



LOS ALAMOS

# County of Los Alamos

## Minutes

### Board of Public Utilities

1000 Central Avenue  
Los Alamos, NM 87544

*Carrie Walker, Chair; Stephen McLin, Vice-chair; Eric Stromberg, Steve Tobin and Cornell Wright Members*  
*Philo Shelton, Ex Officio Member*  
*Harry Burgess, Ex Officio Member*  
*Randall Ryti, Council Liaison*

Wednesday, October 21, 2020

5:30 PM

Due to COVID-19 concerns, meeting will be conducted remotely. Public can view proceedings at <http://losalamos.legistar.com/calendar.aspx> or attend via Zoom.

#### REGULAR SESSION - REMOTE ZOOM MEETING

#### 1. CALL TO ORDER

The regular meeting of the Incorporated County of Los Alamos Board of Public Utilities was held on Wednesday, October 21st, 2020 at 5:30 p.m. Board Chair Carrie Walker called the meeting to order at 5:30 p.m.

The meeting was held remotely and BPU members, staff and the public participated through an online video conferencing platform. This social distancing was to comply with the recommendations of the Centers for Disease Control (CDC) to prevent the spread of COVID-19. Members of the public were able to live-stream the meeting online and submit public comment during the meeting.

**Present 7 - Vice Chair McLin, Board Member Stromberg, Board Member Tobin, Chair Walker, Board Member Wright, Board Member Shelton and Board Member Burgess**

#### 2. PUBLIC COMMENT

Ms. Walker opened the floor for public comment on items on the Consent Agenda and for those not otherwise included on the agenda. There were no comments.

#### 3. APPROVAL OF AGENDA

Ms. Walker asked that item 4.G.1 be removed from the agenda.

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**Mr. McLin moved that the agenda be approved as modified. The motion passed by the following vote:**

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**Yes: 5 - Vice Chair McLin, Board Member Stromberg, Board Member Tobin, Chair Walker and Board Member Wright**

#### 4. BOARD BUSINESS

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

Ms. Walker reported on the following items:

- 1) Ms. Walker noted that she had recently been unavailable due to illness, but was feeling better now.

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

Board members had nothing to report.

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

Mr. Shelton provided a written report, which is included in the minutes as an attachment.

With regards to the two wells being out, Mr. Wright asked about pumping capacity relative to demand. Mr. Shelton explained that because it is no longer irrigation season, pumping has kept up adequately with demand.

- 2) With regards to the recent Public Service Company of New Mexico (PNM) acquisition, Mr. Wright asked if that would have any implications for how the County interfaces with PNM and the energy purchases discussed at the September meeting. Mr. Shelton explained that the extent and impact of the transaction is not yet known. He was told that PNM does not expect a lot of change locally, but the details of the transaction will continue to be closely monitored.

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

Mr. Burgess reported on the following items:

- 1) The County has been going through the process of accepting applications for grants associated with COVID-19, known as the CARES Act Grants. The two areas the County applied for were for businesses and individuals to make claims for costs they've incurred associated with the pandemic. Sixty-seven business applications and sixty-four individual applications were received. The business applications will more than draw down the entirety of the grant; however, the individual applications are coming up short. Mr. Burgess anticipates a second round of applications. The County did not apply for monies specifically for itself. There was an interest in some reimbursement for lost revenues for the Utilities Department. The County did allow for individual grants for any family or individual in the community who had a delinquency in their account. They could apply for money to get reimbursed and could then pay the Utilities Department. There were a number of those requests, but he does not have the exact number. The County began distributing funds on Monday and Mr. Burgess anticipates that all of the completed applications for both programs will be awarded by the end of this week. There is a little lag on some where additional information has been requested to support the request. He anticipates that some of the delinquencies experienced in the Utilities Department will be addressed by those grants that were awarded.

- 2) The County has been working for years on a waterline to service the ski hill. He has reported progress to the Board over time. The Utilities Department engaged an engineer to design the waterline and then initiated the Environmental Impact Statement (EIS) process, which was not complete because the money received from the State Legislature ran out. Those activities were paid for by legislative capital outlay funds until those funds were depleted, at which time, the ski hill operator took up the contract and pursued the completion of the EIS. The EIS was completed in March of this year just before the pandemic started. The County had a meeting at that time with the Forest Service, as they are the entity who receives the EIS because the water line goes through their

property. At that time, the remaining need was to consult with both the Forest Service Cultural Affairs Specialist and the Pueblos. The Forest Service informed the County that it would take about forty-five days to accomplish that. That has not yet occurred. This week, the Council Chair has utilized her contacts with the Governor of San Ildefonso to set up the meeting that should have happened in March. There is a placeholder on the calendar for that meeting next week. If the County can get their comments and have them addressed, there is a remaining thirty-day comment period after the Forest Service publishes the EIS. Depending on the comments, it could be accepted at that time and the County would initiate construction next year.

With regards to the sixty-four applications received for the individual CARES Act Grants, Ms. Walker asked, Mr. Burgess to discuss the available categories for reimbursement. Mr. Burgess explained that they are split into two subcategories. One is for housing assistance (mortgage, rent and utilities) and the other is for childcare expenses. Eight applications were received for childcare expenses.

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

Councilor Ryti provided a written report, which is included in the minutes as an attachment.

Mr. Shelton corrected a section of Councilor Ryti's report and noted that the item regarding Advanced Metering Infrastructure had been removed from the Council agenda. The attorneys with Sensus had quite a few comments. Utilities staff and the County Attorney's Office are working through the issues and this item will return to the Board at the November meeting.

With regards to the cleanup in Los Alamos Canyon, Mr. Tobin asked what it is that is being cleaned up. Councilor Ryti explained that there have been some different cleanups, the last of which happened in 2019. Councilor Ryti does not think all the documentation has been approved by the New Mexico Environment Department yet. It is not so much an issue of ongoing cleanup. The tunnel vault is a different matter and would need to be cleaned up before being accessed by the public.

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

Mr. Eric Lochele provided a written report, which is included in the minutes as an attachment.

Mr. Tobin asked Mr. Lochele to speak more about the issue of individual composting bins attracting bears. Mr. Lochele explained that this is a concern already acknowledged by the Environmental Sustainability Board. It hasn't yet been addressed, but it will be discussed more during the Request for Proposal process.

#### **4.G. General Board Business**

- 4.G.1**    [13262-20](#)    Follow-up to Planning for Upcoming Board of Public Utilities Annual Boards & Commissions Presentation to Council

**Presenters:**    Carrie Walker

This item was removed from the agenda.

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

There were no Board expenses.

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

**4.I.1 [13459-20](#) Tickler File for the Next 3 Months**

**Presenters:** Board of Public Utilities

No additional items were added to the tickler provided in the agenda packet.

**5. PUBLIC HEARING(S)**

**5.A [13159-20](#) Public Hearing for Revisions to the Department of Public Utilities Rules and Regulations: Sections S-2 Service Connections - Sewer, S-3 Responsibility for Sewer Facilities, and the Table of Contents**

**Presenters:** Philo Shelton

Mr. Shelton presented this item. The following is the substance of the item being considered.

Sections S-2 Service Connections and Sewer, and S-3 Responsibility for Sewer Facilities had some clarifying language added regarding definitions and responsibilities for sewer service lines maintained by the customer and delivery lines with property line cleanouts that require acceptance and maintenance by the Utility. Additionally, staff recommended a cleanup of the Table of Contents by removing three sections whose content was incorporated into other sections in 2006. Those deleted sections are as follows: S-6 General Discharge Prohibitions, S-7 Water Reuse and S-8 Back Water Valves.

The Board discussed this item and requested clarification where necessary.

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**Mr. McLin moved that the Board of Public Utilities approve the revisions to the following sections of the Department of Public Utilities Rules and Regulations as presented: Sections S-2 Service Connections – Sewer, S-3 Responsibility for Sewer Facilities, and the Table of Contents.**

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**Mr. McLin made an amended motion to drop the "from" in the first sentence of section S-2.03 and in the third line, the third time the word "service" occurs, to replace it with "sewer." The motion passed by the following vote:**

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**Yes: 5 - Vice Chair McLin, Board Member Stromberg, Board Member Tobin, Chair Walker and Board Member Wright**

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**The original motion, with the approved amended language in S-2.03, passed by the following vote:**

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**Yes: 5 - Vice Chair McLin, Board Member Stromberg, Board Member Tobin, Chair Walker and Board Member Wright**

**6. CONSENT AGENDA**

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

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**Yes: 5 - Vice Chair McLin, Board Member Stromberg, Board Member Tobin, Chair Walker and Board Member Wright**

**6.A      [13457-20](#)      Approval of Board of Public Utilities Meeting Minutes**

**Presenters:**      Board of Public Utilities

**I move that the Board of Public Utilities approve the meeting minutes of September 16th, 2020 as presented.**

**7.      BUSINESS**

**7.A      [13462-20](#)      Request for Support on a Grant Application by Mr. Richard Nebel, with Tibbar Plasma Technologies, Inc.**

**Presenters:**      Philo Shelton

Mr. Shelton presented this item. The following is the substance of the item being considered.

Mr. Richard Nebel approached staff regarding his proposal for homeowners to utilize the energy stored in their electric car during peak electric periods and charge their car during off-peak periods. Time-of-use rates that are proposed once Advanced Metering Infrastructure (AMI) is implemented would incentivize the use of non-peak power and shed peak power load demands. This pilot project will demonstrate a new technology and the County can support the data collection and time-of-use rates through existing net metering and AMI infrastructure. This grant opportunity is through the State of New Mexico's Energy Transition Act Grant program. Mr. Nebel is requesting a letter of support that details our partnership as described above and in-kind support with the lease of the two Nissan Leaf Batteries and equipment remaining from the Smart House for \$1/year to help test and demonstrate this new technology. The grant application is due October 31, 2020.

The Board discussed this item and requested clarification where necessary.

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**Mr. Wright moved that the Board of Public Utilities direct the Utilities Manager to write a letter of support for Tibbar Plasma Technologies, Inc. grant application prepared by Mr. Richard Nebel and if awarded the grant, support the preparation of an equipment lease for \$1 per year for use of the two Nissan Leaf Batteries and equipment remaining from the Smart House as an in-kind support for this project. The motion passed by the following vote:**

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**Yes: 4 - Board Member Stromberg, Board Member Tobin, Chair Walker and Board Member Wright**

**No: 1 - Vice Chair McLin**

7.B [13161-20](#)

Approval of Department of Public Utilities Mission, Vision and Values, Strategic Goals and Objectives

**Presenters:** Philo Shelton

Mr. Shelton presented this item. The following is the substance of the item being considered.

The Utilities Manager is expected to annually develop strategic objectives and long-term goals and present them to the Board for approval. At a special meeting on October 9th, the Board was asked to provide input to incorporate into the Department's planning efforts to ensure alignment of focus areas, strategic objectives and goals while considering County Council's priorities in their 2020 Strategic Leadership Plan. The changes suggested by the Board were included in the agenda packet for approval. DPU senior staff will hold their annual strategic planning meeting on October 23rd. The Board's direction and input will be used for the Department's action planning and budget preparations for FY2022.

The Board discussed this item and requested clarification where necessary.

Ms. Walker opened the floor for public comments. Members of the public gave the following summarized comments:

1) Robert Gibson, 1465 Camino Redondo - Mr. Gibson was pleased to see the environmental sustainability goal related to gas on the Board's strategic objectives list, although he would have preferred that it be phrased differently. He hopes the Board will pursue this objective as vigorously as it has the carbon neutrality goal and suggests that they ask Council to join the efforts to achieve the goal.

The following actions were identified for follow-up:

- 1) Staff will send to the Board the list of objectives sorted by priority.
- 2) In future years, the Board may reconsider how the prioritization exercise is conducted.

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**Mr. Wright moved that the Board of Public Utilities approve the Mission, Vision and Values statements and the FY2022 Strategic Goals and Objectives as presented. The motion passed by the following vote:**

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**Yes: 3 - Board Member Tobin, Chair Walker and Board Member Wright**

**No: 2 - Vice Chair McLin and Board Member Stromberg**

7.C [13430-20](#)

Presentation of the 2020 Employee Survey Results

**Presenters:** Julie Williams-Hill

Public Relations Manager Ms. Julie Williams-Hill presented this item. The following is the substance of the item being considered.

The Department of Public Utilities conducted a survey last May to gauge satisfaction and engagement of its employees. Prior to 2016, DPU surveyed its employees every two years to measure satisfaction only. Due to a 2014 opportunity for improvement (OFI) finding from the Quality New Mexico examiners on a DPU Zia application, DPU changed its survey instrument to the Gallup Q12 survey to incorporate engagement scores as well.

The results are then compared to other organizations to arrive at the department's percentile ranking within the Gallup database. DPU established a goal in 2012 to realize an employee mean satisfaction score and then later an engagement score of higher than 4.0 "Agree" and rank in the top third percentile of other organizations. While DPU achieved these goals for the department overall in 2020, there are still areas that the department senior staff is discussing to improve satisfaction and engagement for DPU employees.

The Board discussed this item and requested clarification where necessary.

The following actions were identified for follow-up:

- 1) Staff will report back at a later date to discuss what actions the Department is going to take to address this issues identified in the survey.

## **8. STATUS REPORTS**

### **8.A 12865-20 Quarterly Conservation Program Update**

**Presenters:** James Alarid

Deputy Utility Manager of Engineering Mr. James Alarid presented this item. The following is the substance of the item being considered.

Upon approval of the Energy and Water Conservation Plan in March 2015, the Board requested that staff provide quarterly updates on the Conservation Program and on progress towards the goals and actions identified in the plan. Mr. Alarid presented a summary of recent conservation activities and presented the 2019 report from the Pajarito Environmental Education Center.

The Board discussed this item and requested clarification where necessary.

### **8.B 13458-20 Status Reports**

**Presenters:** Board of Public Utilities

The following informational status reports were provided to the Board in the agenda packet for review and discussion:

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

The following items were identified for follow-up:

- 1) Staff will look more into providing data showing how the Los Alamos County's System Average Interruption Duration Index compares locally.
- 2) After the second round of CARES Act Grants has completed, and after collection policies are vetted over the next two to three months, staff will return with policy recommendations for collections.

## **9. PUBLIC COMMENT**

Ms. Walker opened the floor for public comment on any items. There were no comments.

**10.**    **ADJOURNMENT**

The meeting adjourned at 8:02 p.m.

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APPROVAL

\_\_\_\_\_  
Board of Public Utilities Chair Name

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

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



ATTACHMENT  
OFFICER REPORTS  
SUBMITTED AT THE MEETING

**Utility Manager's Report  
October 21, 2020**

1. Attended the annual board retreat, and continued to attend weekly meetings with UAMPS on the Carbon Free Power Project (CFPP) regarding subscription and development costs for first phase of the licensing period. DOE has issued a ten-year grant agreement for \$1.355 Billion and the first two years have allocated \$85 Million for the phase I project development that more than covers the projected expenses for the first two years at \$61.4 Million. This slower expenditure approach will allow for a contingency to be accumulated in available federal funds to cover any appropriation risk by Congress due to continuing resolutions federal budget process. The withdrawal and reduction period expire on October 31, 2020 and to date Lehi, and Logan have withdrawn, and several governing bodies are meeting next week regarding their level of subscription. A new schedule I on subscription will be developed on October 30 and remaining members will have until November 2 to withdraw or reduce their subscription. LAC has subscribed for 11.186 Mega Watts for a proposed cost of \$1,046,849 plus a 20% contingency at \$209,370. Should the cost exceed the allowed contingency, then the utilities manager is authorized to reduce subscription to meet the budget or if too many subscribers leave the project and cause the project to not be feasible project then withdraw from the project by November 2<sup>nd</sup>. Finally, in the Economic Competitive Test starting date was changed to August 1, 2020 for the no more than \$55/MWhr cost goal instead of the prior established date of 2018.
2. This morning I was notified by PNM of a potential merger transaction with Avangrid that we will need to monitor. "On October 20, 2020, PNM Resources, Inc., a New Mexico corporation ("PNMR"), Avangrid, Inc. ("Avangrid"), a New York corporation, and NM Green Holdings, Inc., a New Mexico corporation and wholly-owned subsidiary of Avangrid ("Merger Sub"), entered into an Agreement and Plan of Merger (the "Merger Agreement") pursuant to which Merger Sub will merge with and into PNMR (the "Merger"), with PNMR surviving the Merger as a direct wholly-owned subsidiary of Avangrid." This merger will take at least nine months to complete and there will be opportunity for the County to comment to the PRC regarding any issues from this merger.
3. Worked with PNM and other owners of the San Juan Generating Station on a letter to Farmington and Enchant regarding the need for more details on the project feasibility and the need for financial instruments to assure a clean break from the project. We are less than two years away from the anticipated plant closure of June 30, 2022.
4. The Guaje Well No. 3A new pump has been set, the motor is being installed, and is planned to be back in service by Tuesday, October 27, 2020. Pajarito Well #4 had a relay go out and caused damage to the clutch plate. The contractor is making all the repairs under warranty and this well is planned to be back in service by the end of next week. Pajarito Well #5 is running well using SCADA commands and still waiting on finalizing the data monitoring portion of the project.
5. Staff continues to work with NMED and Laboratory to cleanup an area of the soil containing the oil of approximately 1.2 cubic yards of soil located next to Otowi Well #4 at DP Los Alamos Canyons confluence. Staff is holding weekly meetings with LANL and NMED. Staff took some additional soil samples to confirm the limits of oil in the sediment and next week will take some water samples to confirm if there are any oil sheen in the water.

6. Attended another LANL Cleanup Technical Working Group meeting and covered the history of the material disposal areas and their relationship to solid waste management units.
7. DP Lift Station continues to make progress and is planned to be operational by the middle of next month. Staff continues to coordinate with N3B on their clean-up efforts. N3B has performed clearing and grubbing on both A-16-a and A-8-a sited in preparation of their activities.
8. Finalized the License Agreement between County and NNSA for joint use of the County's and DOE's power dispatch facilities. DOE has the primary facility and County has the backup facility.

Environmental Sustainability Board Notes 10/15/20

- County council is exploring means to reduce human-bear interactions
  - County council asked the ESB to review exemptions for use of a bear bin as they are looking to see if they can have everyone in the county obtain a bear bin if they can't safely store their waste bin.
- We had a discussion with Author Laura Paskus about New Mexico Climate Change
  - Anthropogenic climate change continues to make New Mexico more arid. Weather events are getting more intense.
- ESB is looking to halt all county use of Glyphosate- The bad stuff in round up use around the county that is an endocrine disruptor. It leads to cellular damage, hodgkin's lymphoma, liver disease and correlates to Alzheimer's, Parkinson's, ADHD and ADD
  - Only about 10 gallons are used and they are predominantly used on paved areas with weeds. We are going to look into options to totally eliminate its use.
  - Glyphosate has been found in:
    - Vegetables and fruits
    - Grains
    - Fish
    - Baby formula
    - Drink water
    - Dust- transmitted in the air
- The Transfer Station ventilation upgrade project is currently underway to replace all of the fans in the transfer station to reduce dust and improve visibility and air quality for employees
- ESB and zero waste are participating in a peoples ecochallenge from October 7-28<sup>th</sup>
- LA County and PEEC are developing education materials for backyard composting projects.
- County is looking to pursue food collection.

Council Liaison Report, Randall Ryti Vice Chair

October 21, 2020

### **September 29, 2020 Regular Meeting**

Briefing to Council from the Arts and Public Places Board.

Consent items included: approval of bunker gear purchases, amendment to Sensus USA for Advanced Metering Infrastructure customer portal, approval to submit applications to the water trust board for non-potable water systems, FY21 budget adjustment for DPU carryovers, approval of International Brotherhood of Electrical Workers agreement from 2020 to 2024, appointments to the Arts in Public Places Board and the Lodgers' Tax Advisory Board, resolution removing uncollectable ambulance billing amounts, approval of NNSA water services agreement, and addition of FTE and budget adjustment for Energy Imbalance Market services.

Under business we approved a request to rename a field at Overlook Park in honor of Hope Jaramillo and made an appointment to the Parks and Recreation Board.

### **October 6, 2020 Regular Meeting**

Consent agenda items included removing uncollectable environmental services for FY06 to FY18. Business item was a briefing from Public Works on road and trail projects.

### **October 20, 2020 Regular Meeting**

Presentation to Council by the Personnel Board.

Consent agenda items included approval of on-call contracts hazardous materials testing and control, vacation of three sets of utility easements in the North Community, appointment to the Library Board, and changes to the Council procedural rules.

Two ordinances were introduced: labor relations management board and authorizing the County Manager to issue subleases in a County-leased property.

The business item was to discuss options for handling unsolicited community grant requests.

### **Other Relevant Meetings**

Technical Work Group – October 7<sup>th</sup> discussion about Material Disposal Areas (MDAs) at LANL, their history and previous assessments. (other specific topics are MDA C and the Chromium and RDX contaminant groundwater plumes)

Downtown plans – design workshop Oct 13<sup>th</sup> (Los Alamos), web site

<https://losalamosconnect.org/> Next presentation to Council at Oct 27<sup>th</sup> Work Session.

## **Potential Development and Land Use**

North Mesa Housing Feasibility Study (Los Alamos Public Schools property), report is final, and there is a joint Council and LAPS Board meeting on Oct 29<sup>th</sup>. Nine other projects are in various phases of planning or development.

DP Road parcels transferred from DOE and available for development. A-8-A and A-16-A. Progress on DP Road parcels is pending action on the Middle DP Road Site (radioactive materials discovered in Feb 2020, plan being prepared and ready for review in Dec 2020). Seven other commercial properties are in various phases of planning or development. County has offered two lots on Trinity Drive for possible development (3661 and 3689 Trinity Drive).

See Figure 8 on page 39 in the “Los Alamos County Housing Market Needs Analysis, 2019” for maps showing LAC and LAPS owned land to consider for housing. Map does not differentiate those lands with existing uses (e.g., airport, golf course, stables).

NNSA denied a request for a “special use” permit for recreational use in Los Alamos Canyon. Special event access may be requested and special use permit may requested once clean up activities are complete.