

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, April 6, 2021

6:00 PM

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

<https://zoom.us/j/98747845185>

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 Robinson, Councilor Derkacs, Councilor Izraelevitz,
Councilor Reagor, Councilor Scott, 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.
Mr. Harry Burgess, County Manager, listed the County employees in attendance.

3. APPROVAL OF AGENDA

Councilor Ryti requested Item 8.G be removed from the Consent Agenda and added under Business. There
were no objections.

A motion was made by Councilor Izraelevitz, seconded by Councilor Robinson, that the
agenda be approved as amended.

The motion passed with the following vote:

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

4. PUBLIC COMMENT

None.

5. COVID-19 SITUATIONAL UPDATE

Mr. Harry Burgess, County Manager, spoke.

Ms. Beverly Simpson, Emergency Manager, provided an update.

Chair Ryti provided an update regarding a meeting with John Whiteside from the Los Alamos Medical Center.

6. PRESENTATIONS, PROCLAMATIONS, AND RECOGNITIONS

A. Presentation to Council by Michael Weis, Field Office Manager - DOE/NNSA Los Alamos Site Office

Mr. Michael Weis, Field Office Manager, presented.

Ms. Karen Armijo, Field Office Permitting and Compliance Manager, presented.

Public comment:

None.

B. Briefing to Council by Representative Chris Chandler Providing an Overview of the 2021 Legislative Session

Ms. Christine Chandler, State Representative, presented.

Chair Ryti advised that the 2021 Legislative highlights be attached and made a part of this meeting minutes. There were no objections.

Public comment:

None.

C. Briefing to Council by County Lobbyist Scott Scanland Providing an Overview of the 2021 Legislative Session

Mr. Scott Scanland, Lobbyist, presented.

Public comment:

Chair Ryti read public comment into the record.

Ms. Jody Benson, 3547 Public Drive, spoke.

RECESS

Councilor Ryti called for a recess at 8:15 p.m. The meeting reconvened at 8:25 p.m.

Councilor Derkacs left the remote session during the Recess.

7. PUBLIC COMMENT FOR ITEMS ON CONSENT AGENDA

None.

8. CONSENT AGENDA

Councilor Ryti confirmed that Councilor Williams requested Item 8.G be removed from the Consent Agenda and added under Business. There were no objections.

Consent Motion:

A motion was made by Councilor Izraelevitz, seconded by Councilor Scott, that Council approve the Consent Agenda, as amended.

- A. Contract for General Services, Agreement No. AGR 21-15 with SCS Engineers, in an amount not to exceed \$270,000.00 plus applicable Gross Receipts Tax to provide Food Waste Composting Feasibility Study and Design Services

I move that Council approve Contract for General Services, Agreement No. AGR 21-15 with SCS Engineers, in an amount not to exceed \$270,000.00 plus applicable Gross Receipts Tax to provide Food Waste Composting Feasibility Study and Design Services.

- B. Consideration of Service Agreement Between the County of Los Alamos and Pajarito Environmental Education Center, Inc., for Operating and Staffing the Nature Center

I move that Council approve Service Agreement AGR21-28 with Pajarito Environmental Education Center, Inc., in the amount of \$1,527,677.00 for operating and staffing the Nature Center.

- C. Consideration of Memorandum of Agreement Between the County of Los Alamos and New Mexico State University for cooperative extension services in Los Alamos County

I move that Council approve Memorandum of Agreement MOA21-943 with New Mexico State University in the amount of \$655,000.00 for providing cooperative extension services in Los Alamos County.

- D. Award of Bid No. 21-42 in the Amount of \$2,562,400 plus Applicable Gross Receipts Tax to TLC Plumbing & Utility for the Construction of the North Mesa - Casa de Oro Roadway and Utility Improvement Project, Establish a Project Budget in the Amount of \$3,302,426 for Roadway and Utility Work, and Approve Related Budget Revision 2021-36 for Utility improvements

I move that Council award Bid No. 21-42 in the amount of \$2,562,400 plus applicable gross receipts tax to TLC Plumbing & Utility for the construction of the North Mesa - Casa de Oro Roadway and Utility Improvement Project, Establish a Project Budget in the Amount of \$3,302,426 for Roadway and Utility Work, and Approve Related Budget Revision 2021-36 for Utility improvements as summarized on Attachment D and that the attachment be made part of the minutes of this meeting.

- E. Approval Request to Purchase \$400,200.00 of Necessary Self-Contained Breathing Apparatus (SCBA) to Replace Apparatus that is Outdated and Not Compliant with Current National Fire Protection Standards (NFPA)

I move that Council approve the request for purchase of Self-Contained Breathing Apparatus (SCBA) from Sourcewell, in the amount of \$400,200.00 to Replace All Outdated and Non-Compliant SCBA.

- F. Approval of Deaccession of Art "Trail to Santa Fe" by Bill Jack Rodgers

I move that the County Council approve the recommendation of the Art in Public Places Board regarding the deaccession of "Trail to Santa Fe" by Bill Jack Rodgers.

- G. Consideration of Budget Revision 2021-33 for Purchased Gas in the Gas Utility and for Purchased Electricity in Electric Production, and approval of a revised 24 Month Power Pool Budget to incorporate the portion of that additional Purchased Power cost that is applicable to the Power Pool

Item pulled for further discussion under Business

- H. Award of Bid No. IFB21-27 for the Purpose of the Tsankawi Chlorination Building and Water Main Replacement NM-4 and East Jemez Road Project with RMCI, Inc. in the Amount of \$1,725,657, plus Applicable Gross Receipts Tax

I move that the Council approve the Award of Bid No. IFB21-27 for the Purpose of the Tsankawi Chlorination Building and Water Main Replacement NM-4 and East Jemez Rd Project with RMCI Inc. in the Amount of \$1,725,657 and a contingency in the amount of \$129,424, for a total of \$1,855,081, plus Applicable Gross Receipts Tax.

- I. Commission Appointments - Planning and Zoning Commission

I nominate Terry Priestley, Beverly Neal-Clinton, and Neal Martin for reappointment on the Planning and Zoning Commission and I move that Council appoint the nominees to the Planning and Zoning Commission to fill their terms beginning on April 01, 2021 and ending on March 31, 2024.

- J. Consideration of Budget Revision 2021-37

I move that Council approve Budget Revision 2021-37 as summarized on attachment A and that the attachment be made a part of the minutes of this meeting.

Approval of the Consent Agenda:

The motion passed with the following vote:

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

Councilor Derkacs arrived during the discussion of this item at 8:27 p.m.

9. PUBLIC HEARING(S)

- A. Incorporated County of Los Alamos Resolution No. 21-07: A Resolution Authorizing the Execution and Delivery of an Intercept Agreement by and Among the New Mexico Finance Authority, the North Central Regional Transit District Which also Includes Rio Arriba County, Santa Fe County and Taos County and the Incorporated County of Los Alamos

Mr. Steven Lynne, Deputy County Manager, presented.

Public Comment:
None.

A motion was made by Councilor Williams, seconded by Councilor Derkacs, that Council adopt Incorporated County of Los Alamos Resolution No. 21-07: A Resolution Authorizing the Execution and Delivery of an Intercept Agreement by and Among the New Mexico Finance Authority, the North Central Regional Transit District Which also Includes Rio Arriba County, Santa Fe County and Taos County and the Incorporated County of Los Alamos.

The motion passed with the following vote:

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

10. BUSINESS

- A. Art in Public Places Board Recommendation for Solar Water Fountain at the Community Garden in White Rock

Mr. Cory Styron, Community Services Department (CSD) Director, presented.

Ms. Katherine Hudspeth, Senior Management Analyst (CSD), presented.

Public Comment:

Mr. Carlos Valdez, No Address Given, NMSU, Extension Agent, spoke.

Ms. Lourie Hixson, 307 Potrillo Drive, Lead Volunteer, White Rock Community Garden, spoke.

A motion was made by Councilor Izraelevitz, seconded by Councilor Derkacs, that Council approve the use of Art in Public Places funds and the APPB's recommendation for public art at the White Rock Community Garden, including the design, fabrication, delivery, installation of the Solar Water Fountain, "Perspective", by artist Greg Robertson, to include contingencies such as necessary design modifications, plaque and dedication event with a total proposed budget not to exceed \$15,000.

The motion passed with the following vote:

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

Consent Item 8.G.

Consideration of Budget Revision 2021-33 for Purchased Gas in the Gas Utility and for Purchased Electricity in Electric Production, and approval of a revised 24 Month Power Pool Budget to incorporate the portion of that additional Purchased Power cost that is applicable to the Power Pool

Mr. Bob Westervelt, Deputy Utilities Manager, presented.

Public Comment:

Mr. Andy Fraser, 197 Taos Street, spoke.

A motion was made by Councilor Scott, seconded by Councilor Williams, that Council approve Budget revision 2021-33 to authorize an increased budget for purchased natural gas in the Gas utility in the amount of \$2,500,000 and an increased budget for purchased electricity in the Electric utility in the Amount of \$3,000,000; as summarized on Attachment A, and that the attachment be made part of the minutes of this meeting. She further moved that Council approve revision to the Power Pool 24 month budget to authorize as a Pool expense the Pool related portion of those increased electricity costs totaling \$1,500,000.

The motion passed with the following vote:

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

11. COUNCIL BUSINESS

A. Appointments

None.

B. Board, Commission, and Committee Liaison Reports

Councilor Scott reported on a meeting of the Sister Cities Group.

Councilor Derkacs reported on the Transportation Advisory Board.

Councilor Izraelevitz reported the Regional Coalition of LANL Communities.

Councilor Reagor reported on the Library Board.

C. County Manager's Report

County Manager Harry Burgess reported on the reinstallation, repair, and removing of the brand at the intersection of 15th and Central, and New Mexico Environment Department approval of the preliminary screening plan for Middle DP Road.

D. Council Chair Report

Chair Ryti reported on the Los Alamos Resilience Energy Sustainability Task Force, a meeting with Aspen Elementary, a meeting with Mr. Whiteside with the Los Alamos Medical Center, and the upcoming Health Fair, and a meeting with the County Manager recruiting committee.

E. General Council Business

1) Discussion of Community Broadband Next Steps – Needs Assessment

Mr. Steven Lynne, Deputy County Manager, presented.

Mr. John Roig, Chief Information Officer, spoke.

Ms. Anne Laurent, Public Works Director, spoke.

Mr. Philo S. Shelton, Utilities Manager, spoke.

Public Comment:

Mr. Andy Fraser, 197 Taos Street, spoke.

Mr. Ken Milder, 1082 Big Rock Loop, spoke.

No action taken.

2) Consideration of Name to be used for New Aquatic Facility

Mr. Harry Burgess, County Manager, presented.

Public Comment:

None.

A motion was made by Councilor Izraelevitz, seconded by Councilor Scott, that Council direct the utilization of the term "Leisure Pool" for the new aquatic facility currently under construction.

The motion failed with the following vote:

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

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

A motion was made by Councilor Robinson, seconded by Councilor Scott, that Council direct the utilization of the term "Activity Pool" for the new aquatic facility currently under construction.

The motion failed with the following vote:

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

No: 3 - Councilor Derkacs, Councilor Reagor, and Councilor Ryti

Abstain: 1 - Councilor Williams

A motion was made by Councilor Derkacs, that Council direct the utilization of the term "Recreational Pool" for the new aquatic facility currently under construction.

The motion failed for lack of a second.

A motion was made by Councilor Ryti, seconded by Councilor Robinson, that Council direct the utilization of the term "Leisure Lagoon" for the new aquatic facility currently under construction.

The motion passed with the following vote:

Yes: 6 - Councilor Ryti, Councilor Robinson, Councilor Izraelevitz, Councilor Reagor, Councilor Scott, and Councilor Williams

No: 1 - Councilor Derkacs

F. Approval of Councilor Expenses

None.

G. Preview of Upcoming Agenda Items

Councilor Williams requested items related to emergency action to address the Utilities Assistance Program be placed on upcoming agendas.

Councilor Scott requested additional info ahead of any items related to the needs of the Utilities Assistance Program are on upcoming agendas.

12. COUNCILOR COMMENTS

Councilor Robinson thanked the councilors for an enjoyable time voting for Item 11-E-2.

Councilor Reagor commented on building permits and requested the topic be added to an upcoming agenda.

13. PUBLIC COMMENT

Item skipped.

14. ADJOURNMENT

The meeting adjourned at 11:12 p.m.

INCORPORATED COUNTY OF LOS ALAMOS

Randall T. Rytli, Council Chair

Attest:

Naomi D. Maestas, County Clerk

Meeting Transcribed By: Victoria N. Montoya, Senior Deputy Clerk



Christine Chandler

STATE REPRESENTATIVE

DISTRICT 43, LOS ALAMOS, RIO ARRIBA, SANDOVAL &
SANTA FE

2021 Legislative Sessions – Highlights

(* denotes bills for which Rep. Chandler was House sponsor or co-sponsor)

Overview

- Sixty-day session and Special Session, March 30 & 31.
- Over 900 bills, memorials and resolutions were introduced with approximately 200 passing.
- Legislature conducted business primarily through Zoom with more than 3000 individuals participating electronically in committee hearings.

Budget

- The final budget figure is \$7.44 billion, representing an approximate 4.8% increase.
- Public education which represents about one-half of the budget, received a 5.8% increase.
- Higher Ed spending was increased by 2.8%.
- The budget provides for a 23% of recurring appropriations – nearly \$1.76 B - as reserves.

COVID Relief

- Grant Program* (HB 11): Provides \$200M in direct financial support for small to mid-size New Mexico businesses.
- Restaurant GRT deduction (SB 1): Provides four-month GRT tax holiday for restaurants. And creates \$600 tax credit for those earning \$ 31,200 or less.
- Small Business Stimulus Act (SB 3): Expands availability and funding, making very low-interest loans available to more businesses.

Business & Workers

- Alcohol delivery & Licensure reform (HB 255) Creates a new license for restaurants that allows the sale of spirits, provides tax relief to existing license holders and allows for delivery of alcohol when sold with food.
- Cannabis Regulation Act (HB 2) (2021 Special): De-criminalizes the production, sale, adult possession and use of cannabis and creates a regulatory and taxing framework.
- LEDA funding* (SB 1) (2021 Special): Creates funding mechanism for large LEDA projects whose construction costs are likely to be equal to or greater than \$350M.

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- Working Families Tax Credit & Low Income Comprehensive Tax Rebate programs* (HB 291): Expanded tax credits and rebates to provide more money to low income families.
- Healthy Workplaces Act* (HB 20): Guarantees the right to earn up to 64 hours sick leave, allowing workers to stay home when they are sick.

Health Care

- Healthcare Affordability Fund (SB 317): Lowers health care premiums and expands coverage to an estimated 23,000 uninsured New Mexicans by establishing a Health Care Affordability Fund and prohibits cost-sharing by insurers on behavioral health services.

Infrastructure

- Connect New Mexico Act* (HB 10): Provides a centralized, comprehensive framework to deliver internet to every home and business in the State. Establishes a broadband fund and a means to leverage federal and state resources to build this infrastructure.
- Broadband Access & Expansion Act (SB 93): Works in tandem with HB 10 by creating a Office of Broadband.

Education

- Early Childhood Permanent Fund (HJR 1): If passed by the voters, provides millions in sustained funding for early childhood education and care programs, as well K-12 education, by tapping an additional 1.25% of revenues generated by the Land Grant Permanent Fund.

State Government

- Civil Rights Act (HB 4): Creates a state cause of action against state and local governments for violations of civil rights. Caps damages/attorney fees and disallows qualified immunity as a defense.
- Wildlife Conservation and Public Safety Act* (SB 32): Prohibits the use of traps, snares and poison on public lands.
- Native Polling Places Protections (HB 231): Protects polling places located on Indian nation, tribal or pueblo lands.
- Re-Districting Committee (SB 304) creates a bi-partisan re-districting committee that proposes to the Legislature re-districting maps.

Environment

- State Government Air Quality Regulations* (SB 8): Grants the state the ability to adopt more rigorous air quality and hazardous waste regulations.
- Air Quality Permitting* (HB 76): Allows NMED to consider permittee/applicant's history of non-compliance when issuing, renewing or revoking an air quality permit.
- Community Solar Act (SB 84): Provides for the development and operation community solar facilities.

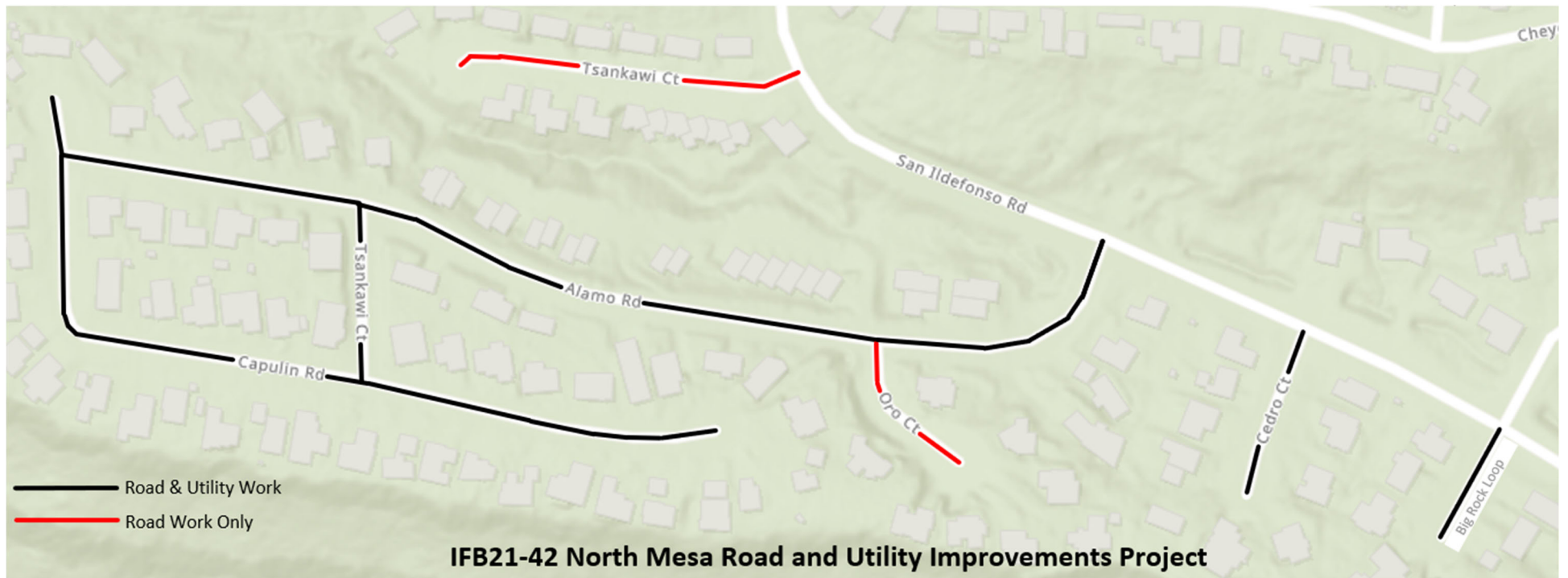
Budget Revision 2021-36

BPU Meeting Date: Mar 30, 2021

Council Meeting Date: Apr 6, 2021

	Fund & Department	Org Object	Revenue (decrease)	Expenditures (decrease)	Transfers In(Out)	Fund Balance (decrease)
1	Joint Utilities Fund Gas	53185399 8369		\$ 527,739		\$ (527,739)
1	Joint Utilities Fund Water Distribution	54185499 8369 7699		\$ 1,304,687	\$ 155,000	\$ (1,149,687)
1	Joint Utilities Fund Water Production	54285699 8369 7699		\$ (155,000)	\$ (155,000)	
Description: The purpose of this budget revision is to increase the expenditure budget for Gas and Water Distribution for the North Mesa Road Casa de Oro Utility and Road Improvements project. This revision also decreases Water Production capital spending by \$155,000 and transfers this amount to the Water Distribution Fund.						
Fiscal Impact: The net impact on the Joint Utilities Fund is to increase expenditures and decrease fund balance by \$1,677,426.						

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Budget Revision 2021-37

Council Meeting Date: April 6, 2021

	Fund & Department	Org Object	Revenue (decrease)	Expenditures (decrease)	Transfers In(Out)	Fund Balance (decrease)
1	General Fund - Social Services	01150510 8559 9631		\$ (400,000)	\$ (400,000)	
1	CIP Fund - Tween Center Design	CPxxx 8559 7601		\$ 400,000	\$ 400,000	
Description: The purpose of this budget revision is to move the \$400,000 budgeted expenditure previously approved by Council from the General Fund to the CIP Fund. The reason for this change is so both design and construction costs are recorded in the same fund for accounting purposes.						
Fiscal Impact: The net fiscal impact to the General Fund is to decrease expenditure and increase transfers out by \$400,000. The net fiscal impact to the CIP Fund is to increase expenditures and transfers in by \$400,000.						
2	CIP Fund - Potential Schools Project	CP9001 8369 9617		\$ (1,000,000)	\$ (1,000,000)	
2	Economic Development Fund	17130710 8369 7631		\$ 1,000,000	\$ 1,000,000	
Description: The purpose of this budget revision is to move \$1,000,000 spending authority from the CIP Fund to the Economic Development Fund for Los Alamos Public Schools' Pajarito Complex Exterior Wall project.						
Fiscal Impact: The net fiscal impact to the CIP Fund is to decrease expenditures and increase transfers out by \$1,000,000. The net fiscal impact to the						
3	Fire Marshal Fund	14461444 8369		\$ (73,793)		\$ 73,793
Description: The purpose of this budget revision is to reduce spending authority by \$73,793 to match the Fire Marshal grant expenditure total of \$1,556,811 for FY2021.						
Fiscal Impact: The net fiscal impact to the Fire Marshal Fund is to reduce expenditures and increase fund balance by \$73,793.						

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