)	28,617	0
		ARPA <i>FY2023</i>	Revenue	0	(26,742)	(26,742)
PUBLIC WORKS-TRANSIT	TRANSIT ADMIN NMDOT 5339 GRANT PROGRAM	NCRTD REVENUE	Revenue ONLY	(1,609,967)	(211,673)	(1,821,640)
		ELECTRIC BUS PURCHASE - \$1,859,370. <i>Grant in FY20 through 09/30/2025.</i>	Revenue	0	(1,485,000)	(1,485,000)
			Expense	1,734,858	101,532	1,836,390
		BUS & EQUIPMENT PURCHASE <i>New Grant Award in FY23/24 - \$931,000</i>	Revenue	(1,003,164)	258,364	(744,800)
			Expense	0	885,536	885,536

	NMDOT 5310 GRANT PROGRAM	VEHICLE PURCHASE 5310 Grant - Grant in FY2021 \$150,574	Revenue	0	(150,574)	(150,574)
			Expense	124,512	26,062	150,574
		VEHICLE PURCHASE 5310 Grant - New Grant in FY23/24 - \$191,000	Expense	126,348	34,000	160,348
	NMDOT 5311 GRANT PROGRAM	FY2021 Capital Purchase	Revenue	0	(788,994)	(788,994)
			Revenue		(197,248)	(197,248)
			Expense	857,206	129,036	986,242
		FY2022-2023 Operating Grant-Last 3 months of Federal Grant Cycle (July 1, 2022 - September 30, 2022) Adjustment to Actual	Revenue	0	(346,500)	(346,500)
			Expense	0	580,975	580,975
		FY2023-2024 New Operating Grant For Federal Fiscal Year ending September 30, 2023. Calculated at 75% of Actual Grant Award Amount to reflect 9 months in County Fiscal Year	Revenue	(1,793,960)	342,841	(1,451,120)
			Expense	5,382,999	(2,573,165)	2,809,834
	TRANSIT STUDY	Revenue	0	(35,237)	(35,237)	
	NATIONAL PARK SERVICE	FY23/24 SEASON April 2023- October 2023	Revenue	(195,577)	(3,361)	(198,938)
			Expense	81,113	184,138	265,251
PUBLIC WORKS - AIRPORT	COVID-19 CARES Act -1 \$30,000		Federal Revenue	0	(4,200)	(4,200)
	COVID-19 CARES Act - 2 \$13,000		Federal Revenue	0	(13,000)	(13,000)
	FAA - ARPA GRANT \$32,000		Federal Revenue	0	(32,000)	(32,000)
	OTHER (FOX TROT PROJECT - NOT FUNDED)		State Revenue	(11,270,545)	11,270,545	0

FAA/NMDOT AIRPORT TAXIWAY FOXTROT PER & DBE UPDATE		Revenue	135,240	(143,545)	(8,305)
		Expense	166,100	(1,650)	164,450
NMDOT - Fuel Farm Construction Phase		Revenue	0	(1,900,000)	(1,900,000)
NMDOT - AWOS - EQUIPMENT PURCHASE AND INSTALL		Revenue	0	(123,300)	(123,300)
FAA-Airport Runway Pavement Preservation Project		Revenue	0	(1,207,700)	(1,207,700)
		Expense	1,051,909	155,791	1,207,700
Taxiway Foxtrot Safety Project (FOX TROT PROJECT - NOT FUNDED)		Expense	9,799,900	(9,799,900)	0
LOCAL GOVERNMENT ROAD FUND Cumbres del Norte Road Improve FY22/23	NMDOT - School Bus Route	Revenue LIFE TO DATE	0	(106,681)	(106,681)
	NMDOT - COOP	Revenue LIFE TO DATE	0	(79,911)	(79,911)
	NMDOT - CAP	Revenue LIFE TO DATE	0	(25,493)	(25,493)
LOCAL GOVERNMENT ROAD FUND Loma Linda FY23/24	NMDOT - School Bus Route	Revenue LIFE TO DATE	(50,000)	(62,800)	(112,800)
	NMDOT - COOP	Revenue LIFE TO DATE	(99,000)	9,048	(89,952)
	NMDOT - CAP	Revenue LIFE TO DATE	(26,000)	(2,753)	(28,753)
	OTHER STATE REVENUE-GRANT NOT FUNDED	Revenue LIFE TO DATE	(2,280,000)	2,280,000	0
	Expense	Expense LIFE TO DATE	2,400,000	(2,400,000)	0
MUNICIPAL ARTERIAL PROGRAM Rose Street Total Project -\$155,520 State Share -\$116,640		Revenue LIFE TO DATE	(1,803,333)	1,686,693	(116,640)
		Expense LIFE TO DATE	1,800,000	(1,644,480)	155,520

Canyon Road Reconstruction TPF Grant - \$2,410,000 (\$2,289,500 State Share) MAP Grant - \$124,444 (\$93,333 State Share)		<u>Revenue</u> LIFE TO DATE	0	(2,289,500)	(2,289,500)
		<u>Expense</u> LIFE TO DATE	4,127,674	(81,721)	4,045,953
Community Recreation Space NORTH MESA - \$350,000		<u>Revenue</u> LIFE TO DATE	0	(350,000)	(350,000)
Community Recreation Space WHITE ROCK - \$600,000		<u>Revenue</u> LIFE TO DATE	0	(600,000)	(600,000)
Canyon Rim Trail-Underpass Project Design and Construction Design - \$273,408 Construction - \$1,725,888		<u>Revenue</u> LIFE TO DATE	(273,408)	273,408	0
		<u>Revenue</u> LIFE TO DATE	0	(273,408)	(273,408)
Diamond-Oppenhimer Pedestrian Improvements State Share - \$237,500 County Share - \$12,500 Total = \$250,000		<u>Revenue</u> LIFE TO DATE	(237,500)	36,277	(201,223)
		<u>Expense</u> LIFE TO DATE	246,800	(35,514)	211,286
URBAN TRAIL GRANT	Phase 2 <u>Design</u> & Environmental NORTH TRAIL Federal Pass Through Share - \$196,512 County Share - \$33,488 Total = \$230,000	<u>Revenue</u> LIFE TO DATE	(196,512)	196,512	0
		<u>Revenue</u> LIFE TO DATE	0	(166,450)	(166,450)
		<u>Expense</u> LIFE TO DATE	230,000	(35,185)	194,815
	Phase 1 <u>Design</u> & Environmental SOUTH TRAIL Federal Pass Through Share - \$21,360 County Share - \$3,640 Total = \$25,000	<u>Revenue</u> LIFE TO DATE	0	(13,876)	(13,876)
		<u>Expense</u> LIFE TO DATE	25,000	(8,580)	16,420
	Construction Phase 1 SOUTH SIDE Federal - \$1,025,280 County Share - \$174,720 Total = \$1,200,000	<u>Revenue</u> LIFE TO DATE	0	(1,025,280)	(1,025,280)
	Construction Phase 2 NORTH SIDE Federal - \$2,883,600 County Share - \$491,400 Total = \$3,375,000	<u>Revenue</u> LIFE TO DATE	0	(2,883,600)	(2,883,600)

	Trinity Drive Safety ADA Improvements <i>Design Phase - \$640,000 in FY21</i> <i>Design Phase 1 - \$200,000 in FY22</i> <i>Construction Phase 2 - \$3,410,000 in FY23</i> <i>Total Award = \$4,250,000</i>		<u>Revenue</u> LIFE TO DATE	(3,069,000)	(756,000)	(3,825,000)
			<u>Revenue</u> LIFE TO DATE	(341,000)	(84,000)	(425,000)
PUBLIC WORKS- ENV. SVC	RAID Grant - <i>Dolly & Grappler Equipment - \$59,454</i>		Revenue	0	(16,692)	(16,692)
			Expense	0	16,692	16,692
CDD	AFFORDABLE HOUSING	CPMS ID: 19-D3074 \$475,000	Revenue	0	(375,133)	(375,133)
DPU	VOLKS WAGON <i>Mitigation Trust NMED Grant for Electric Vehicle Charging Stations</i> <i>Grant Agr #NM-VW-20-15</i> <i>NMED - \$135,600</i> <i>LAC - \$51,099</i> <i>TOTAL AWARD-\$186,699</i>		Revenue	0	(135,600)	(135,600)
Note: Negative adjustment in Revenue increases amount in alignment with our ERP System						

May 23, 2023 County Council – Regular Session For DAIS

12. COUNCIL BUSINESS

A. General Council Business

1) [17445-23](#) Discussion and Possible Action to Submit Public Comment on the Chromium Plume Interim Measures and Final Remedy Environmental Assessment Scoping as part of the National Environmental Policy Act (NEPA) Process

Revised Attachment

C - Draft letter from Utility Manager Shelton



Department of Public Utilities

Electric, Gas, Water, and Wastewater Services

May 24, 2023

BOARD OF PUBLIC UTILITIES

Steve Tobin, Chair
Cornell Wright, Vice Chair
Stephen McLin
Charles Nakhleh
Eric Stromberg

EX OFFICIO MEMBERS

Philo Shelton
Steven Lynne

UTILITIES MANAGER

Philo Shelton

Mr. Jesse Kahler, NEPA Compliance Officer
US DOE Environmental Management - Los Alamos Field Office
1200 Trinity Drive, Suite 400
Los Alamos, NM 87544

Re: Chromium EA Scoping Comments

Dear Mr. Kahler:

The Department of Public Utilities has collaborated with the DOE/LANL/N3B team since the inception of the Chromium Interim Measure Investigation in 2015. As the water supplier to the community, DPU has always been focused on the risk of contamination to the four water supply wells located near the plume. As part of the Interim Measures Investigation in recent years, new monitoring wells have been drilled for the purposes of water quality testing. Those wells have been strategically placed to be used as either injection or extraction wells as part of a limited pump and treat program aimed at mitigating plume migration to the south and east.

One new monitoring well drilled closer to Pajarito Well No. 3 confirmed that the plume of contaminated water was closer to the well than represented in the past. In late 2021 when the Interim Measures Investigation progress was reported to the New Mexico Environment Department, NMED flagged the unexplored depth of the hexavalent chromium plume as a new concern. DPU has had presentations by both N3B/NNSA and NMED on this topic and understands that there are several differences in professional opinion about this topic.

Given the information learned as part of the Interim Measures Investigation, DPU is now more concerned than in 2015. The north and east boundaries of the plume are closer to Pajarito Well No. 3 and the depth of the contamination into the regional groundwater is unknown. When the uncertainty of the depth of the contamination became known, DPU took Pajarito Well No. 3 out of service to avoid the risk of introducing hexavalent chromium into the water supply pending the acquisition of further evidence. The current quarterly sampling program is too infrequent to capture a breakthrough event should one occur. More information on the plume's depth and proximity to Pajarito Well No. 3 is needed before DPU can operate this high production water well (1450 gallons per minute) for water supply.

Administrative Office

1000 Central Avenue, Suite 130
Los Alamos, NM 87544
P 505.662.8333 F 505.662.8005

dpu@lacnm.us
ladpu.com/dpu

Mr. Kahler
May 24, 2023
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DPU is in the process of making a substantial investment in upgrading well controls for Pajarito Well No. 3 but is concerned that this investment would go to waste should the plume advance closer to this well. Staff has met with EM-LA regarding these issues and DPU is receptive to the DOE's performing a spinner log test on the well to determine the fate of Pajarito Well No. 3. We have requested a work plan for review and approval prior to performing a spinner log test.

Los Alamos County Department of Public Utilities has prepared comments regarding the Chromium EA presentation from May 9, 2023.

1. DPU cannot support Alternative 1, "Adaptive Site Management" as an approach to create a framework of structured and continuous planning, implementation, and monitoring that accommodates new information, changing conditions and public information. No details and definitions on how this process will work have been provided. This alternative ignores the progress in plume mitigation demonstrated during the course of the Interim Measure. There would need to be oversight and approval by DPU and NMED before an adaptive remedy is implemented. Finally, frequent, and timely updates with public participation would be especially important before considering an Adaptive Site Management approach.
2. DPU's preferred alternative is Option 1: Expanded Pump and Treat with Expanded Injection. This option calls for extraction of the contaminated water, removal of the chromium contaminant by treatment with ion exchange, and injection of clean water back into the groundwater supply. Removal of the chromium from the drinking water supply is clearly the best way to maintain water quality for downstream drinking water use. The results of the Interim Measure in terms of both removing chromium and mitigating plume growth have been very promising. This option also allows for the most economical usage of the County's water rights while preserving the County's ability to meet its residential development growth goals.
3. Whatever remedy is adopted, it needs to be designed to protect the County's only source of drinking water from contamination. It must also contain the plume safely away from Pajarito Well No. 3 and assure no breakthrough of chromium into the municipal drinking water system at any concentration. If this assurance cannot be provided, then DOE will need to construct a replacement drinking well with production capabilities similar to Pajarito Well No. 3.

DPU looks forward to this project moving to a final remedy stage and will cooperate with these efforts as the Environmental Assessment is finalized this year.

Sincerely,

Philo S. Shelton III, P.E.
Utilities Manager
505-662-8148
philo.shelton@lacnm.us

May 23, 2023 County Council – Regular Session For DAIS

12. COUNCIL BUSINESS

B. Appointments

- 1) [15961-23](#) Board/Commission Appointment(s) - Board of Public Utilities

New Attachment

G. Council Interview Questions for BPU Candidates

2023 Council Interview Questions for

Board of Public Utilities Candidates

1. Change:
 - a. If you could propose one change for the Department of Public Utilities what would it be?
 - b. Why do you think that it is an area of need?
2. Financial Resource Allocation:
 - a. How would you recommend balancing financial responsibilities of the department as a business unit with its responsibility as a county department to align with overall county objectives and priorities?
 - b. Do you think that there have been sufficient resources allocated to infrastructure improvement?
3. Conservation Goals:
 - a. What is your perspective on conservation goals for electric, water and gas?
 - b. How would you go about achieving these goals?
 - c. How would you implement the LARES 2% per year natural gas reduction goal?
 - d. How would you approach the tradeoffs between electrical cost, reliability, and the county's goals for carbon neutral electric generation?