



County of Los Alamos

Los Alamos, NM 87544
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Minutes

County Council – Regular Session

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

Tuesday, February 28, 2023

6:00 PM

Council Chambers – 1000 Central Avenue
TELEVISED

1. OPENING/ROLL CALL

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

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

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

The following Councilors were in attendance:

Present: 4 - Councilor Derkacs, Councilor Cull, Councilor Lepsch, and Councilor Reagor

Remote: 1 - Councilor Ryti

Absent: 2 - Councilor Hand and Councilor Havemann

2. PLEDGE OF ALLEGIANCE

Led by: All.

3. PUBLIC COMMENT

None.

4. APPROVAL OF AGENDA

Ms. Linda Matteson requested Item 7.G. be removed from the Consent Agenda. There were no objections.

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

The motion passed by acclamation with the following vote:

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

Absent: 2 – Councilor Hand and Councilor Havemann

5. PRESENTATIONS, PROCLAMATIONS, AND RECOGNITIONS

- A. Introduction of Los Alamos County Short-Term Rental Program Development Project by Community Development and project consultants, Wilson & Co

Mr. Paul Andrus, Community Development Director, spoke.

Mr. Noah Beck, Wilson & Co AICP, Project Manager, presented.

Mr. Ben Bachwitz, Wilson & Co AICP, presented.

Ms. Sobia Sayeda, Planning Manager, spoke.

No action taken.

6. PUBLIC COMMENT FOR ITEMS ON CONSENT AGENDA

None.

7. CONSENT AGENDA

Consent Motion:

A motion was made by Councilor Cull, seconded by Councilor Lepsch, that Council approve the items on the Consent Agenda minus Item G. as presented and that the motions in the staff reports be included for the record.

- A. Approval of County Council Minutes for the February 7, 2023 Regular Session

I move that Council approve the County Council Minutes for the February 7, 2023 Regular Session.

- B. Approval of Amendment No. 1 to Services Agreement No. AGR 22-36 with Western United Electric for the Purchase of a New Transformer for the El Vado Hydroelectric Plant

I move that Council approve Amendment No. 1 to Services Agreement No. AGR 22-36 with Western United Electric increasing the agreement amount to \$453,587.00, plus applicable gross receipts tax, for the Purchase of a New Transformer for the El Vado Hydroelectric Plant.

- C. Approval of General Services Agreement No. AGR23-19 with RBC Capital Markets in the Amount Not to Exceed \$500,000.00, Plus Applicable Gross Receipts Tax, for the Purpose of Providing Financial Advisory Services with Respect to Tax-Exempt and Government-Issued Bonds and Other Securities, and Expertise Regarding Federal, State, and Local Financing Laws and Other Applicable Laws, and Regulations that Affect County and Debt Issuance

I move that Council approve General Services Agreement No. AGR23-19 with RBC Capital Markets in the amount not to exceed \$500,000.00, plus Applicable Gross Receipts Tax, for the purpose of providing financial advisory services with respect to tax-exempt and government-issued bonds and other securities, and expertise regarding federal, state, and local financing laws and other applicable laws, and regulations that affect County and debt issuance.

- D. Approval of Contract for General Services, Agreement No. AGR 23-941 with Insane Impact, LLC in the Amount of \$250,802.01, plus Applicable Gross Receipts Tax, for the Purpose of Purchasing an Outdoor Mobile LED Screen with Trailer

I move that Council approve Contract for General Services, Agreement No. AGR 23-941 with Insane Impact, LLC in the Amount of \$250,802.01, plus Applicable Gross Receipts Tax, for the Purpose of Purchasing a Mobile LED Screen with Trailer.

- E. Award of Bid No. IFB23-49 for the Purpose of Ridge Park Lift Station Removal Project with Allied 360 Construction, LLC

I move that Council approve the Award of Bid No. IFB23-49 for the Purpose of Ridge Park Lift Station Removal Project with Allied 360 Construction, LLC. in the Amount of \$304,440 and a contingency in the amount of \$45,000, for a total of \$349,440, plus Applicable Gross Receipts Tax.

- F. Award of Bid No. IFB23-05 for the Purpose of TA-50 Water Transmission Line Relocation with DUB-L-EE, LLC

I move that Council approve the Award of Bid No. IFB23-05 for the Purpose of TA-50 Water Transmission Line Relocation with DUB-L-EE, LLC in the Amount of \$527,710.76 and a contingency in the amount of \$211,084.00, for a total of \$738,794.76, plus Applicable Gross Receipts Tax.

- G. Board/Commission Appointment (s) - Transportation Board

Item pulled from the meeting.

- H. Board/Commission Appointment(s) - Los Alamos County Health Council

I move that Council reappoint Lori Padilla, Morris Pongrantz, and Cameron Counters to the Los Alamos County Health Council for a term beginning on January 7, 2023 and ending on January 6, 2025.

- I. Consideration of Approval to increase to Assessor Certification Pay and the associated Budget Revision 2023-32, to support the increase

I move that Council approve the Assessor Certification Pay in conjunction with the limits set by state statute NMSA 4-39-5 and the corresponding Budget Revision 2023-32 as summarized on Attachment A and B and that the attachment be made a part of the minutes of this meeting. (Amended)

Approval of Consent Agenda:

The motion passed with the following vote:

**Yes: 5 - Councilor Derkacs, Councilor Cull, Councilor Lepsch,
Councilor Reagor, and Councilor Rytí**

Absent: 2 - Councilor Hand and Councilor Havemann

8. INTRODUCTION OF ORDINANCE(S)

- A. Introduction of Incorporated County of Los Alamos Code Ordinance No. 02-340; an Ordinance Amending Chapter 40, Article III, Sections 40-151, and 40-152 of the Code of the Incorporated County of Los Alamos Pertaining to Gas Service Rates

Councilor Cull introduced, without prejudice, Incorporated Code of Los Alamos Code Ordinance No. 02-340; an Ordinance Amending Chapter 40, Article III, Sections 40-151, and 40-152 of the Code of the Incorporated County of Los Alamos Pertaining to Gas Service Rate Schedule.

9. PUBLIC HEARING(S)

- A. New Liquor License Application No. 1244200, Restaurant B Liquor License, filed by Applicant, Rzig Inc. d/b/a Los Alamos Cantina and Pyramid Cafe, 157 Central Park Square, Los Alamos, NM 87544

Mr. Steven Lynne, County Manager, spoke.

Public Comment:
None.

A motion was made by Councilor Lepsch, seconded by Councilor Reagor, that Council approve New Liquor License and Application No. 1244200, Rzig Inc. d/b/a Los Alamos Cantina and Pyramid Cafe.

The motion passed with the following vote:

**Yes: 5 - Councilor Derkacs, Councilor Cull, Councilor Lepsch,
Councilor Reagor, and Councilor Ryti**

Absent: 2 - Councilor Hand and Councilor Havemann

- B. Incorporated County of Los Alamos Resolution No. 23-06: A resolution authorizing the County to submit an application to the Department of Finance and Administration, Local Government Division, to participate in the Local DWI Grant and Distribution Program

Ms. Katherine Hudspeth, Recreation Superintendent, spoke.

Public Comment:
None.

A motion was made by Councilor Cull, seconded by Councilor Reagor, that Council adopt Incorporated County of Los Alamos Resolution No. 23-06, a Resolution authorizing the County to submit an application to the Department of Finance and Administration, Local Government Division, to participate in the Local DWI (LDWI) Grant and Distribution Program. As part of the LWDI application, she further moved that Council approve the Council Chair to sign the MOU and Statement of Assurances.

The motion passed with the following vote:

**Yes: 5 - Councilor Derkacs, Councilor Cull, Councilor Lepsch,
Councilor Reagor, and Councilor Ryti**

Absent: 2 - Councilor Hand and Councilor Havemann

- C. Incorporated County of Los Alamos Code Ordinance 02-337 - An Ordinance of the Incorporated County of Los Alamos, New Mexico, Amending Chapter 22, "Fire Prevention and Protection," to Correct Reference In Section 22-31(a)(1)

Mr. James Pepe, Fire Battalion Chief, spoke.

Public Comment:
None.

A motion was made by Councilor Ryti, seconded by Councilor Cull, that Council adopt Incorporated County of Los Alamos Code Ordinance No. 02-237 - An Ordinance of the Incorporated County of Los Alamos, New Mexico, Amending Chapter 22, "Fire Prevention and Protection," to Correct Reference In Section 22-31(a)(1); and asked staff to assure that it is published in summary form.

The motion passed with the following vote:

**Yes: 5 - Councilor Derkacs, Councilor Cull, Councilor Lepsch,
Councilor Reagor, and Councilor Ryti**

Absent: 2 - Councilor Hand and Councilor Havemann

- D. Incorporated County of Los Alamos Code Ordinance 02-339: An Ordinance of the Incorporated County of Los Alamos Amending Article II, Division 1, of Chapter 22 to Codify the Fire Restrictions that May be Imposed by the Fire Chief to Limit the Potential for Wildfires

Mr. James Pepe, Fire Battalion Chief, spoke.
Mr. Alvin Leaphart, County Attorney, spoke.
Mr. Steve Lynne, County Manager, spoke.

Public Comment:
None.

A motion was made by Councilor Cull, seconded by Councilor Lepsch, that Council adopt Incorporated County of Los Alamos Code Ordinance No. 02-239 an Ordinance of the Incorporated County of Los Alamos Amending Article II, Division 1, of Chapter 22 to Codify the Fire Restrictions that May be Imposed by the Fire Chief to Limit the Potential for Wildfires.

Councilor Derkacs offered the following Friendly Amendment to the motion: to change the number in the motion to 02-339. It was accepted.

The motion and Friendly Amendment passed with the following vote:

**Yes: 5 - Councilor Derkacs, Councilor Cull, Councilor Lepsch,
Councilor Reagor, and Councilor Ryti**

Absent: 2 - Councilor Hand and Councilor Havemann

- E. Code Ordinance 02-338 - An Ordinance Amending Chapter 38 (Traffic and Vehicles), Article II, Division 3, Section 38-92; Article VI, Section 38-351; Article VII, Sections 38-411 and 38-415, and Adding a New Section 39-292.1 to Article V and New Section 38-416 to Article VII in Traffic Code

Mr. Steven Lynne, County Manager, spoke.
Mr. Alvin Leaphart, County Attorney, spoke.

Public Comment:
None.

A motion was made by Councilor Ryti, seconded by Councilor Cull, that Council adopt Incorporated County of Los Alamos Code Ordinance No. 02-338 An Ordinance Amending Chapter 38 (Traffic and Vehicles), Article II, Division 3, Section 38-92; Article VI, Section 38-351; Article VII, Sections 38-411 and 38-415, and Adding a New Section 39-292.1 to Article V and New Section 38-416 to Article VII; and asked staff to assure that it is published in summary form.

The motion passed with the following vote:

**Yes: 5 - Councilor Derkacs, Councilor Cull, Councilor Lepsch,
Councilor Reagor, and Councilor Ryti**

Absent: 2 - Councilor Hand and Councilor Havemann

10. BUSINESS

- A. Consideration of and Possible Action on Bear Resistant Roll Cart and Dumpster Programs

Mr. Juan Rael, Public Works Director, presented.
Ms. Angelica Gurule, Sustainability Manager, presented.
Mr. Armando Galbadon, Environmental Services Manager, spoke.
Mr. Steven Lynne, County Manager, spoke.

Public Comment:
None.

A motion was made by Councilor Lepsch, seconded by Councilor Reagor, that Council proceed with Option C as suggested by county staff and distribute bear-resistant carts by request only.

Councilor Derkacs offered the following Friendly Amendment to the motion: that distribute the bear carts by request only and revisit the issue in late December. It was accepted.

Councilor Ryti offered the following Friendly Amendment to the motion: asked staff to research the issue in this coming year. It was not accepted.

The motion and Friendly Amendment passed with the following vote:

Yes: 4 - Councilor Derkacs, Councilor Cull, Councilor Lepsch, and Councilor Reagor

No: 1 - Councilor Ryti

Absent: 2 - Councilor Hand and Councilor Havemann

RECESS

Councilor Derkacs called for a recess at 8:28 p.m. The meeting reconvened at 8:39 p.m.

11. COUNCIL BUSINESS (Items Heard Out of Order)

A. Appointments

- 1) Board/Commission Appointment - Board of Registration

Ms. Linda Matteson, Deputy County Manager, spoke.

Public Comment:
None.

A motion was made by Councilor Reagor, seconded by Councilor Cull, to nominate David Hampton and Gary Stradling and move that Council appoint one (1) to the vacant position(s) as follows:

By roll call vote, Councilors vote for one nominee and the nominee with the highest vote total of four or more be appointed to fill the remainder of the term beginning on July 1, 2021 and ending on June 30, 2023.

Councilor Derkacs called for a roll call vote to appoint members to the Los Alamos Board of Registration:

Councilors Derkacs, Cull, Lepsch, and Ryti voted for:
David Hampton

Councilor Reagor voted for:
Gary Stradling

After a roll call vote, Mr. David Hampton was appointed to the Board of Registration.

B. Board, Commission, and Committee Liaison Reports

Councilor Ryti reported on Energy Communities Alliance, the Waste Management Conference, the Fire Department Recognition Event, a meeting with DOE EM Los Alamos, New Mexico Counties Insurance Authority, the Technical Working Group, the Library Board meeting, the Lodgers Tax Advisory Board meeting, and the Tourism Implementation Task Force.

Councilor Cull reported on the Board of Public Utilities meeting and the Los Alamos County, Los Alamos Public Schools, and UNM-Los Alamos Joint Meeting.

Councilor Reagor reported on the Art in Public Places Board and the Personnel Board.

C. County Manager's Report

- 1) County Managers Report for February 2023

Mr. Steve Lynne, County Manager, reported on the Town Hall meetings and meetings with the Pajarito Group.

E. Council Chair Report

Chair Derkacs reported on a meeting with the Federal Representatives offices, the DOE-EM Strategic Planning Workshop, the League of Women Voters Lunch with a Leader Forum, the Board of Public Utilities Town Hall, a trip to Washington D.C. to meet with Federal Representatives, and the county Town Hall meetings.

F. General Council Business

None.

G. Approval of Councilor Expenses

None.

D. COVID-19 Situational Report

Ms. Linda Matteson, Deputy County Manager reported.

H. Preview of Upcoming Agenda Items

- 1) Tickler Report of Upcoming Agenda Items

Chair Derkacs highlighted an upcoming item.

12. COUNCILOR COMMENTS

None.

13. PUBLIC COMMENT

None.

14. ADJOURNMENT

The meeting adjourned at 9:13 p.m.

INCORPORATED COUNTY OF LOS ALAMOS

Denise Derkacs, Council Chair

Attest:

Naomi D. Maestas, County Clerk

Meeting Transcribed by: Ubaldo Barela, Deputy Clerk

From NMOneSource.com

4-39-5. Additional compensation to appraisers.

A board of county commissioners may provide additional cumulative increments to the salary of any qualifying appraiser employed in the office of the assessor as an incentive for obtaining greater qualification levels up to the following amounts:

A. an additional five hundred dollars (\$500) a year for holding an "Appraiser 1" certificate;

B. an additional one thousand five hundred dollars (\$1,500) a year for holding an "Appraiser 2" certificate;

C. an additional two thousand five hundred dollars (\$2,500) a year for holding an "Appraiser 3" certificate; and

D. an additional three thousand dollars (\$3,000) a year for holding an "Appraiser 4" certificate.

History: 1953 Comp., § 15-38-1.4, enacted by Laws 1977, ch. 138, § 2; 2015, ch. 78, § 1.

ANNOTATIONS

Cross references. — For powers of board of county commissioners as to hiring and setting of salaries of county employees and deputies generally, see 4-38-19 NMSA 1978.

The 2015 amendment, effective July 1, 2015, adjusted the qualification incentive pay for qualifying appraisers employed in the office of the assessor; in the introductory sentence of the section, after "may provide", deleted "as qualification incentive pay the following", and after "office of the assessor", added "as an incentive for obtaining greater qualification levels up to the following amounts"; in Subsection B, after "additional", deleted "one thousand dollars (\$1,000)" and added "one thousand five hundred dollars (\$1,500)"; in Subsection C, after "additional", deleted "one thousand dollars (\$1,000)" and added "two thousand five hundred dollars (\$2,500)"; and in Subsection D, after "additional", deleted "one thousand dollars (\$1,000)" and added "three thousand dollars (\$3,000)".

County assessors are not entitled to the additional compensation set out in this section. — The plain language of 4-39-4 NMSA 1978, states that the additional compensation listed in the section supplements the salaries of county assessors, and the plain language of 4-39-5 NMSA 1978, states that the additional compensation set out in the section is provided to any qualifying appraiser employed in the office of the assessor. Accordingly, the appropriate rate of additional compensation for a county assessor who obtains an appraiser certificate appears to be limited to the rate set out in 4-39-4 NMSA 1978, and elected county assessors, therefore, are not entitled to the

additional compensation contemplated in 4-39-5 NMSA 1978. *Appropriate Amount of Compensation for an Elected County Assessor* (8/11/20), Att'y Gen. Adv. Ltr. 2020-08.

Attachment A

Budget Office Revision 2023-32

	Fund & Department	Org	Object	Revenue (decrease)	Expenditures (decrease)	Transfers In(Out)	Fund Balance (decrease)
1	Valuation Fund/ Assessor/Salaries	18212220	8117		\$ 20,000		\$ (20,000)
2	Valuation Fund/ Assessor/Benefits	18212220	8299	\$ 20,000			\$ 20,000
3				.			
4							
5							
6							
7							
8							
9							
10							
Description: Increase to the certification for Levels 1,2,3 and 4 for Appraisal Certifications fro the Assessor Valuation Fund.							
Fiscal Impact: For the remainder of FY 2023, \$20,000; for future years, \$50,000 annually.							