



County of Los Alamos

Los Alamos, NM 87544
www.losalamosnm.us

Agenda - Final County Council - Work Session

Randall Ryti, Council Chair; James Robinson, Vice-Chair; Denise Derkacs; David Izraelevitz; David Reagor; Sara Scott, and Sean Williams, Councilors

Tuesday, October 26, 2021

6:00 PM

Due to COVID-19 concerns, meeting will be
conducted remotely.

<https://us06web.zoom.us/j/89708948317>

Members of the Public can, also, join this meeting session to make public comment via Zoom by pasting into their browser the following:

<https://us06web.zoom.us/j/89708948317> once the session has started.

or by Telephone:

*US: +1 720 707 2699 or +1 253 215 8782 or +1 346 248 7799 or
+1 646 558 8656 or +1 301 715 8592 or +1 312 626 6799*

Webinar ID: 897 0894 8317

1. **OPENING/ROLL CALL**
2. **PLEDGE OF ALLEGIANCE**
3. **STATEMENT REGARDING CLOSED SESSION**

October 26, 2021 Closed Session Motion

Presenters: County Council - Work Session

4. **PUBLIC COMMENT**

This section of the agenda is reserved for comments from the public on items that are not otherwise included in this agenda.

5. **APPROVAL OF AGENDA**
6. **PRESENTATIONS, PROCLAMATIONS AND RECOGNITIONS**

- A. [13795-21](#) Briefing to Council by Bernadine Goldman, Chair of the Personnel Board.

Presenters: Bernadine Goldman, Chair of the Personnel Board

Attachments: [A - Personnel Board Report to Los Alamos County Council.pdf](#)
[B - FY22 Personnel Board Work Plan.pdf](#)

- B. [13796-21](#) Briefing to Council by Linda Deck, Chair of the Lodger's Tax Advisory Board.

Presenters: Lodgers' Tax Advisory Board

Attachments: [A - LTAB 2021 Presentation to Council](#)
[B - FY22 Lodgers' Tax Advisory Board Work Plan](#)

- C. [14904-21](#) Short-Term Rental (STR) Discussion

Presenters: Margaret Ambrosino, Housing Programs Manager and Daniel Ungerleider, Economic Development Administrator

Attachments: [A - Short Term Rental Presentation](#)

7. BUSINESS

- A. [14923-21](#) Action to Suspend Council Rules for Work Session

Presenters: County Council - Work Session

- B. [15053-21](#) Approval of County Council Minutes for September 28, 2021

Presenters: County Clerk

Attachments: [A - County Council Minutes for September 28, 2021](#)

8. INTRODUCTION OF ORDINANCE(S)

- A. [OR0917-21](#) Introduction of Incorporated County of Los Alamos Ordinance No. 712, An Ordinance Authorizing the Incorporated County of Los Alamos (County) to Amend Ordinance No's. 687 and 689 for the Purpose of Increasing the Principal Amount of the New Mexico Environment Department (NMED) Clean Water State Revolving Fund (CWSRF) Loan Number CWSRF 083.

Presenters: Philo Shelton, Utilities Manager

Attachments: [A - Incorporated County of Los Alamos Ordinance No. 712](#)
[B - Financial Narrative, October 2021](#)
[C - Budget Forecast](#)
[D - Publication Notice of Ordinance No. 712](#)

- B. [OR0920-21](#) Introduction of Incorporated County of Los Alamos Ordinance No. 713 Providing for the Transfer of Land to the New Mexico Department of Transportation (NMDOT).

Presenters: Eric Martinez, County Engineer and Jon Bulthuis, Acting Public Works Director

Attachments: [A - Incorporated County of Los Alamos Ordinance No. 713](#)
[B - Right-of-Way Map](#)

9. **COUNCIL BUSINESS**

- A. [15052-21](#) Discussion on Councilor Attendance at Agenda Setting Meetings

Presenters: Randall Ryti, County Council Chair

B. **Council Chair Report**

C. **Preview of Upcoming Agenda Items**

10. **PUBLIC COMMENT**

11. **ADJOURNMENT**

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the County Human Resources Division at 662-8040 at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes can be provided in various accessible formats. Please contact the personnel in the Office of the County Manager at 663-1750 if a summary or other type of accessible format is needed.



County of Los Alamos

Staff Report

October 26, 2021

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.:

Index (Council Goals):

Presenters: County Council - Work Session

Title

October 26, 2021 Closed Session Motion

Recommended Action

The following statement should be included in the minutes:

"The matters discussed in the Closed Sessions of County Council held on October 26, 2021 at 5:00 pm 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 that this statement be included in the meeting minutes."



County of Los Alamos

Staff Report

October 26, 2021

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.: A.

Index (Council Goals): * 2021 Council Goal - Enhancing Communication

Presenters: Bernadine Goldman, Chair of the Personnel Board

Legislative File: 13795-21

Title

Briefing to Council by Bernadine Goldman, Chair of the Personnel Board.

Body

Council leadership has requested that each Board/Commission Chair make a presentation to the Council once a year focused on what has been completed and what they are currently working on, and what challenges or opportunities they see coming up in the future .

Attachments

A - Personnel Board Report to Los Alamos County Council
B - FY22 Personnel Board Work Plan

Personnel Board Report to Los Alamos County Council, October 26, 2021

- 1) Personnel Board has 5 members:
 - a. Bernadine Goldman, Chair
 - b. Terry Priestley, Vice Chair
 - c. Larry Warner, Member
 - d. Trey Pereyra, Member
 - e. Ed McDaris, Member
- 2) Purpose of Personnel Board, as in Section 8 of the County Code, to serve:
 - a. In an Advisory Capacity in the administration of the County's personnel program, including review of the personnel rules and regulations, the compensation system, and employee recognition and communications.
 - b. In an Appellate Capacity for any employee appeals or hearings of disciplinary actions for employees not covered by collective bargaining agreements, although there were no appeal or hearings this year due to the good work of HR
 - c. To report annually to the County Council
 - d. To provide citizen input on ways and means for improving the County's personnel program, which we do by welcoming public comment at our meetings.
- 3) Meetings: 4th Tuesday of each month, except for November and May
 - a. In this past year, we have had 7 meetings, 6 over Zoom, and starting in July, we have been meeting in person.
 - b. HR Manager, Ty Ryburn, reports to us on HR activities, recruitments, staff development, compensation, and safety and risk management, as well as the impact of the COVID-19 pandemic on County staffing.
- 4) Trainings:
 - a. All Personnel Board members have had County Anti-Harassment Training
 - b. All Personnel Board members have completed the annual conflict of interest forms.
- 5) Accomplishments:
 - a. We reviewed the County's Affirmative Action Plan.
 - b. We reviewed the results of the County Employee Survey, which was held at the end of 2020. We continue to follow up to make sure employee concerns expressed in the survey will be addressed.
- 6) Upcoming Challenges
 - a. Ensuring that the County addresses concerns expressed in the Employee Survey
 - b. Helping to address impacts to the County workforce due to the COVID-19 pandemic
 - c. Helping new HR Manager, Ty Ryburn, in any way we can



LOS ALAMOS
where discoveries are made

FY22 Work Plan for Los Alamos County Boards and Commissions

(Fiscal Year 2022: July 1, 2021 – June 30, 2022)

Board and Commission Name: Personnel Board

Date prepared: 04/22/2021

Date approved by Council: June 29, 2021

Prepared by: Personnel Board

This work plan will be accomplished in the following time frame: July 1, 2021 – June 30, 2022

Chairperson: Bernadine Goldman

Members and Terms:

Member	Start/End Dates	Term
Terry Priestley	4/1/2020 – 3/31/2023	2
Bernadine Goldman	4/1/2019 – 3/31/2022	1
Laurance Warner	4/1/2020 – 3/31/2023	2
Laurence “Ed” McDaris	4/1/2021 – 3/31/2024	1
Ramiro “Trey” Pereyra	4/1/2021 – 3/31-2024	1

Department Director: Acting HR Manager, Mary Tapia

Work plan developed in collaboration with Department Director? Y

Staff Liaison: Valerie Park

Administrative Support provided by: Rachael McGuire

Council Liaison: David Izraelevitz Reviewed by Council Liaison? Y

1.0 Provide a brief Summary of your Board or Commission’s activities over the past twelve months. Please describe your Board or Commission’s accomplishments and identify constraints. List any “lessons learned” and identify the greatest challenges faced by the Board or Commission.

- 1.1 For fiscal year 2021 thus far, the board has held seven regular board meetings.
- 1.2 While the County took multiple employment actions, there were no appeal hearings requested during the period of July 1, 2020 to June 30, 2021.
- 1.3 County staff gave a presentation of Employee Survey results to the Personnel Board on January 26, 2021.
- 1.4 County staff gave a presentation of the recently completed Affirmative Action Plan on January 26, 2021.
- 1.5 County staff gave a joint training presentation to the Personnel Board and Labor Management Relations Board (LMRB) on the County’s Anti-Harassment Policy on December 8, 2020.
- 1.6 The Personnel Board made its annual presentation to Council on October 20, 2020.

2.0 Describe the future work plans for this Board or Commission using the following items and showing the relationship to those items: *(Please remember that Council approval of this work plan does not constitute official Council approval of proposed projects, assignments, or anticipated recommendations included in this work plan that have budget implications.)*

2.1 List any special projects or assignments given to this Board or Commission by Council or the Department director:

- 2.1.1 Advisory capacity in the administration of the personnel program to include the review of the personnel rules and regulations and the compensation system.
- 2.1.2 Appellate capacity to review decisions of the County Manager/Utilities Manager when employee appeals such action.
- 2.1.3 Reporting annually to the County Council on the operation of the personnel system.

2.2 List the guiding documents/plans (with approval or revision dates listed) used by this Board or Commission.

- Los Alamos County Personnel Rules: 09/24/2019.
- FY21 Compensation Plan/Salary Plan: 12/15/20.
- FY22 Salary Plan: Pending Council Approval 06/29/2021

- EEOC requirements: not applicable
- Reference Los Alamos County Administrative Policies, as needed during appeals: dates vary depending on the policy.
- Reference LAC Departmental Policies, as needed during appeals: dates vary by department and policy.

2.3 Other projects/assignments proposed by the Board or Commission: (Any projects or activities proposed in this section should be discussed with the Council Liaison prior to listing it in this work plan.)

2.3.1 Focus on employee retention.

3.0 Identify any interfaces for the goals/tasks in this work plan with County Departments and other Boards and Commissions. Specify the coordination required.

- 3.1.1 Review and Revision of Salary Plan. This requires input from the Senior Management Team, the Attorney's Office, as well as the Human Resources Division.
- 3.1.2 Review and Revision of Personnel Rules – as needed. This requires input from the Senior Management Team, the Attorney's Office, the four collective bargaining groups, County employees, as well as the Human Resources Division.
- 3.1.3 Employee Appeal Hearings – as requested. This requires coordination with the departments taking an action, the Attorney's Office and Human Resources. In addition, there is coordination with the Personnel Board's attorney and the employee's attorney/representative.
- 3.1.4 Annual Overview of the Personnel System (Work Plan Report/Presentation to Council). This requires review of various personnel programs to provide feedback to Council.

4.0 List any special public information or involvement meetings or efforts to be conducted by this Board or Commission:

At the beginning of each meeting the public and/or employees are provided an opportunity to offer comment.

5.0 List the current subcommittees for this Board or Commission.

**5.1 For subcommittees with members that are not members of the parent board or commission:
List the subcommittee members and their terms.
Explain how sub- committee members are selected or appointed.
Provide a description of each subcommittee's charter or purpose.
Describe the expected duration for the subcommittee and their work plan(s) demonstrating how they support the Board or Commission:**

Not Applicable.

Attachment A: Provide a copy of your Board or Commission's "Purpose" and "Duties and Responsibilities" from Chapter 8 of the County Code:

Attachment B: Using the chart below, place an X in the column on the right if the Council Goal is related to the work of the LTAB Board or Commission:

ARTICLE VIII. - PERSONNEL BOARD

Sec. 8-181. - Purpose.

A personnel board is established as required in the County Charter, section 306.2, to serve in an appellate and advisory capacity in the administration of the personnel program. The board shall report annually to the county council on the operation of the personnel system.

(Ord. No. 02-078, § 2, 10-3-2006)

Sec. 8-183. - Duties and responsibilities.

The personnel board shall serve in an advisory capacity and as such shall have the following functions, responsibilities and duties:

- (1) Advise council and the county manager on personnel issues not covered under a collective bargaining agreement, review and comment to council or staff, when requested, on the following:
 - a. County-wide employee survey;
 - b. Personnel rules;
 - c. Salary plan; and
 - d. Various personnel programs (i.e. benefits, employee recognition and appreciation, employee communications).
- (2) Provide citizen input to staff and council on ways and means for improving the county's personnel program. For this purpose, the board shall gather public input in ways appropriate to the circumstances, which may include public hearings dedicated to specific topics.
- (3) The personnel board shall serve in an appellate capacity and as such have the following functions, responsibilities and duties:

Review decisions of the county manager regarding the following actions when taken against regular employees as a disciplinary action and for cause:

 - a. Suspensions;
 - b. Reductions in pay;
 - c. Demotions;
 - d. Dismissal;
 - e. Such other matters as are deemed to affect a property right of an employee under New Mexico law.

(Ord. No. 02-078, § 2, 10-3-2006; Ord. No. 02-256, § 18, 7-7-2015)

Council Goals and Priority Areas

Enhancing quality of life, economic vitality, environmental sustainability, and racial equity and inclusivity are overarching goals that will be components of all our efforts as we coordinate with Los Alamos National Laboratory and regional partners and plan for appropriate levels of County services.	
Enhancing Communication	
Enhancing communication with the public to promote transparency and strengthen trust in County government.	X
Increasing the Amount and Types of Housing Options	
This includes increasing the variety of housing options for all segments of the community, from affordable to new options for those interested in downsizing or moving closer to central areas of the community, and pursuing opportunities for utilization of vacant spaces to address these needs.	
Protecting, Maintaining, and Improving Our Open Spaces, Recreational, and Cultural Amenities	
Los Alamos County open spaces and cultural attractions are greatly valued by the community and provide opportunities for recreational and economic growth; appropriately allocating resources to ensure their health and sustainability is important to our citizens.	
Enhancing Support and Opportunities for the Local Business Environment	
This includes appropriately supporting existing businesses, growing new businesses, supporting technology start-ups and spin-offs, and identifying opportunities for utilizing vacant space as a part of these efforts.	
Supporting Social Services Improvement	
Behavioral, mental, and physical health and social services are important quality of life components; there are key areas where appropriate types and levels of County support could help address current needs	
Improving Access to High Quality Broadband	
Enabling reliable high-speed broadband service throughout the county by determining appropriate investments (e.g., conduct a community needs analysis, evaluate technical options).	
Investing in Infrastructure	
Appropriately balancing maintenance of existing infrastructure with new investments in county utilities, roads, trails, expanded transit options, facilities and amenities, which will help improve environmental stewardship, sustainability, and quality of life, while allowing for sustainable growth.	

The Personnel Board resolves personnel issues through Ongoing Improvement in Communication and Transparency and Planning for Appropriate Levels of County Services.



County of Los Alamos

Staff Report

October 26, 2021

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.: B.

Index (Council Goals): * 2021 Council Goal - Enhancing Support and Opportunities for the Local Business Environment

Presenters: Lodgers' Tax Advisory Board

Legislative File: 13796-21

Title

Briefing to Council by Linda Deck, Chair of the Lodger's Tax Advisory Board.

Body

Council leadership has requested that each Board/Commission Chair make a presentation to the Council once a year focused on what has been completed and what they are currently working on, and what challenges or opportunities they see coming up in the future .

Attachments

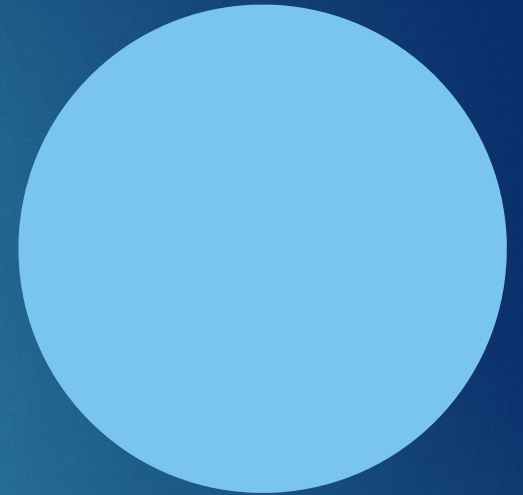
A - Lodger's Tax Advisory Board Presentation to Council

B - FY22 Lodger's Tax Advisory Board Work Plan

Lodgers' Tax Advisory Board

ANNUAL PRESENTATION TO LOS ALAMOS COUNTY COUNCIL

OCT 26 2021



The Board

Duties/Responsibilities: Advise and respond to County Council re Lodgers' Tax matters; and convey citizen input to staff and Council re Lodgers' Tax expenditures.

Membership: 5-member board. 2 lodging reps; 2 tourism attraction reps, 1 member of the public (resident)

	REPRESENTATION	NAME	AFFILIATION
1	Tourism Attraction Rep	Linda Deck	Bradbury Science Museum
2	Tourism Attraction Rep	Katie Bruell	PEEC/Los Alamos Nature Center
3	Lodging Rep	Matt Allen	Pueblo Canyon Inn & Gallery
4	Lodging Rep	Julie Ruud	Comfort Inn & Suites
5	Public / Resident	[Vacant]	County Resident

What is Lodgers' Tax?

	\$ base room rate (brr)
+	\$ GRT (7.3125% of brr)
+	\$ LTR (5% of brr)
<hr/>	
=	\$ total cost per room

- ▶ 5% of base room rate for over night stay IN ADDITION to GRT
- ▶ No cost to lodging establishment
- ▶ A pass-through cost that is collected by the lodging establishment and passed on to the County per State Statute and County Code
- ▶ County manages LT as special revenue fund and administers only for projects, promotions, events and services that attract and benefit visitors as well as residents
- ▶ Visitors share costs with tax payers

Lodgers' Tax Revenue Collection & Reporting Schedule

Lodging Collects LTR

Aug						
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

Lodging Submits LTR

Sep						
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

Finance Reports LTR

Oct						
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

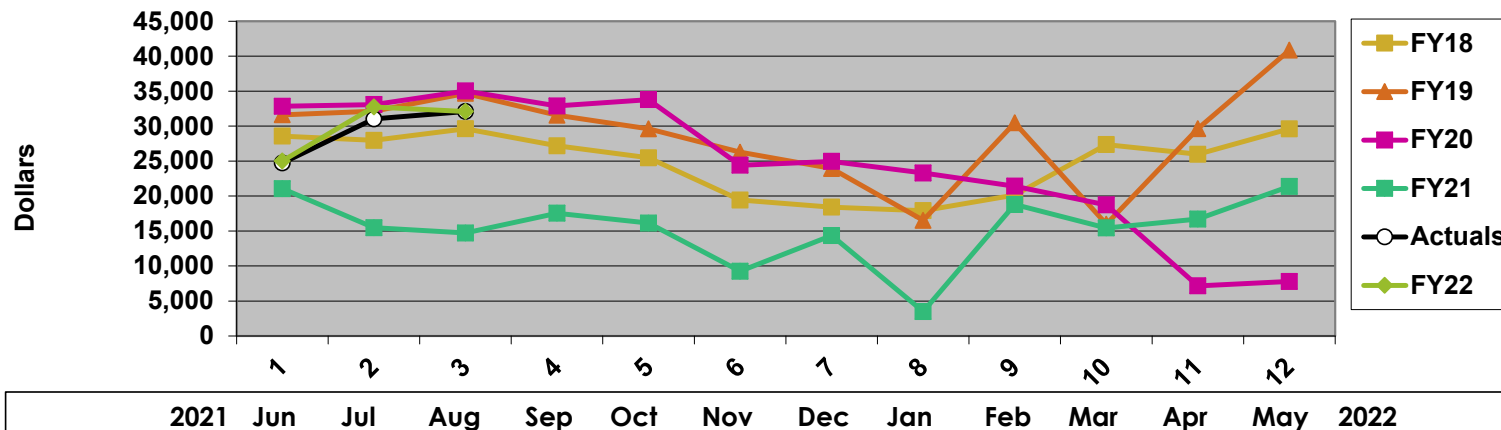
* County Finance also uses Lodgers' Tax revenues to pay for an annual random audit conducted by an independent contractor.

Lodgers' Tax Accrued Revenues

FY18	FY19	FY20	FY21	FY22 to date
\$297,647	\$343,261	\$295,365	\$184,346	\$87,848
4%	15%	-14%	-38	71%

- Spent COVID lockdown 50% year-over-year decrease
- FY22 to date, exceeding growth return to FY19 numbers

Los Alamos County Lodgers' Tax Revenue



Current Lodgers' Tax Ordinance

- State Statute enacted in 1969
- ▶ **%:** 5% (maximum allowable)
- ▶ **Lodging:** hotels, inns, B&Bs that rent at least one room for overnight stays
 - *30+ consecutive day rentals are exempt*
 - *No mention re Short-Term Rentals*
- ▶ **Board:** Capped at five members with industry-specific qualifications
- ▶ **Revenues:** County Finance Division collects and reports Lodgers' Tax revenue on monthly basis
- ▶ **Uses:** LTAB advises re proposed LTR expenditures and County staff administers approved LTR expenditures/projects

Updated Lodgers' Tax Ordinance / Short-Term Rentals

LTAB FY22
WORKPLAN
GOAL

Updates to the Lodgers' Tax Ordinance will be focused primarily on recognizing, defining and regulating Short-Term Rentals—furnished rooms, apartments, condos, houses—that owners and residents rent via platforms like Airbnb, vrbo.

Today's presentation by the County's Housing Manager, Margaret Ambrosino addresses this study, but from LTAB's perspective:

- ▶ Short-term rentals are an expected and essential option within the lodging accommodation mix.
- ▶ NM destinations and Lodgers' Tax Handbook are valuable sources of information re STR program implementation and management.
- ▶ Los Alamos needs Short-Term Rental process customized to the lodging needs of the community.

LTR EXPENDITURES

“ For the purpose of advertising the community, improving its services, financing new facilities, attracting conferences, conventions and meetings of commercial, cultural, educational and social origin to the county and the state ”

LTAB MONITORS THE FOLLOWING PROGRAMS, ORGANIZATIONS & INITIATIVES:

- ▶ **Tourism Marketing Services Contract**
- ▶ **Visitor Materials & Displays**
- ▶ **Visitor Services Contract**
- ▶ **County Departments/Boards & Commissions**
- ▶ **Tourism Strategic Plan Projects**

Tourism Marketing Services:

Contractor:
SUNNY505

New contract
approved
9/28/2021

► Targets:

- ✓ **Millennial Families & Baby Boomers** traveling via car or RV
 - **Return visitors**
 - Drive Markets (**NM, CO, TX**)
 - **Couples, families**, girlfriend getaways
- 1) Age **30+**, HHI-\$35K+
interested in outdoors and National Parks
- 2) Age **50+** interested in
history, Native American culture, National Parks

Tourism Marketing Services:

Contractor:
SUNNY505

LTAB FY22
WORKPLAN
GOAL

Marketing Strategy:

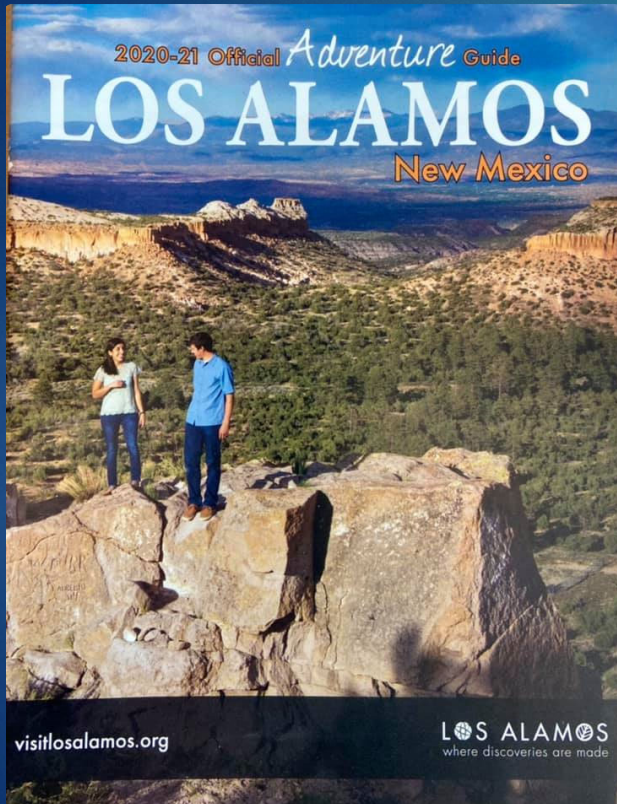
- ▶ Leverage **NM True** campaigns & grant opportunities
- ▶ Create content to reflect
 - **Brand Essence:** cultivating curiosity and delivering a-Ha moments
 - **Brandline:** Where Discoveries Are Made
- ▶ Promote **Unique** Attractions & Experiences:
 - Gateway to 3 National Parks
 - Outdoor Recreation
 - Science Community – History & Innovation
- ▶ Establish new **performance metrics** using new data services to better measure ROI and adjust campaign content
- ▶ Use **FY19** as YOY comparison for **FY22** efforts

County: Visitor Materials & Displays

MATERIALS DESIGNED AND PRODUCED IN-HOUSE BY COUNTY COMMUNICATIONS & PUBLIC RELATIONS OFFICE

► New visitor guide

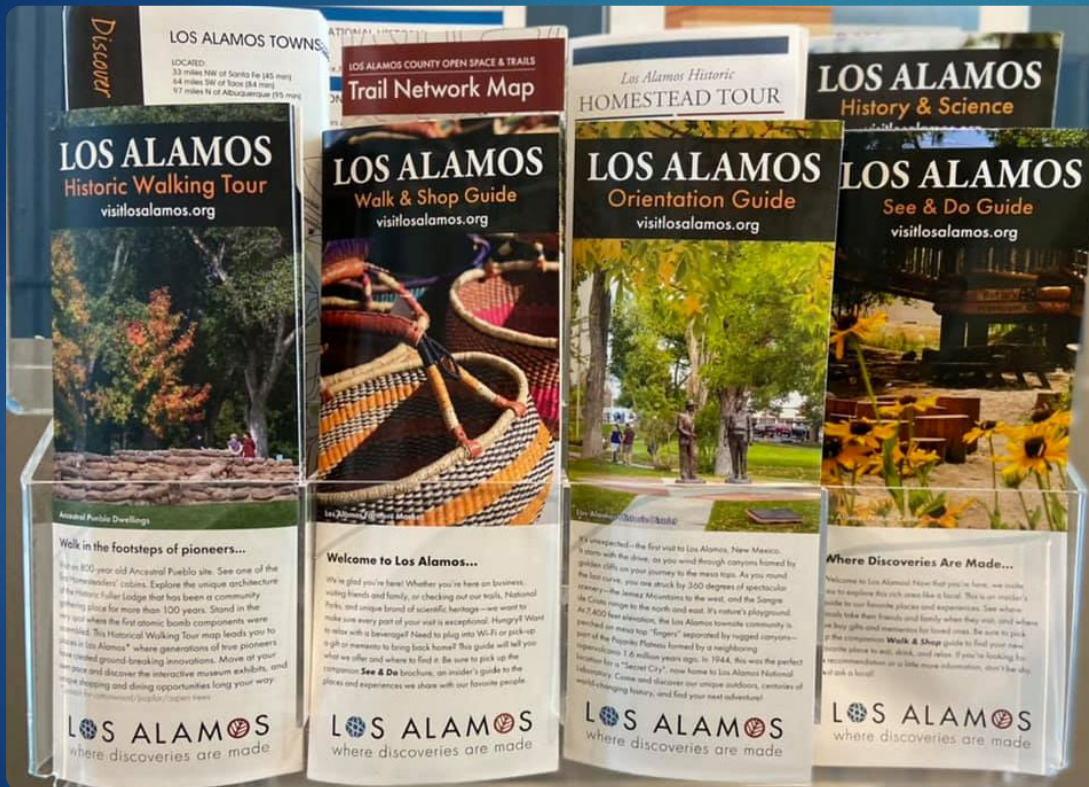
- Adventure Guide
- Magazine Format
- Updated Annually
- Distributed outside the 50 mile radius to visitor centers, hotels, and events statewide via Fun & Games



County: Visitor Materials & Displays

MATERIALS DESIGNED AND PRODUCED IN-HOUSE BY COUNTY COMMUNICATIONS & PUBLIC RELATIONS OFFICE

ATTACHMENT A



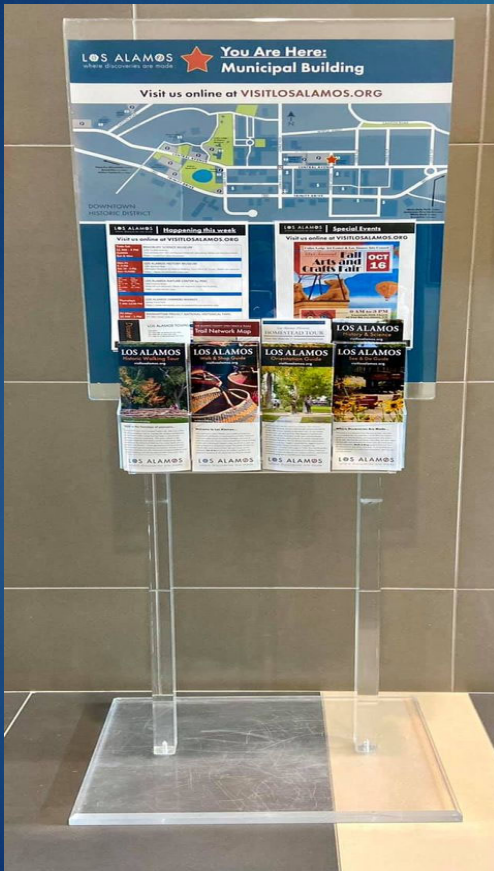
► In-Market Visitor Orientation Brochures

- Updated as needed

County: Visitor Materials & Displays

MATERIALS DESIGNED AND PRODUCED IN-HOUSE BY COUNTY COMMUNICATIONS & PUBLIC RELATIONS OFFICE

ATTACHMENT A



► Display Kiosks & Signs

- Installed by Facilities Division
- 29 Locations throughout Los Alamos, White Rock & LANL
- Restocked and tracked by Visitor Services contractor

Visitor Services: **LACDC/Discover Los Alamos**

► **CONTRACT STATUS**

- Current contract AGR19-29 expires Dec 31 2021
- RFP Issued Oct 7 2021
- Proposals Due Oct 28 2021
- Anticipates new visitor website project
- Replace website management with enhanced group and event marketing and support services

Visitor Services: **LACDC/Discover Los Alamos**

VISITOR CENTERS OPERATIONS:

► Customer Service Training

- Welcome
- Orientation
- Itinerary Building
- Bandelier Ticket Sales



Visitor Services: **LACDC/Discover Los Alamos**

► **VisitLosAlamos.org**

- updates and maintenance

► **Fyilosalamos.org**

- updates

► **Group Marketing & Event Support Services**

- upon request; expand to tour operators, group marketing

Tourism Strategic Plan Projects

Monitor and advise on these focus initiatives:

- ▶ **Event Planning and Support Services**
- ▶ **Outdoor Recreation**
- ▶ **WAC Building**
- ▶ **Visitor Center Relocation**

ED Projects:

- ▶ **Tourism Manager/Office**
- ▶ **WRVC Restrooms & Vendor Pad (Phase 1, Design)** *Public Works/Capital Project during FY22 to design the restroom building and a pad and infrastructure to support a mobile food vendor between the WRVC and the Bandelier Shuttle Shelter*
- ▶ **Mobile Food Vendor Ordinance** *public survey (30 days), P&Z/Council, locations, etc.*

FY22 Projects Funded By Lodgers' Tax Revenues

- ▶ **Website Development Project**
*VisitLosAlamos.org closed source,
accessible, user-friendly, enhanced graphics*
- ▶ **WRVC Experience Refresh**
*RFP-contract process to redefine visitor center
experience using space, exhibits, operations*



LTAB FY22 Work Plan Goals

1. **Enhanced Data** *SeeSource & Sejour new data sources to combine with other data to develop a new reporting tool that shows ROI, informs marketing & promotion, aligns with state and industry standards, and best practices*
2. **Hospitality Best Practices** *identify or develop a new resource and process for conducting customer service training*
3. **Short-Term Lodging Study** *assist County in educating and engaging the public and the lodging community*

Thank You!

QUESTIONS?



LOS ALAMOS
where discoveries are made

FY22 Work Plan for Los Alamos County Boards and Commissions

Fiscal Year 2022: July 1, 2021 – June 30, 2022)

Board and Commission Name: Lodgers' Tax Advisory Board

Date prepared: May 18, 2021

Date approved by Council: June 29, 2021

Prepared by: Kelly Stewart

This work plan will be accomplished in the following time frame: July 1, 2021 to June 30, 2022

Chairperson: Stacy Baker

Members and terms:

Member	Start/End Dates	Term
Linda Deck	12/2/2019 – 12/1/2022	2
Katie Bruell	12/2/2018 – 12/1/2021	2
Stacy Baker	12/2/2018 – 12/1/2021	1
Jack Marshall	12/2/2019 – 12/1/2022	1
Matthew Allen	12/2/2017 – 12/1/2022	1

Department Director: Paul Andrus, Community Development Department

Work plan developed in collaboration with Department Director? (Y/N?) Y

Staff Liaison: Kelly Stewart

Administrative Support provided by: Barbara Lai

Council Liaison: David Reagor

Reviewed by Council Liaison Y

1.0 Provide a brief Summary of your Board or Commission’s activities over the past twelve months. Please describe your Board or Commission’s accomplishments and identify constraints. List any “lessons learned” and identify the greatest challenges faced by the Board or Commission.

PRIORITY PROJECTS

A. Short-Term Rentals (a.k.a., “Alternative Lodging” like Airbnb, VRBO) to prepare Los Alamos to leverage the power of the growing short-term lodging industry under new laws and provisions, seeking best practices, policies and processes that benefit short-term rental participants and their lodgers, while generating Lodgers’ Tax revenues.

- LTAB reviewed the new Lodgers’ Tax Handbook published by the New Mexico Hospitality Association, which clarifies policies and practices, and encourages consistent Lodgers’ Tax collection operations throughout the state.
- LTAB hosted presentations from TOURISM Santa Fe that has been managing the collection of Lodgers’ Tax from short-term rentals for the past decade, as well as the City of Roswell whose council approved an updated Lodgers’ Tax ordinance in August 2020 that allowed Lodgers’ Tax collection from short term rentals to be spent per state legislation passed in 2019 and 2020. County Staff Liaison relayed the information learned to the Community Development Department (CDD).

Although the short-term rental and Lodgers’ Tax ordinance update was originally scheduled to be addressed as part of CDD’s Downtown Redevelopment Master Plan and Development Code Update project initiated in fall 2020, it was decided to recommend and budget a separate study due to the complexity and fluid nature of the legislation’s interpretation, as well as the number of County departments impacted (e.g., CDD, Finance, Attorney’s Office).

- On April 26, 2021, Council approved the FY22 budget that include a \$50,000 budget option for a Lodgers’ Tax-Short-Term Rental Ordinance Study, a separate study that will be designed to update the Lodgers’ Tax ordinance and create a separate ordinance addressing policies regarding short-term rentals.

B. Tourism Marketing Metrics (Identification, Collection, Analysis, Reporting, Application) to identify and apply metrics that accurately assess the performance and effectiveness of Los Alamos’ tourism marketing products and campaigns and inform tourism marketing content, media investments, and visitor services.

- LTAB hosted a presentation by See Source, a company that provides subscriptions to visitor data. During most of FY21, both visitor centers and nearly all attractions were closed due to state emergency public health orders in response to COVID.
- Consequently, visitation data was collected but was minimal. The County’s financial reports showed an average 50% year-over-year decrease in Lodgers’ Tax accrued revenues during FY21. The County’s tourism marketing contractor (Griffin and Associates dba Sunny505) scaled back marketing efforts to public relations and social marketing designed to drive visitors to the website and links to virtual content.

- Finding a solution for collecting and managing data that informs the County's tourism marketing efforts and event planning is a priority for the County's economic development division in FY22.

C. Hospitality Best Practices (e.g., customer service training) to research and recommend standards, best practices and feedback systems for the front-line managers of Los Alamos' hospitality industry.

- The Visitor Journey A2D customer service/ambassador training for Los Alamos has been the tool selected and supported by LTAB to improve Los Alamos' hospitality services. The Los Alamos Commerce and Development Corporation (LACDC) obtained grant funding to develop the software tool via a grant. Discover Los Alamos (DLA, LACDC's meeting and visitor program) will promote and administer the A2D training.

Originally scheduled to launch in March 2020, DLA hosted a test training session with County and visitor center staff just before the COVID lockdown in mid-March 2020 and the program has been on hold ever since. LTAB members have asked LACDC to restart the program as soon as possible, beginning with front-line tourism and hospitality professionals. DLA has reported that they are waiting for the A2D consultant, Visitor Engagement Academy, to update the software and include COVID-Safe practices.

D. Outdoor Recreation Tourism

- This initiative was not identified as an LTAB priority at the outset of FY21, but came to the attention of LTAB via the County's Economic Development Division and Community Services Department who have actively participated with the New Mexico Economic Development Department's (NMEDD) new Outdoor Recreation Division and its efforts to develop an outdoor recreation economy for the state.
- LTAB's acting chair and liaison to the County's Tourism Implementation Task Force (Task Force) served on the Task Force's outdoor recreation work group, formed to learn about the County's current outdoor recreation development plans via CSD and the opportunities provided by the state that align with the outdoor recreation goals established in the Tourism Strategic Plan. At the February 16, 2021 meeting, LTAB hosted a presentation by new Los Alamos resident and new Task Force member Lindsay Mapes who shared her experience starting and operating outdoor recreation businesses in northern New Mexico.
- On April 9, LTAB hosted a special joint meeting with the Task Force featuring a presentation and discussion with NMEDD Outdoor Recreation Division Manager Axie Navas. Based on this research, LTAB submitted two letters of recommendation to Council regarding this issue: a March 23, 2021 letter of recommendation advising Council to direct County staff to conduct a strategic plan for developing an outdoor recreation economy; and an April 9, 2021 letter requesting that Council approve four budget options, including option 38, an Integrated Master Plan proposed by CSD that will include an inventory of outdoor recreation assets and services. Budget option 38 was approved as part of the County's FY22 budget on April 26, 2021.

E. LTAB Affiliated Projects

- **Rural Pathways Project.** All New Mexico Tourism Department grant programs, including the Rural Pathways Project grant, were put on hold during the pandemic (mid-March 2020 through mid-April 2021).
- **Critical Plans Review.** As part of researching the priority projects above, LTAB members reviewed Council's Strategic Leadership Plan, the Tourism Strategic Plan, the Economic Vitality Strategic Plan and sections of the Comprehensive Plan developed by the County's Community Development Department (CDD). LTAB members also participated in CDD's Downtown Master Planning and Development Code public process.
- **Planning Calendar Functionality.** LTAB monitors and provides input regarding the content and functionality of the Los Alamos community's official community calendar, fyilosamos.com, to ensure it is updated, comprehensive and representative of all visitor-oriented events and programs. This is a work in progress. LACDC staff leads this effort to upgrade and improve accessibility for both event marketers and visitors.

ADMINISTRATIVE UPDATE

- A. LTAB Meetings** – LTAB's scheduled monthly meetings from March through June 2020 were cancelled due to the public health orders issued by the state and the County due to the COVID-19 pandemic. LTAB began meeting virtually via Zoom on July 21, 2020, at which time it approved its FY21 work plan for Council.

B. LTAB Membership & Leadership

- LTAB is mandated by state statute and County code to consist of only five members: 2 lodging representatives, 2 tourism attraction representatives and 1 public at-large representative.
- LTAB started 2020 with a full board, electing lodging representative Jacqueline Shen as Chair and reelecting tourism attraction representative Katie Bruell as Vice Chair.
- In July 2020, both lodging representatives resigned, and Katie Bruell took over as Acting Chair. In September, one of the lodging vacancies was filled with the new general manager from the Holiday Inn who was subsequently elected to Chair and Katie Bruell returned to Vice Chair.
- In December 2020, the lodging representative/chair resigned, leaving both lodging positions vacant; Katie Bruell returned to the acting chair position.
- On March 30, 2021, County Council appointed two lodging representatives to LTAB: Jack Marshall, general manager with the Hampton Inn and Suites in White Rock and Matthew Allen, owner/operator of the Pueblo Canyon Inn and Gallery in Los Alamos.
- On May 18, 2021, LTAB elected Stacy Baker (community at-large representative) as chair and Linda Deck (Bradbury Science Museum director and tourism attraction representative) as vice chair.

- C. **LTAB Workgroups** LTAB and the County Staff Liaison had planned to break into teams of two to focus on the priorities, specifically, Short Term Rentals, Hospitality Best Practices and Tourism Marketing Metrics. However, due to the pandemic, this effort was put on hold.
- D. **LTAB Subcommittee: Tourism Implementation Task Force** Recognizing the alignment and overlap between LTAB and the Task Force’s goals and projects, the long-term timeline of the Tourism Strategic Plan projects, and the temporary nature of the Task Force’s status (“ad hoc”), LTAB is working with County staff and the Task Force members to initiate the process of making the Task Force an official subcommittee of LTAB.
- E. **Training** No training occurred during since the February 2020 Robert’s Rules of Order session.

2.0 Describe the future work plans for this Board or Commission using the following items and showing the relationship to those items: *(Please remember that Council approval of this work plan does not constitute official Council approval of proposed projects, assignments, or anticipated recommendations included in this work plan that have budget implications.)*

- A. **Short-Term Rentals** (a.k.a., “Alternative Lodging” like *Airbnb, VRBO*)
Participate in County’s Lodgers’ Tax ordinance update and short-term rental study process, including outreach to the short-term renter community and community at-large. Monitor related activities of the New Mexico Tourism Department, New Mexico Taxation & Revenue Department, New Mexico Hospitality Association, local lodging establishments, local short-term rental community and short-term rental customers. Participate in all existing forums and recommend additional forums to capture feedback and recommend decisions.
- B. **Tourism Marketing Metrics** (*Identification, Collection, Analysis, Reporting, Application*) Work with County to develop a data plan that recommends data collection, analysis and reporting practices to produce metrics that will assist LTAB in assessing visitation and tourism effectiveness and making recommendations to the County/Council for improvements.
- C. **Hospitality Best Practices** Encourage launch of LACDC’s Visitor Journey A2D Training program, participate and monitor outreach, and provide feedback, including recommendations for additional topics. Visit each lodging establishment and establish regular contact with general managers to gather data (occupancy, average daily rate), recommend marketing and destination campaign efforts, and other collaborations.
- D. **Outdoor Recreation Economy Development & Marketing** Monitor New Mexico Outdoor Recreation Division (NMORD), Community Services Division, Tourism Implementation Task Force Outdoor Recreation Work Group and other related efforts to develop and market an outdoor recreation economy in Los Alamos via regular monthly reports, and special notifications/presentations, as needed.
- E. **Destination Development & Marketing Projects** Work with County staff to help identify, support and promote County and community-based projects and initiatives that enhance the visitor experience, including but not limited to: community pride/ambassador initiatives and campaigns; local business marketing assistance; Discoveries Action Team proposals (food trucks, micro-businesses); County projects (e.g., WAC dorm, MAPR exhibits); visitor-to-resident relocation services and campaigns.

- F. **Strategic County Projects** Review the County’s Economic Vitality Strategic Plan and Tourism Strategic Plan to identify goals and projects aligned with LTAB goals, then recommend actions and involvement. Projects already identified include: Wayfinding (Phase 1), Visitor Center Renovation Plan & Project, Visitor Materials Suite Production (i.e., Adventure Guide, History Guide, 24/7 Orientation Guide, All Streets Map, ack cards and web links).
- G. **New Mexico Tourism Department (NMTD) Programs & Grant Opportunities** Monitor and participate in NMTD’s tourism development and grant programs, particularly those that drive Bandelier visitors to Los Alamos townsite attractions and businesses.
- H. **Event Calendar Upgrade** Monitor and provide input to fyilosalamos.org (or replacement platform) to ensure it meets the needs of event marketers, community members and visitors.
- I. **Administrative Actions**
- **Board Elections.** Hold elections for LTAB chair and vice chair at May 18, 2021 LTAB meeting.
 - **Workgroup Assignments.** Reassess and reassign Board leads for specific projects.
 - **LTAB Subcommittee: Tourism Implementation Task Force.** Coordinate with Task Force re goals, projects and reporting at monthly LTAB meetings. Work with County staff to determine feasibility, timing and requirements for making the Task Force a subcommittee of LTAB in the future.
 - **Training.** Work with LTAB to identify training needs and opportunities, and coordinate with County staff to identify trainings and coordinate registration.

2.1 List any special projects or assignments given to this Board or Commission by Council or the Department director:

TBD

2.2 List the guiding documents/plans (with approval or revision dates listed) used by this Board or Commission.

- FY22 Tourism Marketing Services Marketing Plan (tourism marketing contractor)
- Lodgers’ Tax Fund Accrued and Actual Revenue reports (Los Alamos County Finance Department)
- P.R./Social Media Data reports (tourism marketing contractor)
- Visitor/Attraction Trends reports (visitor center contractor)
- Recreation Division monthly reports (Los Alamos County Community Services Department’s Parks, Recreation & Open Space Division)
- Reports from interactions with Arts In Public Places Board, Historic Preservation Board, Library Board, Parks and Recreation Board, Planning and Zoning Board, and Transportation Board
- Tourism Strategic Plan
- Wayfinding Plan
- Economic Vitality Strategic Plan (EVSP)
- Brand Action Plan
- Comprehensive Plan
- Downtown Redevelopment Master Plan & Development Code Update

- Community Services Integrated Master Plan

2.3 Other projects/assignments proposed by the Board or Commission: (*Any projects or activities proposed in this section should be discussed with the Council Liaison prior to listing it in this work plan.*) To assist with Council review of the work plans, please list the B&C's proposed projects or assignments in priority order.

- Explore reestablishment of the LTAB small project grant program (\$10,000-\$15,000), funded by Lodgers' Tax Revenues as an ongoing expense.

3.0 Identify any interfaces for the goals/tasks in this work plan with County Departments and other Boards and Commissions. Specify the coordination required.

- LTAB to identify the entities whose activities best inform LTAB's focus areas of Data Development, Short-Term (Alternative) Lodging Program and Hospitality Best Practices.
- LTAB will also seek regular briefings from County Departments, Boards and Commissions, and outside interests to inform the key focus areas.

4.0 List any special public information or involvement meetings or efforts to be conducted by this Board or Commission:

Of the LTAB goals, objectives and tactics listed under section 2.0 of this report, it is anticipated that the following action items will require some form of community outreach and involvement support from the County's Communications & Public Relations Office:

- **Short-Term Rentals/Lodgers Tax Ordinance Update Study** – while the RFP will require a public participation process as part of a \$50,000 study process to be initiated by CDD after July 1, 2021, additional CPR outreach may include press releases, e-newsletter mentions, digital/print ads, and surveys to notice public input opportunities.
- **Hospitality Best Practices** – LTAB may request PIO assistance in promoting and/or soliciting community participation in the Journey A2D customer service/ambassador training once it is launched by LACDC.
- **Destination Development & Marketing Projects** – Depending upon how County staff decides to proceed with pursuing assessment and development of community-sourced projects, LTAB may identify destination development projects that support LTAB goals that also require community vetting and engagement.

PIO to provide list of recommended public involvement services and associated costs to County staff liaison by June 15, 2021. County staff liaison to confirm estimated services and costs with PIO. County staff liaison to identify an available funding source by July 1, 2021. At the start of the planning process for a planned project, or following the proposal of an unanticipated project involving LTAB, the County staff liaison will coordinate with the PIO to determine need, level and cost for CPR support.

5.0 List the current subcommittees for this Board or Commission.

5.1 For subcommittees with members that are not members of the parent board or commission:
List the subcommittee members and their terms.
Explain how sub- committee members are selected or appointed.
Provide a description of each subcommittee’s charter or purpose.
Describe the expected duration for the subcommittee and their work plan(s) demonstrating how they support the Board or Commission:

- Explore incorporating the limited term, ad hoc Tourism Implementation Task Force as a subcommittee to the Lodgers’ Tax Advisory Board, or similar affiliation.

Attachment A: Provide a copy of your Board or Commission’s “Purpose” and “Duties and Responsibilities” from Chapter 8 of the County Code:

Attachment B: Using the chart below, place an X in the column on the right if the Council Goal is related to the work of the LTAB Board or Commission:

Mark all that apply on the chart on the following page. (From 2021 Strategic Leadership Plan)

ARTICLE VI. - LODGER'S TAX ADVISORY BOARD

Sec. 8-101. Purpose

A lodger's tax advisory board is established to advise the county manager and council on the expenditure of funds authorized by NMSA 1978, § 3-38-22 for advertising, publicizing and promoting tourist attractions and facilities in and around the county. (Ord. No. 02-078, § 2, 10-3-2006)

Sec. 8-102. Membership, terms and qualifications.

The lodger's tax advisory board is established and its members shall be appointed in accordance with NMSA 1978, § 3-38-22. Only the member representing the general public must be a resident of the county. The term of each member of the lodger's tax advisory board shall be three years beginning on December 2 and ending on December 1. (Ord. No. 02-078, § 2, 10-3-2006)

Sec. 8-103. Duties and responsibilities. (Ord. No. 02-078, § 2, 10-3-2006)

The lodger's tax advisory board shall serve in an advisory capacity to the county council and shall have the following functions, responsibilities and duties:

- 1) Provide citizen input to staff and council on ways and means for improving the county's use of lodger's tax funds. For this purpose, the board shall gather public input in ways appropriate to the circumstances, which may include public hearings dedicated to specific topics.
- 2) Review and act upon all lodgers' tax related matters submitted to the board by council.

Council Goals and Priority Areas

Enhancing quality of life, economic vitality, environmental sustainability, and racial equity and inclusivity are overarching goals that will be components of all our efforts as we coordinate with Los Alamos National Laboratory and regional partners and plan for appropriate levels of County services.	
Enhancing Communication	
Enhancing communication with the public to promote transparency and strengthen trust in County government.	X
Increasing the Amount and Types of Housing Options	
This includes increasing the variety of housing options for all segments of the community, from affordable to new options for those interested in downsizing or moving closer to central areas of the community, and pursuing opportunities for utilization of vacant spaces to address these needs.	
Protecting, Maintaining, and Improving Our Open Spaces, Recreational, and Cultural Amenities	
Los Alamos County open spaces and cultural attractions are greatly valued by the community and provide opportunities for recreational and economic growth; appropriately allocating resources to ensure their health and sustainability is important to our citizens.	X
Enhancing Support and Opportunities for the Local Business Environment	
This includes appropriately supporting existing businesses, growing new businesses, supporting technology start-ups and spin-offs, and identifying opportunities for utilizing vacant space as a part of these efforts.	X
Supporting Social Services Improvement	
Behavioral, mental, and physical health and social services are important quality of life components; there are key areas where appropriate types and levels of County support could help address current needs	
Improving Access to High Quality Broadband	
Enabling reliable high-speed broadband service throughout the county by determining appropriate investments (e.g., conduct a community needs analysis, evaluate technical options).	
Investing in Infrastructure	
Appropriately balancing maintenance of existing infrastructure with new investments in county utilities, roads, trails, expanded transit options, facilities and amenities, which will help improve environmental stewardship, sustainability, and quality of life, while allowing for sustainable growth.	X



County of Los Alamos

Staff Report

October 26, 2021

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.: C.

Index (Council Goals): * 2021 Council Goal - Enhancing Support and Opportunities for the Local Business Environment

Presenters: Margaret Ambrosino, Housing Programs Manager and Daniel Ungerleider, Economic Development Administrator

Legislative File: 14904-21

Title

Short-Term Rental (STR) Discussion

County Manager's Recommendation

Discuss short term rentals beyond current regulations that are in the code and receive feedback from County Council prior to issuing RFP for consulting services.

Body

STRs lack definition and are otherwise silent in the Chapter 16 Development Code. However, Bed and Breakfasts are currently allowed by code in most residential districts, plus Downtown and Mixed-Use districts with a business license fee. Approximately twenty-five (25) operators in LAC are listed on web-based host platforms.

Other issues include effects on long-term housing, noise, parking, lack of inspection for life-safety considerations and neighborhood complaints.

Fiscal and Staff Impact/Planned Item

Funding exists in the Economic Development Lodgers' Tax Fund to study the impacts and to draft an Ordinance to be included in Chapter 16.

Attachments

A - Short-Term Rental Presentation


Community Development Department – October
26, 2021 County Council Worksession

Short Term Rentals



Purpose of Presentation

- County funded further study of Short Term Rentals (STR's)
- Current Development Code is silent on STR's



Why is this not a part of Chapter 16 Update?

- Interdepartmental (beyond Planning)
- Taxation/Revenue Management

Present

- Short-term rentals (STR's) silent in Chapter 16 Development Code.
- Current code has limited definitions. *Bed and breakfast*: owner-occupied dwelling unit that contains no more than five guestrooms where lodging, with or without meals, is provided for compensation.
- B&B's currently allowed by code in most residential districts + DT & M-U (Code Sec.16-287)
 - \$50 annual business license fee (Code Sec.12-35)
 - Parking req's: (Sec.16-370): 1 space per sleeping room 1 space for owner/manager, if applicable
- Approximately 25+ operators listed on host platforms in LAC; of those, it is unknown how many have active business licenses.

Issues

- **Definitions**
- Ch 16 contains hotel, dwelling unit, bed and breakfast, guest, guesthouse, guestroom and residence.
- Code lacks necessary expanded definitions, including “STR”, “primary residence”, lodging, vacation rental
- More than 30 days?



Questions for Consideration

Timeline: i.e. 90 days for RFP

Provide proposal to Council 6 month's after

STR study and/or ordinance not contingent upon Chapter 16.



County of Los Alamos

Staff Report

October 26, 2021

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.: A.

Index (Council Goals):

Presenters: County Council - Work Session

Legislative File: 14923-21

Title

Action to Suspend Council Rules for Work Session

Recommended Action

I move that Council suspend their procedural rules for this work session, October 26, 2021, so that formal action may be taken.

Body

The 2021 Los Alamos County Council Procedural Rules identifies a Work Session as follows:

"Work Sessions. The Council may schedule work sessions on a regular basis under the requirements of the annual Open Meetings Resolution. Council meetings designated as work sessions shall be held for the primary purpose of discussing issues at length with staff in an informal setting without taking formal action except for required procedural actions such as approving minutes from a prior council meeting, or adopting a statement for inclusion in the minutes regarding a closed session. Public comment will generally be taken only at the beginning and ending."

This action would suspend that rule for this meeting to enable Council to take formal action on agenda items scheduled for this work session.



County of Los Alamos

Staff Report

October 26, 2021

Los Alamos, NM 87544
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Agenda No.:

Index (Council Goals): * 2021 Council Goal - N/A

Presenters: County Clerk

Legislative File: 15053-21

Title

Approval of County Council Minutes for September 28, 2021

Recommended Action

I move that Council approve the County Council Minutes for September 28, 2021.

Clerk's Recommendation

The County Clerk recommends that Council approve the minutes as presented.

Attachments

A - County Council Minutes for September 28, 2021



County of Los Alamos

Los Alamos, NM 87544
www.losalamosnm.us

Minutes

County Council – Regular Session

*Randall Ryti, Council Chair; James Robinson, Council Vice-Chair;
Denise Derkacs, David Izraelevitz, David Reagor, Sara Scott,
and Sean Williams, Councilors*

Tuesday, September 28, 2021

6:00 PM

**Council Chambers – 1000 Central Avenue
TELEvised**

1. OPENING/ROLL CALL

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

The following Councilors were in attendance:

**Present: 7 - Councilor Ryti, Councilor Derkacs, Councilor Scott, Councilor Izraelevitz,
Councilor Reagor, Councilor Robinson, and Councilor Williams**

2. PLEDGE OF ALLEGIANCE

Led by: All.

Council Chair Ryti made opening remarks regarding the procedure of the meeting due to COVID-19.

3. PUBLIC COMMENT

Mr. Ayan Biswas, no address given, spoke about the need for cricket facilities in Los Alamos.
Mr. Aaron Walker, 413 Pruitt Avenue, spoke about domestic violence.

4. APPROVAL OF AGENDA

Councilor Izraelevitz asked that Items 8.G and 8.H be heard before item 8.A. There were no objections.

**A motion was made by Councilor Williams, seconded by Councilor Derkacs, that the agenda
be approved as amended.**

The motion passed by acclamation with the following vote:

**Yes: 7 - Councilor Ryti, Councilor Derkacs, Councilor Izraelevitz, Councilor Reagor,
Councilor Robinson, Councilor Scott, and Councilor Williams**

5. PRESENTATIONS, PROCLAMATIONS AND RECONGNITIONS

A. Proclamation declaring the Month of October 2021 as "The People's Eco-Challenge Month"

Councilor Williams read and presented the proclamation to Ms. Angelica Gurule, Environmental Services Manager.

Ms. Gurule spoke.

B. Proclamation declaring October 2021 as "Arts & Culture Month" in Los Alamos County

Councilor Izraelevitz read and presented the proclamation to Ms. Laura Canuelas-Torres Program Director Los Alamos Arts Council (LAAC) and Marlane Hamilton-Interim Executive Director LAAC

Ms. Hamilton spoke.

C. Proclamation declaring the Month of October 2021 as "Fire Prevention Month" in Los Alamos County

Councilor Scott read and presented the proclamation to Division Chief Joseph Baca.

Division Chief Baca spoke.

Fire Chief Troy Hughes, Los Alamos Fire Department (LAFD), spoke.

6. PUBLIC COMMENT FOR ITEMS ON CONSENT AGENDA

None.

7. CONSENT AGENDA

Consent Motion:

A motion was made by Councilor Scott, seconded by Councilor Izraelevitz, 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. Award of Bid No. 22-29 in the Amount of \$2,191,461.00 plus Applicable Gross Receipts Tax to Star Paving Company for Construction of the Sherwood Boulevard Roadway and Drainage Improvements Project and Establish a Project Budget in the Amount of \$2,750,000.00 for Roadway Improvements

I move that Council Award Bid No. 22-29 in the Amount of \$2,191,461.00 plus Applicable Gross Receipts Tax to Star Paving Company for Construction of the Sherwood Boulevard Roadway and Drainage Improvements Project and Establish a Project Budget in the Amount of \$2,750,000.00 for Roadway Improvements.

B. Approval of Amendment No. 1 to Professional Services Agreement No. AGR16-701 with Tyler Technologies, Inc. in the amount of \$160,965.00, for a Total Agreement Amount Not to Exceed \$3,593,323.00, plus Applicable Gross Receipts Tax, to purchase "Tyler Notify" and "MyCivic311™ Bundle"

I move that County Council approve Amendment No. 1 to Professional Services Agreement No. AGR16-701 with Tyler Technologies, Inc. in the amount of \$160,965.00, for a Total Agreement Amount Not-to-Exceed \$3,593,323.00, plus Applicable Gross Receipts Tax, for "Tyler Notify" and "MyCivic311™ Bundle."

- C. Approval of Services Agreement No. AGR 21-957 with Musco Sports Lighting, LLC, and the use of a CES Cooperative Purchase Agreement contract in the Amount of \$246,315.00 plus Applicable Gross Receipts Tax for the installation of a lighting system for Ray Brewer Arena

I move that Council approve Services Agreement No. AGR 21-957 with Musco Sports Lighting, LLC. and the use of a CES Cooperative Purchase Agreement contract in the Amount of \$246,315.00 plus Applicable Gross Receipts Tax for the Ray Brewer Arena replacement lighting project.

- D. Approval of General Services Agreement No. AGR21-58 with Griffin and Associates in the Amount of \$519,750.00 plus Applicable Gross Receipts Tax, for the Purpose of Tourism Marketing Services

I move that Council approve Contract for General Services, Agreement No. AGR21-58 with Griffin and Associates in the Amount of \$519,750.00, plus Applicable Gross Receipts Tax, for the Purpose of Tourism Marketing Services.

- E. Consideration of Budget Revision 2022-07 (carryover of available budget amounts from 2021 to 2022)

I move that Council approve Budget Revision 2022-07 as summarized on attachment A and that the attachment be made a part of the minutes of this meeting.

- F. Consideration of Budget Revision 2022-12 (DPU carryovers from 2021 to 2022)

I move that Council approve Budget Revision 2022-12 as summarized on Attachment A and that the attachment be made a part of the minutes of this meeting.

- G. Consideration of a Request to Convert the Assistant to the County Manager Position to a Deputy County Manager Position

I move that Council approve the conversion of the Assistant to the County Manager position to a Deputy County Manager position.

- H. Consideration of New Locations of Four Francis Harlow Paintings

I move that Council approve the recommendation of the Art in Public Places Board for a new location of 4 paintings" FH-1525", "FH-1418", FH-1089", "FH-1020" by Francis Harlow, at the Municipal Building, Room 333 and the expenditure of Art in Public Places funds not to exceed \$150.

- I. Board/Commission Appointment - Transportation Board

I move that Council appoint Michael Dolejsi to fill one of two partial term vacancies on the Transportation Board which began March 1, 2020 and will end on February 28, 2022.

- J. Vacation of Utility Easement Within Lot 15, a Subdivision of Western Area No. 2

I move that Council approve the vacation of easement within Lot 15, a Subdivision of Western Area No. 2.

The motion passed with the following vote:

Yes: 7 - Councilor Ryti, Councilor Derkacs, Councilor Izraelevitz, Councilor Reagor, Councilor Robinson, Councilor Scott, and Councilor Williams

8. PUBLIC HEARING(S) (Heard out of order per Approval of Agenda)

- G.** Incorporated County Of Los Alamos Code Ordinance No. 02-318, An Ordinance Amending The Text Of Chapter 16, Article I Section 9, And Article VII Section 287 And Adding New Sections 288 And 289, To Adopt Local Regulations For Cannabis Cultivation and Manufacturing

Mr. Bryce Ternet, Planning Manager, spoke.
Ms. Katie Thwaites, Deputy County Attorney spoke.
Mr. Kevin Powers, Assistant County Attorney, spoke.
Mr. Paul Andrus, Community Development Director, spoke.

Public Comment:

Mr. AJ Scannapieco, no address given, spoke.
Ms. Collette Hunter, no address given, spoke.
Mr. William Hunter, no address given, spoke.
Mr. Aaron Walker, White Rock, spoke.
Mr. Antonio Maggiore, 4102 Fairway, spoke.

A motion was made by Councilor Derkacs, seconded by Councilor Scott, that Council adopt Incorporated County of Los Alamos Code Ordinance No. 02-318 as recommended by the Planning and Zoning Commission, ask staff to assure that the adopted ordinance is published in summary form, and direct staff to prepare a new ordinance addressing cannabis retail operations in the County.

Councilor Izraelevitz proposed a friendly amendment to the motion to include a greenhouse and manufacturing via a special use permit and mixed-use areas and a buffer of 300 feet from R zones.

Councilor Williams proposed a second friendly amendment to the motion to not include the buffer.

Councilor Derkacs and Councilor Scott accepted the special used permit modification but not the 300-foot buffer.

A SUBSTITUTE motion was made by Councilor Izraelevitz, seconded by Councilor Reagor, that Council adopt Incorporated County of Los Alamos Code Ordinance No. 02-318 as recommended by the Planning and Zoning Commission, including a special use permit and a 100-foot exclusion zone for R zones and ask staff to assure that the adopted ordinance is published in summary form, and direct staff to prepare a new ordinance addressing cannabis retail operations in the County.

Councilor Ryti called for a vote to accept the SUBSTITUTE motion.

The motion passed with the following vote:

Yes: 4 - Councilor Derkacs, Councilor Izraelevitz, Councilor Reagor, and Councilor Scott

No: 3 - Councilor Ryti, Councilor Robinson, and Councilor Williams

Councilor Ryti called for a vote on the SUBSTITUTE motion.

The motion failed with the following vote:

Yes: 3 - Councilor Izraelevitz, Councilor Reagor, and Councilor Scott

No: 4 - Councilor Derkacs, Councilor Ryti, Councilor Robinson, and Councilor Williams

A motion was made by Councilor Williams, seconded by Councilor Robinson, that Council adopt Incorporated County of Los Alamos Code Ordinance No. 02-318 as recommended by the Planning and Zoning Commission, ask staff to assure that the adopted ordinance is published in summary form, and direct staff to prepare a new ordinance addressing cannabis retail operations in the County.

The motion passed with the following vote:

Yes: 5 - Councilor Ryti, Councilor Derkacs, Councilor Robinson, Councilor Scott, and Councilor Williams

No: 2 - Councilor Izraelevitz, Councilor Reagor

RECESS

Councilor Ryti called for a recess at 7:44 p.m. the meeting reconvened at 7:55 p.m.

- H. Adoption of the Los Alamos Downtown Master Plan and White Rock Town Center Master Plan as an Amendment to the 2016 Los Alamos County Comprehensive Plan**

Mr. Bryce Ternet, Planning Manager, spoke.

Mr. Will Gleason, Dekker/Perich/Sabatini, spoke.

Ms. Jessica Lawlis, Dekker/Perich/Sabatini, spoke.

Mr. Dan Ungerleider, Economic Development Administrator, spoke.

Mr. Paul Andrus, Community Development Director, spoke.

Mr. Steven Lynne, County Manager, spoke.

Ms. Katie Thwaites, Deputy County Attorney, spoke.

Public Comment:

Mr. Grant Harding, 1320 Sage Loop, spoke.

A motion was made by Councilor Izraelevitz, seconded by Councilor Reagor, that Council adopt the Los Alamos Downtown Master Plan and White Rock Town Center Master Plan as an Amendment to the 2016 Los Alamos County Comprehensive Plan.

Councilor Scott proposed friendly amendments as follows, emphasize the visioning aspect and clarify that not all options are going to be undertaken in the near term, limit the height to seven stories and not that there is no consensus, we update the overlay text to reference current condition rather than ongoing, we add some discussion about parking in White Rock and along with the height we note that that will be referred to P and Z for further discussion but we get rid of the bonus two stories and limit it to seven and then understand that there will be further discussion on that before it goes into code. The friendly amendment was accepted by Councilor Izraelevitz and Councilor Reagor.

Councilor Scott proposed another friendly amendment to her friendly amendment that Council request staff to modify the Downtown and White Rock Master plans as discussed and bring back to Council approval at a subsequent meeting.

Councilor Izraelevitz suggested a friendly amendment to the friendly amendment to the motion to add language that notes interest in broadest use of LEDA (Local Economic Development Act) to achieve these committee goals. The friendly amendments were accepted.

The amended motion passed with the following vote:

Yes: 5 - Councilor Ryti, Councilor Derkacs, Councilor Izraelevitz, Councilor Reagor, and Councilor Scott

No: 2 - Councilor Robinson and Councilor Williams

- A.** Approval of Incorporated County of Los Alamos Resolution No. 21-24. A Resolution Removing Uncollectible Environmental Services Accounts from the Incorporated County of Los Alamos Accounts receivable List for Fiscal Year 2017

Public Comment:
None.

A motion was made by Councilor Scott, seconded by Councilor Robinson, that Council approve Incorporated County of Los Alamos Resolution No. 21-24; a Resolution Removing Uncollectible Environmental Services Accounts Receivable from the Incorporated County of Los Alamos Accounts Receivable List for Fiscal Year 2017.

The motion passed with the following vote:

Yes: 7 - Councilor Ryti, Councilor Derkacs, Councilor Izraelevitz, Councilor Reagor, Councilor Robinson, Councilor Scott, and Councilor Williams

- B.** Approval of Incorporated County of Los Alamos Resolution No. 21-22. A Resolution Removing Uncollectible Ambulance Billing Accounts from Accounts receivable List of Los Alamos County through June 2017

Public Comment:
None.

A motion was made by Councilor Williams, seconded by Councilor Robinson, that Council approve Incorporated County of Los Alamos Resolution No. 21-22; a Resolution Removing Uncollectible Ambulance Billing Accounts Receivable from the Accounts Receivable List of Los Alamos County for EMS Transport Billing Claims through June 2017.

The motion passed with the following vote:

Yes: 7 - Councilor Ryti, Councilor Derkacs, Councilor Izraelevitz, Councilor Reagor, Councilor Robinson, Councilor Scott, and Councilor Williams

- C.** Approval of Incorporated County of Los Alamos Resolution No. 21-23, a Resolution Removing Uncollectible Utility Accounts from the Incorporated County of Los Alamos Accounts Receivables List for -Fiscal Year 2016 & Fiscal Year 2017

Public Comment:
None.

A motion was made by Councilor Reagor, seconded by Councilor Robinson, that Council approve Incorporated County of Los Alamos Resolution No. 21-23; A Resolution Removing Uncollectible Utility Accounts from the Incorporated County of Los Alamos Accounts Receivables List for - Fiscal Year 2016 and Fiscal Year 2017.

The motion passed with the following vote:

Yes: 7 - Councilor Ryti, Councilor Derkacs, Councilor Izraelevitz, Councilor Reagor, Councilor Robinson, Councilor Scott, and Councilor Williams

- D. Incorporated County of Los Alamos Resolution No. 21-25; A Resolution Authorizing the County Council Chair or Los Alamos County Utilities Manager to Approve Submission of Completed Applications and Necessary Documents for 2022 Applications to the Water Trust Board for Funding Non-Potable Water System Projects

Public Comment:
None.

A motion was made by Councilor Derkacs, seconded by Councilor Robinson, that Council approve Incorporated County of Los Alamos Resolution No. 21-25; A Resolution Authorizing the County Council Chair or Los Alamos County Utilities Manager to Approve Submission of Completed Applications and Necessary Documents for 2022 Applications to the Water Trust Board for Funding Non-Potable Water System Projects.

The motion passed with the following vote:

Yes: 7 - Councilor Ryti, Councilor Derkacs, Councilor Izraelevitz, Councilor Reagor, Councilor Robinson, Councilor Scott, and Councilor Williams

- E. Incorporated County of Los Alamos Resolution No. 21-26, A Resolution of Support for County Participation in the New Mexico Department of Transportation, Fiscal Year 2022 Transportation Project Fund (TPF) for the Canyon Road Reconstruction Project in Los Alamos, New Mexico

Public Comment:
None.

A motion was made by Councilor Robinson, seconded by Councilor Derkacs, that Council approve Incorporated County of Los Alamos Resolution No. 21-26, A Resolution of Support for County Participation in the New Mexico Department of Transportation, Fiscal Year 2022 Transportation Project Fund (TPF) for the Canyon Road Reconstruction Project in Los Alamos, New Mexico.

The motion passed with the following vote:

Yes: 7 - Councilor Ryti, Councilor Derkacs, Councilor Izraelevitz, Councilor Reagor, Councilor Robinson, Councilor Scott, and Councilor Williams

- F. Incorporated County of Los Alamos Code Ordinance No. 02-319; Revision No. 2021-03 In Textual Form to the Official Zoning Map of Los Alamos County by Zoning Tract F-2, Western Area 1, consisting of Approximately 0.39 Acres of land to Public-Land (P-L)

Public Comment:
None.

A motion was made by Councilor Izraelevitz, seconded by Councilor Robinson, that Council adopt Incorporated County of Los Alamos Ordinance No. 02-319; he further moved that, upon passage, the Ordinance be published in summary form.

The motion passed with the following vote:

Yes: 7 - Councilor Ryti, Councilor Derkacs, Councilor Izraelevitz, Councilor Reagor, Councilor Robinson, Councilor Scott, and Councilor Williams

9. COUNCIL BUSINESS

A. Appointments

- 1) Board/Commission Appointments - Library Board

Ms. Eileen Sullivan, Library Manager, spoke.

Public Comment:

None.

A motion was made by Councilor Scott, seconded by Councilor Robinson, to nominate Mary Anderson, Laura Kelly, Francis Knudson, and Renae Mitchell to fill two vacancies on the Library Board and move that Council appoint two of the nominees to the vacant position(s) as follows:

By roll call vote, Councilors vote for two nominees and the two with the highest vote total of four or more be appointed or re-appointed to fill terms beginning on September 1, 2021, and ending on August 31, 2023.

Councilor Ryti called for a roll call vote to appoint two members to the Library Board:

Councilors Ryti, Robinson, Derkacs, Izraelevitz, Reagor, Scott, and Williams voted for:

Francis Knudson and Renae Mitchell

After a roll call vote Ms. Francis Knudson and Ms. Renae Mitchell were appointed to the Library Board.

B. Board, Commission, and Committee Liaison Reports

None.

C. County Manager's Report

- 1) County Manager's Report for September 2021

Postponed to next meeting.

D. Council Chair Report

Chair Ryti reported on the Jail Inspection Committee, the new County and Schools Committee and the regular Schools and County meeting.

E. General Council Business

None.

F. Approval of Councilor Expenses

None.

G. Preview of Upcoming Agenda Items

None.

10. COUNCILOR COMMENTS

None.

11. PUBLIC COMMENT

None.

12. ADJOURNMENT

The meeting adjourned at 10:15 p.m.

INCORPORATED COUNTY OF LOS ALAMOS

Randall T. Rytí, Council Chair

Attest:

Naomi D. Maestas, County Clerk

Meeting Transcribed By: Victoria L. Martinez, Senior Deputy Clerk

Budget Revision 2022-07

Council Meeting Date: September 28, 2021

	Fund & Department	Org	Object	Expend. (decrease)	Transfers In(Out)	Fund Balance (decrease)	Explanation
1	Community Service Dept. Open Space	01152510	8369	45,000		(45,000)	This is a 2021 budget option that was not spent in 2021 - Ride Center Progressive Skills Development Area under the Open Space budget
2	Community Service Dept. Golf	01153710	8369	37,894		(37,894)	This is a 2021 budget option that was not spent in 2021 - Tree Addition/Replacement to Attractively Mitigate Stray Ball Safety Concerts under the Golf budget.
3	Community Service Dept. - Library Collections	01151030	8519	18,761		(18,761)	Remaining balance of material purchases.
4	Community Service Dept. - Library Go Bonds	01151520	8519	14,968		(14,968)	The library has \$14,967.70 remaining on this multi-year bond.
5	CDD - Building	01145020	8489	6,000		(6,000)	These funds are unspent due to COVID and will be used in support of cross certification training for Building Safety Division staff.
6	CDD - Planning	01145040	8429	6,000		(6,000)	These funds are used for community outreach and marketing efforts in support of current multi-year planning and code update activities, including updates to chapter 16 and 18
7	CDD - Housing	01145050	8489	2,000		(2,000)	These funds are unspent due to COVID and will be used to pay for training and certification for the new Housing Program Manager
8	CDD - Economic Dev.	01145110	8489	8,000		(8,000)	These funds are unspent due to a vacancy in the ED Administrator position and will be used for training purposes of the newly hired administrator
9	Human Resources	01130110	8489	20,000		(20,000)	Safety and compliance training. Were unable to do training in budget year 2021 due to COVID19
10	County Clerk	01114010	8369	7,605		(7,605)	Amount to cover the office reorganization cost to accommodate the Deputy Clerk
11	LAPD - Operations	01165220	8369	200,577		(200,577)	Body-worn cameras (\$90K), Ballistic Shields (\$29k), Tower Fence (\$7k), AI-driven vehicle recognition technology providing enhanced roadway analytics (\$20k), Shotguns (\$10k), Vehicle Equipment (\$44,577)
12	LAPD - Dispatch	01165440	8833	328,605		(328,605)	Secondary Dispatch 2021 budget option available budget. Originally for \$357,570.
13	LAPD - Dispatch	01165440	8589	130,000		(130,000)	Dispatch Protocol \$120,000 plus additional Secondary Dispatch \$10,000
14	LAPD - Emergency Management	01165710	8359	21,000		(21,000)	Smart 911 (not the E911 grant) - Allows for citizens to enter critical information into a database that can be used nationwide so that when they call 911
15	LAPD - Emergency Management	01165710	8369	12,500		(12,500)	Carry over remaining budget to be programmed as the County match for previously approved federal grant.
16	Finance & Procurement	01140110	8489/8299	20,000		(20,000)	Carry over savings for training needs due to staff promotions & desired certifications (10k) / increase personnel services for temporary additional duty assignments (10k)

Budget Revision 2022-07

Council Meeting Date: September 28, 2021

	Fund & Department	Org	Object	Expend. (decrease)	Transfers In(Out)	Fund Balance (decrease)	Explanation
17	Information Management	01143010	8489/8833	150,000		(150,000)	Carry over savings to compensate for rising technology hardware prices due to external market forces for planned hardware replacements (\$145,000), and for additional training needs due to staff promotions (\$5,000).
18	PW Fleet Replacement	72374200	8839	22,980		(22,980)	Fleet portion of bus replacement
19	County Health Council	14650910	8559	5,846		(5,846)	Los Alamos County Health Council not used in 2021
20	Finance - IDCS/Transfers	01140195	9672		(37,122)	(37,122)	LAPD - Emergency Management Truck
21	PW Fleet Replacement	72374200	7601		37,122	37,122	LAPD - Emergency Management Truck
22	PW Fleet Replacement	72374200	8839	37,122		(37,122)	LAPD - Emergency Management Truck - Budget Authority
23	Finance Default - IDCS/Transfers	01140195	9631		(200,000)	(200,000)	CAD Software Implementation Consulting and PM Services
24	CIP Admin Default - IM Project	CP9001	7601		200,000	200,000	CAD Software Implementation Consulting and PM Services
25	CIP Information Technology Projects	CP9003	8369	200,000		(200,000)	CAD Software Implementation Consulting and PM Services - Budget Authority
	TOTAL			1,294,858	-	(1,294,858)	
Description: The purpose of this budget revision is to carryover budgeted amounts from FY2021 that were not encumbered or spent as of June 30, 2021, but will be spent during FY2022.							
Fiscal Impact: The impact on the General Fund is to increase expenditures by \$1,028,910, increase transfers out by \$237,122 and decrease fund balance by \$1,266,032. The impact on the Equipment Replacement Fund is to increase expenditures by \$60,102 and Transfers In by \$37,122 and a fund balance decrease of \$22,980. The impact on the Health Care Assistance Fund is to increase expenditures and decrease fund balance by \$5,846. The impact on the CIP Fund is to increase transfers in by \$200,000 and increase spending authority by the same amount which has a net zero impact on fund balance.							

Los Alamos County Council
 Regular Session
 September 28, 2021
 Item 7.E

Budget Revision 2022-12

BPU Meeting Date: Aug 18, 2021

Council Meeting Date:

9/28/2021

	Fund & Department	Description	ORG	Object	Expenditures (decrease)	Fund Balance (decrease)
1	Joint Utilities Fund Water Prod	WP OPS TREATMENT SYSTEM MAINT Specific project is Pajarito Booster Station No. 2 Chlorination equipment R&R. This carry over will help complete this O&M project.	54285630	8369	5,211.68	(5,211.68)
2	Joint Utilities Fund Water Prod	Risk Assess/ Emergency Response Plan, Otowi Well #2 bldg./Equipment & Pajarito Well #4 MCC, Tank Piping Upgrades, Bayo Booster Station Tank (NP-WTB), Contingency for WILSON OTOWI WELL 2 ENGINEERING SERVICES, NM 4 & Tsankawi Chlorination Building and Pipe Replacement , Pajarito Well 5 MCC Replacement, Pajarito Well 4 motor replacement	54285699	8839	4,115,330.16	(4,115,330.16)
3	Joint Utilities Fund Water Prod	Overlook Non-Potable Water Booster Station Replacement - Contingency	54285699	8369	234,000.00	(234,000.00)
4	Joint Utilities Fund Wastewater	WW LA WWTF CORRECTIVE MAINT These funds are anticipated to cover the cost over-runs from the CIP projects for the Compost Facility (cash) and/or the LA WWTP Filtration (loan)	55185525	8369	752,137.50	(752,137.50)
5	Joint Utilities Fund Wastewater	WR WWTP Replacement Project - Construction	55185599	8839	13,542,761.51	(13,542,761.51)
6	Joint Utilities Fund Water Dist	DW DIST BACKFLOW PREVENTION Specific program is for our consultant (Viking 2) to complete R&R and testing of all County facilities that have BFP-CCC equipment. This is a project delayed by the COVID and will be attempting a combined Year One & Year Two scope of work in this Year Two period.	54185420	8369	34,700.70	(34,700.70)
7	Joint Utilities Fund Water Dist	AMI (AGR19-912) + Contingency, Tax, and Remaining Contact AMT, N Mesa Road Casa De Oro Contingency	54185499	8839	508,626.18	(508,626.18)
8	Joint Utilities Fund Gas	GA DIST SCADA SYSTEM MAINT This ongoing project was delayed by the COVID and contractual administration activities but is now active in the field. These carried over funds are needed because we want to complete both Year One & Year Two scope in this Year Two period.	53185315	8369	18,327.00	(18,327.00)
9	Joint Utilities Fund Gas	GA METER CHANGEOUT/NEW SVC Minimal re-budget (see above). AMI required gas meter change outs more than anticipated. These carried over funds will help pay for all required gas meter change outs to complete the AMI project.	53185320	8369	32,438.72	(32,438.72)
10	Joint Utilities Fund Gas	AMI (AGR19-912) + Contingency, Tax, and Remaining Contact AMT, Border Stations Metering/Overpressure Control/SCADA, N Mesa Road Casa De Oro Contingency	53185399	8839	761,011.88	(761,011.88)
11	Joint Utilities Fund Electric Dist	CCC Suite Remodel Project	51285915	8369	271,425.99	(271,425.99)
12	Joint Utilities Fund Electric Dist	AGR21-35 Water Production Electrical and Mechanical Condition Assessment - Contingency, contract amt was rebudgeted in FY22 but Contingency was not	51285920	8369	15,000.00	(15,000.00)
13	Joint Utilities Fund Electric Dist	AMI (AGR19-912) + Contingency, Tax, and Remaining Contact AMT, Electric Vehicle Charging Stations, Replace Switches (SC1305A, SC1309, SC1309A, SC1401A2, SC1803) w/ new conductors , Replace primary conductors - Cheryl Ct., Connie Ave., Crown and LASS Substation, Los Alamos Substation LASS	51285299	8839	1,347,620.12	(1,347,620.12)
14	Joint Utilities Fund Electric Prod	El Vado Transformer Replacement , Abiquiu Office Replacement , El Vado and Abiquiu hydroelectric Plant Deck and Floor Painting - Project budget and Contingency	51185199	8839	718,589.68	(718,589.68)
15	Joint Utilities Fund Electric Prod	AGR21-41 with FTI Consulting for IRP, budget revision 2021-50	51185125	8369	287,757.00	(287,757.00)
	TOTAL				22,644,938	(22,644,938)

Description: The purpose of this budget revision is to carryover budget authority to FY2022 for various Utilities projects and for operational expenditures. These projects were not completed in FY2021 and are planned for FY2022. There isn't a valid encumbrance at June 30, 2021 and the projects were not rebudgeted in FY2022. A brief description for each carryover request is shown above in the third column.

Fiscal Impact: The net fiscal impact to the Joint Utilities Fund in FY2022 is to increase expenditures by \$22,644,938. The fiscal impact by fund will increase expenditures as follows: Electric Production \$1,006,347; Electric Distribution \$1,347,620; Gas Distribution \$811,778; Water Distribution \$543,327; Water Production \$4,354,542; Waste Water \$14,294,899 which includes the new WR WWTF; and Admin \$286,426.



County of Los Alamos

Staff Report

October 26, 2021

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.: A.

Index (Council Goals): * 2021 Council Goal - Investing in Infrastructure; DPU FY2020 - 1.0 Provide Safe and Reliable Utility Services; DPU FY2021 - 2.0 Achieve and Maintain Excellence in Financial Performance

Presenters: Philo Shelton, Utilities Manager

Legislative File: OR0917-21

Title

Introduction of Incorporated County of Los Alamos Ordinance No. 712, An Ordinance Authorizing the Incorporated County of Los Alamos (County) to Amend Ordinance No's. 687 and 689 for the Purpose of Increasing the Principal Amount of the New Mexico Environment Department (NMED) Clean Water State Revolving Fund (CWSRF) Loan Number CWSRF 083.

Recommended Action

I introduce, without prejudice, Incorporated County of Los Alamos, New Mexico Ordinance No. 712, An Ordinance authorizing the Utilities Manager to submit a request and necessary documents to the New Mexico Environment Department to increase the loan amount as authorized in County Ordinances 687 and 689, up to a maximum loan amount of Thirty Million Dollars (\$30,000,000.00) for the NMED Project CWSRF 083 under the same terms and conditions set forth for the original loan, and forward to the County Council for Approval.

..Board Recommendation

Department of Public Utilities (DPU) Staff presented this Ordinance to the Board of Public Utilities (BPU) at their regular meeting of October 20th. After careful consideration of the information presented and discussion, the Board voted 5-0 in favor, and recommends that Council approve the motion as presented.

..County Manager's Recommendation

The County Manager recommends that Council introduce Incorporated Los Alamos Ordinance No. 712

Body

The Clean Water State Revolving Loan #CWSRF 083 was executed on April 12, 2019, to fund the design and construction of the project. The design contract was executed on July 31, 2019, in the amount of \$2,199,144 (including NMGRF). The remaining funds in the loan for construction is \$14,800,856 (which is the current approved budget for the project.) Upon completion of design in May 2021, the engineer's construction estimate for the project was \$16,173,717 (including NMGRF) which when combined with the design costs was \$1,384,387 over the \$17,000,000 loan. Prior to issuing the bid, staff's plan to fund the shortfall between the established budget and Engineer's Estimate was to seek \$1.3 Million in County ARPA Funds that County Council tentatively approved DPU to request and fund the remaining balance with reserves.

This year, DPU is experiencing significant cost overruns on other utility projects due to the COVID-19 pandemic. Impacts causing material shortages and supply chain delays have led to significant cost increases. DPU received two bids on October 11, 2021, for Bid No. IFB 22-27 for the purpose of the White Rock Water Resource Reclamation Facility (WRRF) Construction Project. While the bid results are still under review, both bids well exceeded the engineer's estimate and budget authority for the project. Next, DPU approached the NMED Construction Programs Bureau, who administers the CWSRF loan, about other funding opportunities and the possibility to increase the existing loan amount. NMED has also experienced large bid increases with other New Mexico cities and counties and per staff's request, NMED prepared the attached ordinance to increase the loan amount to a maximum of \$30 million while maintaining the original interest rate at 2.38%. \$30 million is a worst-case scenario for the purpose of establishing adequate budget authority by ordinance and avoids delays by having to revise the ordinance again in the future. The final loan amount will be established by the final actual costs for both design and construction.

DPU realizes that this is a huge cost increase and staff prepared a financial narrative in Attachment B and made a detailed presentation to the BPU to review what has occurred to date with the project and the need for additional budget authority. After careful review and consideration, the BPU unanimously approved the requested increase of the loan to \$30 Million.

Should the ordinance receive approval tonight, the public hearing will be held at the November 9, 2021, Council meeting and the amended loan documents will then be finalized, and closing will be scheduled 30-days later. Next, the bid committee would make a recommendation for an award of the bids received to the BPU at the November 17th meeting for their consideration and recommendation. Finally, the recommended bid will be forwarded to County Council for their consideration at the December 7th regular meeting.

Alternatives

If the ordinance is not approved, the project will be delayed. The existing project funding and including existing wastewater fund reserves are not sufficient to build a replacement wastewater treatment facility.

Fiscal and Staff Impact

There are \$14,800,856 budget in this fiscal year. The project intent is to finance the entire cost to design and construct the project. If progress is not made to bring the wastewater plant into compliance with the EPA discharge permit limits, there is a potential to incur fines from EPA. Given this is a plant replacement, there are no additional staff impacts. The attached budget forecast shows that there will need to be a 2% per year rate increase over the next four years to cover the increased payment for principal and interest associated with a \$30 Million loan as presented in Attachment C.

Attachments

- A - Incorporated County of Los Alamos Ordinance No. 712
- B - Financial Narrative, October 2021
- C - Budget Forecast
- D - Publication Notice of Ordinance No. 712

INCORPORATED COUNTY OF LOS ALAMOS ORDINANCE NO. 712

AN ORDINANCE AUTHORIZING THE INCORPORATED COUNTY OF LOS ALAMOS (COUNTY) TO AMEND ORDINANCE NOS. 687 AND 689 FOR THE PURPOSE OF INCREASING THE PRINCIPAL AMOUNT OF THE NEW MEXICO ENVIRONMENT DEPARTMENT (NMED) CLEAN WATER STATE REVOLVING FUND (CWSRF) LOAN NUMBER CWSRF 083

WHEREAS, on September 25, 2018, the County Council of the Incorporated County of Los Alamos ("County Council" and "County", respectively) introduced County Ordinance Nos. 687 and 689 ("Ordinances"), Ordinances Authorizing the Incorporated County of Los Alamos to Enter Into a Loan Agreement and Promissory Note With the New Mexico Environment Department ("NMED") for the Purpose of Obtaining Loan Funds for the Construction of a New Wastewater Treatment Facility, Declaring the Necessity for the Loan, Restricting the Use of the Loan Funds Solely for the Project, and Pledging Loan Will be Payable from the Revenues of the Wastewater System; and

WHEREAS, County Council on October 30, 2018, held a public hearing on the proposed Ordinance 687, and following the public hearing, adopted the Ordinance as proposed; and

WHEREAS, following the adoption of Ordinance No. 687, NMED requested certain minor amendments. Thereafter, County Council on February 19, 2019, held a public hearing on the proposed Ordinance No. 689, and following the public hearing, adopted the Ordinance as proposed; and

WHEREAS, pursuant to Ordinance Nos. 687 and 689, County was authorized by the Governing Body to enter into a loan agreement with NMED for the purpose of constructing a new wastewater treatment facility in an amount not to exceed Seventeen Million Dollars plus accrued interest (\$17,000,000.00); and

WHEREAS, since the approval of the Ordinances, County has issued an Invitation for Bids ("IFB") for construction of the White Rock Wastewater Treatment Plant ("WR WWTP") and bids are due on October 11, 2021; and

WHEREAS, in preparation of the IFB with County's contracted design firm and discussions with NMED, due to materials, labor, and other supply chain issues due to the current COVID pandemic, it is estimated that the total costs for construction of the WR WWTP may be as high as Thirty Million Dollars (\$30,000,000.00) plus accrued interest; and

WHEREAS, in discussion with NMED regarding the total potential costs for the plant, NMED has requested that County submit an ordinance requesting an increase of the original loan amounts; and

WHEREAS, this Ordinance does not guarantee the increase, but is required as the first step to initiate a loan amendment with NMED.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE INCORPORATED COUNTY OF LOS ALAMOS, LOS ALAMOS COUNTY, NEW MEXICO, that:

Section 1. The County's Utility Manager is hereby authorized to submit a request with the necessary documents to the New Mexico Environment Department for the purpose of increasing the loan amount as authorized in County Ordinance Nos. 687 and 689, to an amount up to a maximum loan principal amount and not to exceed Thirty Million Dollars (\$30,000,000.00) for the NMED Project CWSRF 083 under the same terms and conditions set forth for the original loan.

Section 2. This Ordinance includes the grant of authority to the County's Utility Manager, in consultation with the County's Chief Finance Officer, to determine the actual amount of the requested increase for an amount up to and not exceeding THIRTY MILLION DOLLARS AND NO CENTS (\$30,000,000.00) plus accrued interest for the NMED Project CWSRF 083 under the same terms and conditions set forth for the original loan.

Section 3. The County's Utility Manager shall via separate action, as required by NMED, bring back to Council the final amended loan documents for Council approval.

Section 4. Effective Date. This Ordinance shall become effective thirty (30) days after notice is published following its adoption.

Section 5. 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 6. 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 9th day of November 2021.

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

Randall T. Rytí,
Council Chair

ATTEST: (Seal)

Naomi D. Maestas,
Los Alamos County Clerk

History

Old Bayo Canyon WWTP – Built in 1964 & 1966 & 1976 Convert from Imhoff Tank to Trickling Filter

White Rock WWTP – Built in 1965 & 1975

In 2000, when both wwtp's were 35 years +/- old, EPA & NMED started to promulgate more stringent effluent discharge permit limits which neither wwtp could meet

Old Bayo WWTP area already experienced increased nitrogen levels in the groundwater around the plant site

WR WWTP discharged onto tribal land and flowed directly into the Rio Grande with the same water quality as the Old Bayo WWTP

Both wwtp's discharged Class 1B effluent that severely limited expansion of the NP system

NMED started discussions with DPU regarding wwtp improvements to meet more stringent permit limits and to allow for expansion of the NP system

DPU determined that the Wastewater Fund, and DPU rate paying customers, could not adequately fund the replacement of both wwtp's at the same time. Because of the existing ground water situation at the Old Bayo WWTP, and because the feasibility of NP system expansion was greater with effluent from the Old Bayo WWTP, and because the WR WWTP was in better condition than the Old Bayo WWTP, it was decided that the Old Bayo WWTP would be replaced first and the replacement of the WR WWTP would be delayed for 10 years.

Old Bayo WWTP Replacement – Now the New LA WWTP

Facilities Plan – 2001 – Selected an Oxidation Ditch wwtp technology – cost estimate = \$9,620,000 (2001 dollars)

New LA WWTP (Replace Old Bayo WWTP) – Built in 2006/07 for \$14 million (2006 dollars)

Original bid came in “too high” @ \$12 million so bids were rejected, and project was re-designed to cut costs (NOTE: re-design cost = \$750,000)

Second bids came in @ \$14 million and reduced scope project was built for the higher cost

\$14 million (2006 dollars) times 3% per year escalating construction costs over 16 years = \$22.5 million (2022 dollars)

WR WWTP Replacement – Planning & Design

In 2010 DPU determined that the Wastewater Fund could still not adequately fund the new WR WWTP and so the replacement of the WR WWTP was delayed for another 10 years

2010 Preliminary Engineering Report to extend the life of the WR WWTP an additional 10 years was completed. Estimated costs over this additional 10-year period = \$750,000 (2010 dollars)

Actual costs over this 10-year period = \$400,000 (2012 – 2016 dollars) (throw away costs)

WR WWTP began violating the discharge permit limits consistently in 2015

NMED added language to the latest permit renewal (Feb 2021) that newer more stringent limits would be imposed after the proposed new WR WTP replacement plant construction was completed

2016 Preliminary Engineering Report (Facilities Plan) – studied 5 different types of wwtp's and selected an oxidation ditch type plant as both the lowest construction cost and lowest operation & maintenance cost

2020 Design Analysis Report – Began the formal design process for the current proposed project

The first step in this formal process was a thorough and detailed value engineering effort starting with the recommended oxidation ditch technology recommended in the 2016 Report. It was reaffirmed that this technology, while not the most advanced on the market, met the current and future needs of the more stringent permit limits with the lowest construction and O&M costs.

It was also reaffirmed that the design capacity of the proposed new wwtp (0.50 MGD) was appropriate considering planned growth was relatively slow. Reducing the proposed wwtp capacity slightly – say to 0.40 MGD – would save virtually nothing on construction or O&M costs because the size of the basins and the O&M responsibilities for the equipment would be virtually identical.

Site planning does provide for the efficient expansion of the proposed wwtp to accommodate either increased growth of the White Rock community or the taking on of wastewater flows from LANL.

Following are value engineering items the design team identified to reduce scope and project cost:

- Removing the second oxidation ditch from the design, to be built in the future if additional capacity is required. We had to educate ourselves on how maintenance and repairs could be accomplished with/to the one ditch process if it had to be kept in operation (vs. being able to divert all flow and process to a second, redundant oxidation ditch)
- Pre-Selection of process equipment and negotiating cost agreements for the benefit of being the chosen equipment vendor/supplier to minimize equipment selection costs during the bid phase
- Selection of process equipment was in large part focused on value vs. simply choosing the most desired or advanced equipment – if it fulfilled the mission for that equipment
- Deleting demolition of the existing plant basins for future re-use as NP water storage basins
- Re-use of the existing Admin building and digester basins eliminating the construction of a new admin building and two digester concrete basins
- Including the demolition of internal equipment within the primary clarifier, trickling filter and secondary clarifier as bid alternates
- Eliminating the additional work to re-purpose the trickling filters and secondary clarifiers as NP water storage from the current project but allowing for this to occur in the future
- Solids handling loadout facility is designed to allow for enclosure in the future. Current design includes a roof but no walls
- Reduce the amount of asphalt in the base bid with bid alternates included to add the asphalt paving that would reduce future maintenance costs
- Odor control equipment was provided for but not included in the headworks facility
- Existing chemical feed building was reviewed as a possibility to be repurposed to the Hypochlorite Building. After review of using the building, it was determined a new building would be more cost effective and less complex.

- Reuse the existing effluent parshall flume concrete basin & trough and tying the treated effluent into the existing reuse pond piping with no new penetrations into the effluent storage pond
- Off-site drainage improvements were included as a bid alternate to allow the County to complete this work separately or with this project
- Improvements to existing on-site storage shed were completed by County such as roof and door repair/replacement
- The administration building layout was minimized (and much smaller) as compared to the LA WWTP. The layout was designed to fit within the existing administration building but the reduced size eliminated the need for a new administration building
- Old fine screen will be salvaged furnished to DPU for possible future use
- Choice of communication equipment and protocol between and from the PLCs and to the main control center was not the most advanced and expensive option (we chose Allen Bradley MicroLogix)
- Use of recycled materials where possible
- Using concrete basins in lieu of stainless-steel tanks in certain processes
- Removing stainless steel hardware in lieu of standard iron, or coated iron where it wasn't absolutely necessary
- Re-use of other existing plant facility buildings (old recirculation pump bldg., SO-2 building, etc.)
- Choosing the smaller footprint dewatering equipment to save critical (more costly) indoor floor space to allow for re-use of the existing Admin building
- Digester mix pumps were located outside of the solids holding area to save floor space
- Scaling down the solids loading bay to a simple covered port with no heating, etc.
- Removing the secondary sound attenuation wall around the generator
- Scaling down the size of the generator by shedding electrical loads to essential processes only in the event of an electrical outage
- Scaling back general demolition, decommissioning, and re-fitting of existing basins and processes for future projects and through optional bid alternatives
- Using standard plain designs for the new process buildings, plus housing multiple processes (i.e. UV disinfection and tertiary filters) in a single building
- Minimizing piping and electrical line runs by analyzing layout options – these optimal (shortest run) pipe and electrical run designs dictated the placement of facilities to minimize cost
- Removing primary utility feeds (gas, electric, water and communication fiber) scope from the bid project and perform these construction items directly through in house crews and the DPU on-call contract services (pre-negotiated prices, plus removing from the project's Contractor scope that would include overhead and profit)
- DPU pre-purchased, ordered/handled, and supplied (in-house) the new 750 KVA transformer for the new plant
- Generally minimizing site space for new construction, resulting in less site civil work (grading/drainage/surface improvements)

WR WWTP Replacement – Where We Were

Original project wwtp construction only cost plus NMGR = \$13.5 million (Jan 2020 dollars)

Early COVID Concerns revised the estimated construction only cost plus NMGR = \$14.5 million (June 2020 dollars)

Early Covid Total Project Estimated Loan Amount = \$17 million (May 2020 dollars)

\$17 million included other costs: admin, engineering, inspection, testing, etc.

WR WWTP Replacement – Where We are Today

Current Total Project Estimated Loan Amount = \$30 million (October 2021 dollars)

\$30 million includes all costs: admin, engineering, inspection, testing, and construction.

Total Estimated Loan Amount = \$30 million (October 2021 dollars), however, only drawn expenses from the project will be applied to loan principal, to be repaid.

WR WWTP Replacement – How We Got Here

Recent news reports have been describing the impact that COVID has had on supply chain issues. These supply chain issues have caused severe shortages of materials, supplies and equipment directly related to a wwtp construction project. These severe shortages have caused drastic price increase that range in the 5 to 10% per month – with sometimes week to week increases

The COVID has also severely and adversely impacted the construction labor market

Furthermore, severe weather events such as recent hurricanes and floods have impacted the manufacturing of pipe and pipe appurtenances – which are also a major portion of the WR WWTP project.

All these impacts, labor and material shortages and supply chain deficiencies, are causing significant shortages with consequential price increases.

Nobody is predicting when this current market volatility will end and prices will stabilize.

Experience indicates that, after conditions improve, prices may stabilize but will not come down significantly. Instead, years of inflation will eventually catch up to those “stabilized” prices with prices then again beginning to climb.

WR WWTP Replacement – Recommended Path Forward

The State of New Mexico is offering to adjust the WR WWTP Replacement Project loan amount up to a revised value of \$30 million (October 2021 dollars).

If the DPU and the County can process all documents necessary to approve and accept these State loan funds, and if these loan funds do become authorized for expenditure, both within the current time-compressed schedule, the new financing can be formally and officially authorized on 7 December 2021 per State financial advisors.

At the same 7 December 2021 meeting, the Council can award the current bid for construction of the WR WWTP Replacement Project, subject to loan closing on January 7th, which is 30 days after the ordinance adoption.

If the current bid on hand is not awarded by 7 December 2021, then the current bid price locked in by the bidding process will have expired. Regardless of this outcome, the bid evaluation committee first needs budget authority before recommending a bid to Board and Council (staff is exploring if the bid could be extended by 30 days).

If the bid expires the project will have to be re-bid. If the project is re-bid the costs will most likely go up again because typical State wage rate adjustments and annual construction cost increases are adjusted in January of each year.

One way to avoid these potential additional cost increases that may be incurred if the State loan funds were not fully authorize for expenditure until after the 7 December deadline, is for the County to provide a short term “bridge” loan to DPU until the State loan funds are fully authorized. It is anticipated that, if necessary, this “bridge” loan would be for only a matter of one month (staff is also exploring this option).

ARPA funding has also been discussed in the amount of \$1.3 million (October 2021 dollars) to go toward the cost of the WR WWTP Replacement Project – to offset some of the cost increases caused by the COVID. These funds, in whatever level they are ultimately approved, would reduce the final loan amount required from the State; also helping to keep rate pressure from DPU customers.

WR WWTP Replacement – Alternative Paths

Delay the award and re-bid the project.

Almost always, when this approach is taken, the next round of bids is higher than the original round of bids: both for the exact same project and for a project that was re-designed to minimize costs.

If the project is re-bid the costs will most likely go up because State wage rate adjustments and annual construction cost increases are adjusted in January of each year.

WR WWTP Replacement – Impact on Sewer Rates

In establishing stability in the Wastewater Fund while also preparing to finance the WR WWTP Replacement Project, the DPU and County Council agreed to a series of aggressive 8.0% sewer rate increases between FYFY15 and FY19.

Three years ago, when the DPU was recommending the current 3-year set of sewer rate increases, the DPU stated that these three years (FY20, FY21 & FY22) would contain the last of the aggressive rate increases needed to stabilize the Wastewater Fund and to provide for construction of the replacement WR WWTP.

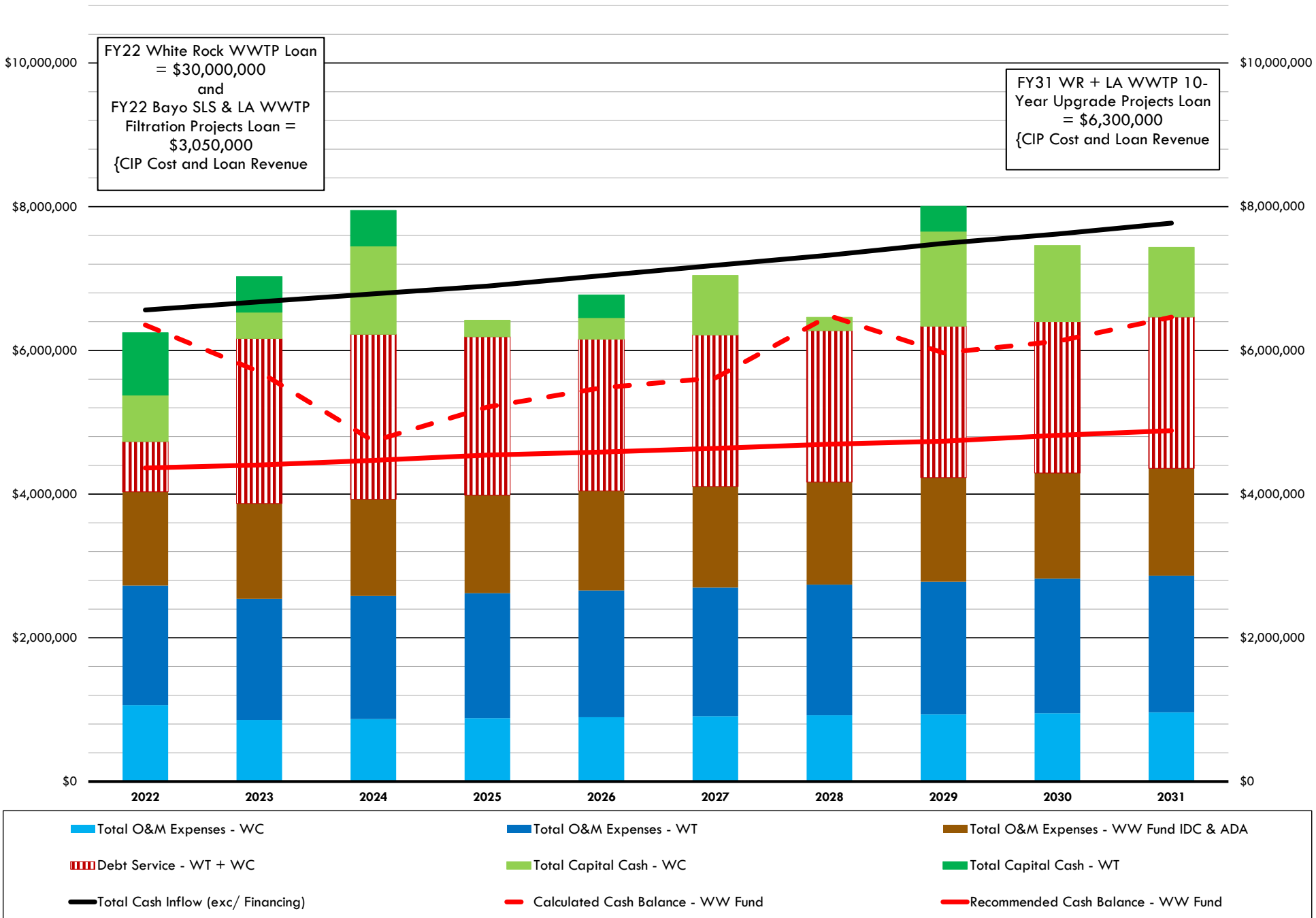
Those rates were: FY20 = 6.0%; FY21 = 3.0%; FY22 = 2.0%; FY23 thru FY26 0.0%; FY27 thru FY31 2.0%.

Basically, DPU projected that starting in FY22 sewer rates should only need to be increased in amounts equivalent to offset inflationary pressures. There were four years with no rate increase projected so that the cash balance in the Wastewater Fund did not grow too rapidly.

The current cost increases caused by the aforementioned circumstances change the sewer rate projection completed in FY20 by adding a 2.0% increase in FY23 thru FY26 – as opposed to the original estimate of keeping rates at no increase during those four years.

This is a surprisingly minimal impact to DPU customer sewer rates considering the significant cost increases occurring due to the current volatility of the equipment, supply, materials, and labor markets.

The construction loan has a rate of 2.38% and at completion of the project, DPU can seek to refinance the project should more favorable interest rates exist.



NOTICE OF ORDINANCE NO. 712

STATE OF NEW MEXICO, COUNTY OF LOS ALAMOS

Notice is hereby given that the Council of the Incorporated County of Los Alamos, State of New Mexico, has directed publication of Los Alamos County Ordinance No. 712. This will be considered by the County Council at an open meeting on Tuesday, November 9, 2021, at 6:00 p.m., at the Los Alamos County Municipal Building: 1000 Central Avenue, Los Alamos, New Mexico 87544. The full copy is available for inspection or purchase, during regular business hours, in the County Clerk's Office: 1000 Central Avenue, Suite 240.

INCORPORATED COUNTY OF LOS ALAMOS ORDINANCE NO. 712

AN ORDINANCE AUTHORIZING THE INCORPORATED COUNTY OF LOS ALAMOS (COUNTY) TO AMEND ORDINANCE NOS. 687 AND 689 FOR THE PURPOSE OF INCREASING THE PRINCIPAL AMOUNT OF THE NEW MEXICO ENVIRONMENT DEPARTMENT (NMED) CLEAN WATER STATE REVOLVING FUND (CWSRF) LOAN NUMBER CWSRF 083

Council of the Incorporated County of Los Alamos

By: /s/ Randall Rytli, Council Chair

Attest: /s/Naomi D. Maestas, County Clerk

Publication Date: **Thursday, October 28, 2021**

Type of Publication: **Notice of Public Hearing of Ordinance No. 712**



County of Los Alamos

Staff Report

October 26, 2021

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.: B.

Index (Council Goals): * 2021 Council Goal - N/A

Presenters: Eric Martinez, County Engineer and Jon Bulthuis, Acting Public Works Director

Legislative File: OR0920-21

Title

Introduction of Incorporated County of Los Alamos Ordinance No. 713 Providing for the Transfer of Land to the New Mexico Department of Transportation (NMDOT).

Recommended Action

I introduce, without prejudice, Incorporated County of Los Alamos Ordinance No. 713, an Ordinance providing for the transfer of approximately 2,698 Square Feet of certain public land along Trinity Drive (NM 502) owned by the Incorporated County of Los Alamos to the New Mexico Department of Transportation for public road improvements and ask staff to assure that it is published as provided in the County Charter.

..County Manager's Recommendation

The County Manager recommends that Council introduce Incorporated Los Alamos Ordinance No. 713

Body

The ordinance provides for the transfer of County owned parcels 2-QCD-1 and 2-QCD-2, totaling approximately 2,698 Square Feet of public land along Trinity Drive (NM 502) to the New Mexico Department of Transportation for public road improvements (See Attachments A and B).

On November 14, 2017, Council approved Ordinance No.673, authorizing the sale of County-owned real property within Site A-13-2 and A-12 to LAH Investors, LLC. On January 8, 2018, a Purchase, Sale and Development Agreement was executed between the County and LAH Investors, LLC. for the development of housing and supporting infrastructure. The agreement requires the County to design off-site road, utility, and public access improvements while construction of these improvements will be performed by the land developer.

As Trinity Drive or NM 502 is a state highway, the study and design of the proposed improvements required coordination with NMDOT along with an access permit application. Study and design development is complete which includes realignment of 35th Street further west and installation of a new bus bay for transit bus service, all of which will enhance public safety for all travel modes. The new bus bay and adjacent curb, gutter and sidewalk extended beyond the current NM 502 right-of-way into two County owned parcels. NMDOT issued an access permit to the County for the improvements, but as a condition of approval required dedication of these land segments so that the new public road infrastructure will be incorporated and part of NM 502 right-of-way. The land transfer will satisfy NMDOT's condition and allow the land development team to proceed with off-site work, scheduled to begin in Spring 2022.

Due to the routine nature of this ordinance, it is proposed that the Public Hearing be held on November 9, 2021.

Alternatives

The Council could choose to not introduce this ordinance at this time.

Fiscal and Staff Impact/Planned Item

The introduction involves minimal staff and fiscal impact. If the ordinance is adopted, then the property would be conveyed to the New Mexico Department of Transportation.

Attachments

A - Incorporated County of Los Alamos Ordinance No. 713

B - Right-of-Way Map (NM 502 & 35th Street Realignment Project)

INCORPORATED COUNTY OF LOS ALAMOS ORDINANCE NO. 713

**AN ORDINANCE PROVIDING FOR THE TRANSFER OF APPROXIMATELY 2,698
SQUARE FEET OF CERTAIN PUBLIC LAND ALONG TRINITY DRIVE (NM 502)
OWNED BY THE INCORPORATED COUNTY OF LOS ALAMOS TO THE NEW
MEXICO DEPARTMENT OF TRANSPORTATION FOR PUBLIC ROAD
IMPROVEMENTS**

WHEREAS, the Incorporated County of Los Alamos ("County") has agreed to convey approximately 2,698 square feet of County land, the description of which is attached hereto as Exhibit "A" and identified as parcels 2-QCD-1 and 2-QCD-2, to the State of New Mexico, through the New Mexico Department of Transportation ("NMDOT"); and

WHEREAS, County and NMDOT mutually agree that the land transfer is in the best interest of both parties; and

WHEREAS, the transfer shall be subject to the execution and performance by the parties, or their designated and authorized representatives, of all documents, including quitclaim deeds, free and clear of any encumbrances, and the filing thereof with any and all proper authorities or entities.

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

Section 1. Pursuant to Section 14-31 of the Code of Ordinances of the Incorporated County of Los Alamos, a total of approximately 2,698 square feet of County-owned land, the description of which is attached hereto as Exhibit "A", shall be conveyed by quitclaim deed to the NMDOT.

Section 2. County Staff is hereby directed to prepare all documents necessary to effect the conveyance, and the Council Chair is hereby authorized to execute all documents necessary to effect the conveyance on behalf of County.

Section 3. This Ordinance shall be effective thirty (30) days after publication of notice of its adoption. Publication shall be made by general summary.

ADOPTED this the 9th day of November 2021.

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

**Randall T. Ryti,
Council Chair**

ATTEST:

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

EXHIBIT "A"

THE INCORPORATED COUNTY OF LOS ALAMOS HAS AGREED TO CONVEY APPROXIMATELY 2,398 SQUARE FEET OF COUNTY LAND TO THE NEW MEXICO DEPARTMENT OF TRANSPORTATION, AS FOLLOWS:

Parcel 2-QCD-1

A parcel of land within the NE ¼ of Section 16, T. 19 N. 6 E., N.M.P.M., owned by Los Alamos County being the same as described in warranty deed filed November 1, 2002, in the office of Los Alamos County Clerk in Book 107, Page 901 within lot 6, Eastern Area No. 3, Los Alamos, Los Alamos County, New Mexico, more particularly described as:

Beginning at the point for control monument No. LAC-7, Pajarito School Monument within the Los Alamos County Control Map,

Thence S. 0°37'12" E. a distance of 8168.70 feet to a point on the existing (2021) southerly Right of Way line of Trinity Drive (NM 502) and true point of beginning, said point being the northeast corner of the tract herein described, on Construction C/L station P.O.T. 1 +63.83 offset 30.44 feet right and Survey C/L 1 +64.32 offset 30.19 feet right of Trinity Drive (NM 502);

Thence N. 83°29'40" E. a distance of 73.61 ft. along said existing Right of Way line;

Thence S. 6°42'16" E. leaving said existing Right of Way line a distance of 16.97 feet;

Thence N. 83°32'02" W. a distance of 75.60 feet;
to the point of beginning.

Parcel contains 0.0143 acres or 625 square feet +/-.

Parcel 2-QCD-2

A parcel of land within the NE¼ of Section 16, T. 19 N. R. 6 E., N.M.P.M., owned by Los Alamos County being the same as described in warranty deed filed March 3, 2003, in the office of Los Alamos County Clerk in Book 111, Page 964 within lot 7, Eastern Area No. 3, Los Alamos, Los Alamos County, New Mexico, more particularly described as:

Beginning at the point for control monument No. LAC-7, Pajarito School Monument within the Los Alamos County Control Map,

Thence S. 0°37'12" E. a distance of 8168.70 ft. to a point on the existing (2021) southerly Right of Way line of Trinity Drive (NM 502);

Thence N. 83°29'40" E. along said existing R/W line a distance of 73.61 feet to a point and true point of beginning, said point being the northeast corner of the tract herein described on Construction C/L station 2+37.44 offset 30.32 feet right and Survey C/L station 2+37.41 offset 30.00 feet right of Trinity Drive (NM 502);

Thence N. 83°29'40" E. a distance of 125.64 feet along said existing Right of Way line;

Thence S. 18°36'13" W. leaving said existing Right of Way line a distance of 18.90 feet;

Thence S. 83°34'00" W. a distance of 117.56 feet;

Thence N. 06°42'16" W. a distance of 16.97 feet;
to the point of beginning.

Parcel contains 0.0476 acres or 2,073 square feet +/-.

RIGHT OF WAY MAP
NM 502 & 35th STREET
REALIGNMENT PROJECT
LENGTH OF PROJECT 0.038 MILES
LENGTH OF RIGHT-OF-WAY 0.077 MILES

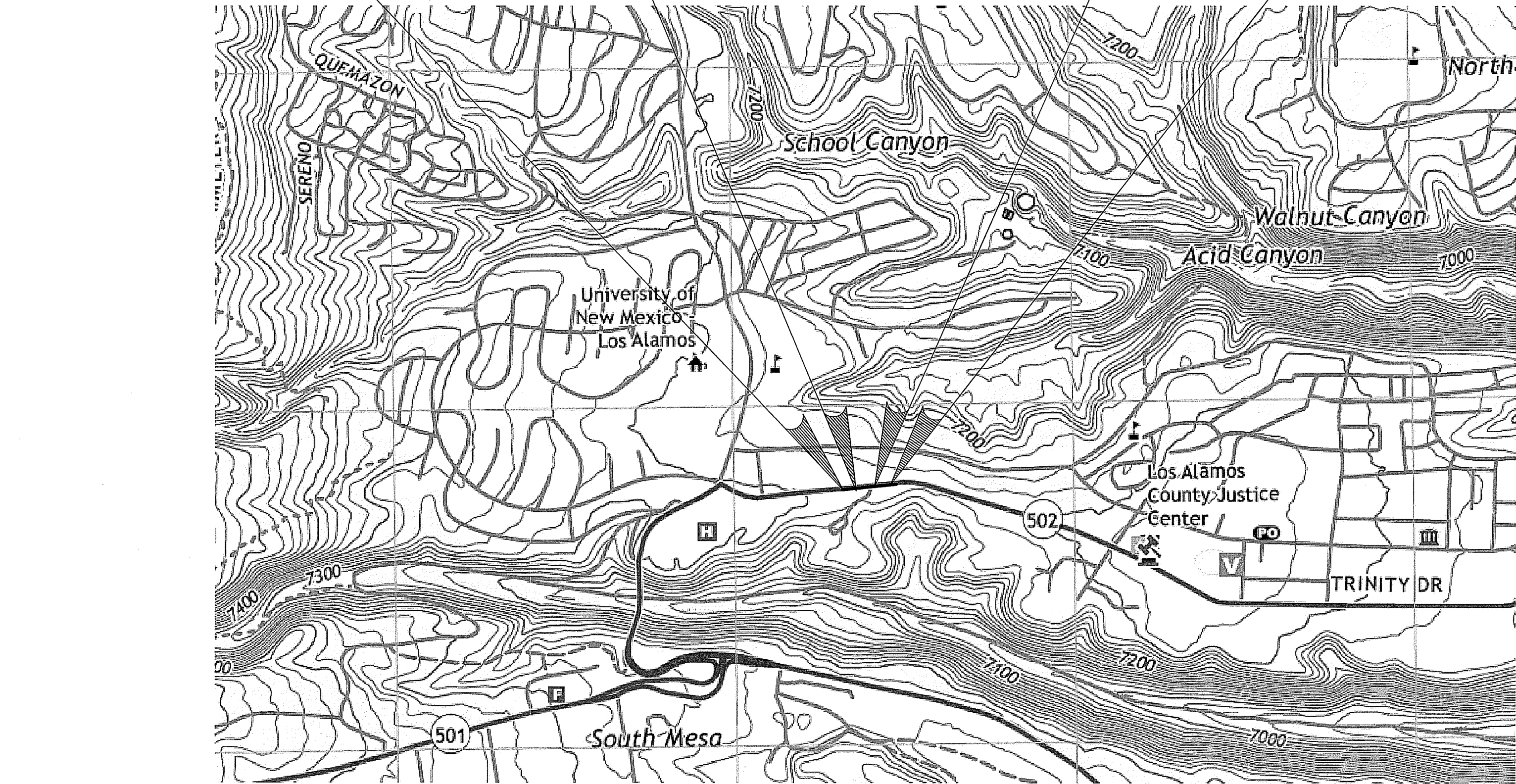
INDEX OF SHEETS	
No.	DESCRIPTION
1	TITLE SHEET
1A	PARCEL BLOCK SHEET
2	B.O.P. STA. 00+00.00 to E.O.P. STA. 4+05.45

TRINITY DRIVE "NMSR 502"
SURVEY CENTERLINE
N.M. PROJECT TRINITY DRIVE
BEGINNING OF PROJECT
STATION 1+64.32

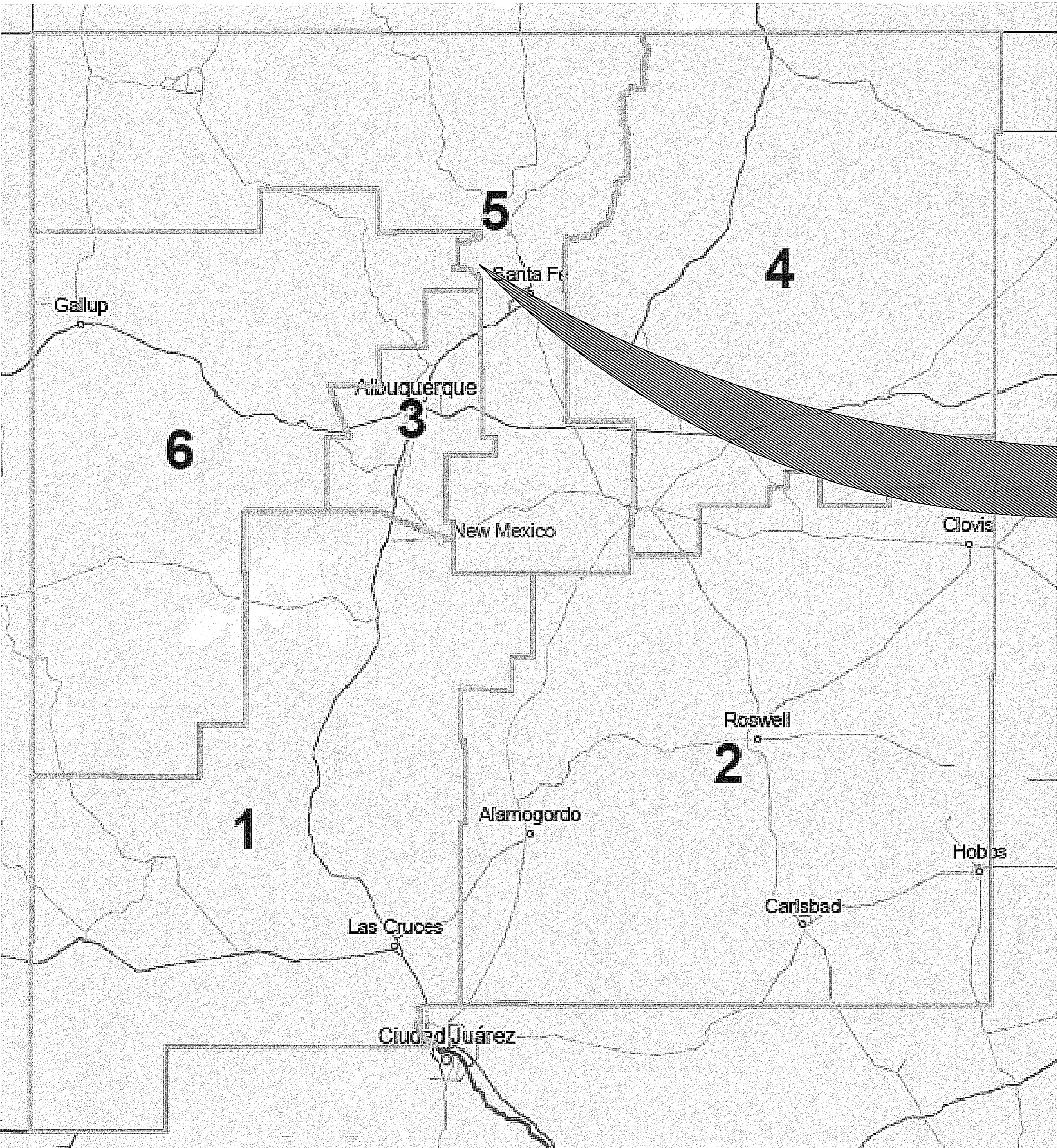
TRINITY DRIVE "NMSR 502"
SURVEY CENTERLINE
N.M. PROJECT TRINITY DRIVE
BEGINNING OF RIGHT OF WAY
STATION 0+00.00

TRINITY DRIVE "NMSR 502"
SURVEY CENTERLINE
N.M. PROJECT TRINITY DRIVE
END OF PROJECT
STATION 3+63.05

TRINITY DRIVE "NMSR 502"
SURVEY CENTERLINE
N.M. PROJECT TRINITY DRIVE
STATION 4+05.45



LOCATION MAP
NOT TO SCALE



VICINITY MAP
NOT TO SCALE

COUNTY OF LOS ALAMOS
TRINITY DRIVE N.M.S.R. 502

APPROVED FOR ACQUISITION

EFFECTIVE June 12, 2021

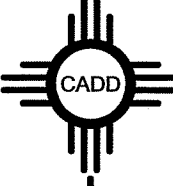
Robert R. Smith Jr.

LANDS ENGINEERING MANAGER
FOR SECRETARY OF DEPARTMENT
OF TRANSPORTATION

FINAL MAP

DATE: July 12, 2021

4			
3			
2			
1			
NO.	DESCRIPTION	DATE	BY
REVISIONS (OR CHANGE NOTICES)			



NEW MEXICO DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY MAP
NEW MEXICO PROJECT NO.
**NM 502 & 35th STREET
REALIGNMENT PROJECT**
LOS ALAMOS COUNTY

SHEET 1 OF 2

PARCEL BLOCK SHEET

RIGHT-OF-WAY ACQUISITION

[illegible]

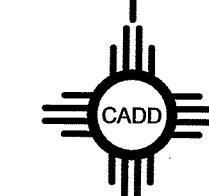
NOTE:
LARGER PARCEL AREAS WERE OBTAINED FROM COUNTY
RECORDS (SEE SHEET 2 FOR PLAT/DEED RECORDING
INFORMATION) AND LOS ALAMOS COUNTY SURVEY
DATA.

4			
3			
2			
1			
NO.	DESCRIPTION	DATE	BY

REVISIONS (OR CHANGE NOTICES)

FINAL MAP

DATE: JULY 12, 2021



NEW MEXICO DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY MAP

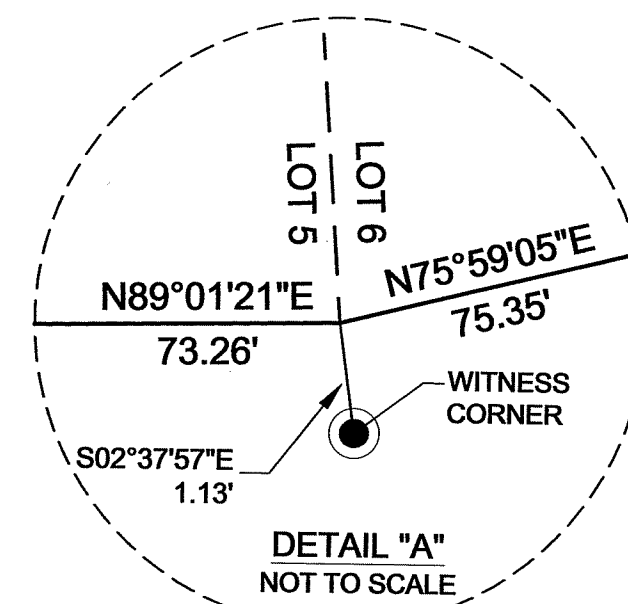
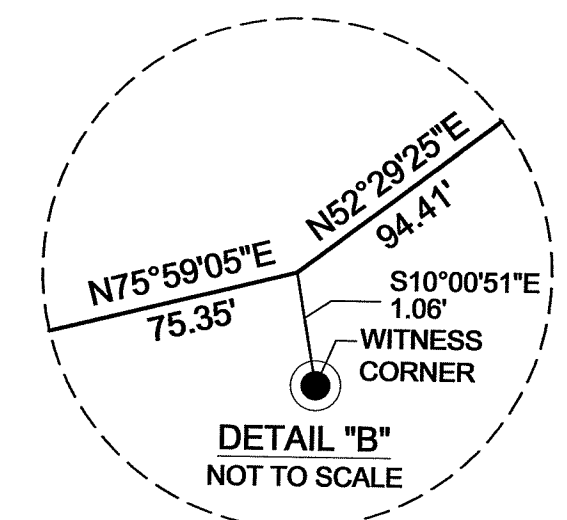
NEW MEXICO PROJECT NO.

**NM 502 & 35th STREET
REALIGNMENT PROJECT**

LOS ALAMOS COUNTY

SHEET 1A OF 2

1. Bearings are New Mexico Coordinate System grid basis, NAD 83 datum, Transverse Mercator Projection, West Zone, New Mexico and tied to monuments as shown on NMHS&TD Control Survey Map "LOS ALAMOS CONTROL".
2. All distances shown are horizontal ground distances.
3. Local Project ground coordinates are State Plane Coordinates (US SURVEY FOOT) scaled to ground. Contained Project Ground to Grid factor: 0.99955414587. Basis of Bearings is from northeast corner of lot 6 to Station LAC-7 (Pajarito School)
N00°37'12"W B168.70 feet.
STATION LAC-7 LATITUDE: 35°54'18.69916" N
LONGITUDE: 106°18'55.18836" W
GELOID SEPARATION (US FT): -62.50
ELLIPSOID HEIGHT (US FT): 7375.52
LOCAL PROJECT GROUND COORDINATE: X=1621793.149 Y=1785557.756
4. Corner monuments "SET or "RESET" by this survey are capped #5 rebar, 2" feet in length, stamped NMSHTD "PLS 18375", or as described hereon.
5. Bearings and distances labeled in "parenthesis" are from record documents listed hereon and are shown where information differs from data compiled by this survey.
6. Distances shown opposite stationing are at right angles or radial to survey centerline.
7. Basis of stationing for survey centerline based on information taken from plat of survey titled "Eastern Area No. 3" Los Alamos County NM recorded in the office county clerk in book 1, page 74.
8. Basis of stationing for Construction CL based on design drawing provided by Santa Fe Engineering Consultants LLC.
9. Monuments and points found were used to establish existing right of way line.



(N 90°00'00" E) Record Bearings and Distances
Shown in Parenthesis

N 90°00'00" E Measured Bearings and Distances

⊙ No. 5 Rebar w/Yellow Plastic Cap
"PS 1837S" Set This Survey

△ = Control monument as noted

⌵ = T-Rail Found as noted

● = Point Found as noted

○ = Calculated point (Not Set)

⊠ = Brass Cap Found as Noted

= Existing Right-of-Way secured by plat entitled Eastern Area No. 3

4			
3			
2			
1			
NO.	DESCRIPTION	DATE	BY
REVISIONS (OR CHANGE NOTICES)			

FOR OWNERS NAME AND AREAS
FOR PARCEL NUMBERS SHOWN
SEE SHEET 1A OF 2.

DATE: July 12, 2021

I CERTIFY THAT I AM A REGISTERED PROFESSIONAL SURVEYOR AND THAT THESE R/W MAPS ARE AN INTERIM PRODUCT OF PROJECT DESIGN DEVELOPMENT AND WERE PREPARED BY ME OR UNDER MY DIRECTION AND ARE BASED ON AN ACTUAL FIELD SURVEY PERFORMED UNDER MY DIRECTION ON SEPTEMBER, 2020. CONFORMANCE WITH THE STATE OF NEW MEXICO'S MINIMUM STANDARDS FOR RIGHT OF WAY SURVEYING WILL OCCUR FOLLOWING ACTUAL ACQUISITION OF RIGHT OF WAY REQUIRED BY PROJECT NM 502 & 35TH STREET REALIGNMENT.

JASON A. ROMERO, N.M.P.L.S. NO. 18375
County of Los Alamos-Public Works Dept., Engineering. Div.
1000 Central Ave., Suite 160
Los Alamos, New Mexico 87544
Ph. (505)662-8150

07/07/2021
DATE

NEW MEXICO DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY MAP

NEW MEXICO PROJECT NO.
**NM 502 & 35th STREET
REALIGNMENT PROJECT**

SCALE 1"=30'

SECTION 16
TOWNSHIP 19 NORTH,
RANGE 6 EAST N.M.P.M.





County of Los Alamos

Staff Report

October 26, 2021

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.: A.

Index (Council Goals): * 2021 Council Goal - N/A

Presenters: Randall Ryti, County Council Chair

Legislative File: 15052-21

Title

Discussion on Councilor Attendance at Agenda Setting Meetings

Recommended Action

(Council may take action on this item)

Body

Questions have been raised about Councilor attendance at the weekly agenda development meeting. This item will give Council the opportunity to discuss and possibly, take action.