



LOS ALAMOS

County of Los Alamos

Minutes

Board of Public Utilities

1000 Central Avenue
Los Alamos, NM 87544

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

Wednesday, May 19, 2021

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

1. CALL TO ORDER

The regular meeting of the Incorporated County of Los Alamos Board of Public Utilities was held on Wednesday, May 19, 2021. Board Chair Cornell Wright 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, Board Member Walker, Chair Wright, Board Member Burgess and Board Member Shelton

2. PUBLIC COMMENT

Mr. Wright opened the floor for public comment on items on the Consent Agenda and for those not otherwise included on the agenda. There were no members of the public present and no comments submitted prior to the meeting.

3. APPROVAL OF AGENDA

Mr. Tobin moved that the agenda be approved as presented. The motion passed by the following vote:

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

4. BOARD BUSINESS

4.A. Chair's Report

Mr. Wright reported on the following items:

- 1) He would like the board to discuss at the June meeting the possibility of resuming in-person meetings. By that time there will be some feedback on the first in-person County Council meeting from June 8th. He asked that staff let he or Mr. Shelton know of any concerns in private.
- 2) He will be attending the June 8th County Council meeting in-person for BPU candidate interviews (his term will expire at the end of June.) The Council will consider three candidates that evening and if he is not re-appointed his term will end on June 30, 2021. This would also mean that a new chair would need to be selected after July 1.

4.B. Board Member Reports

There were none.

4.C. Utilities Manager's Report

Mr. Shelton reported on the items detailed in the attached report. In addition, the following items were presented during the meeting:

- 1) Mr. Bob Westervelt, Deputy Utility Manager for Finance & Administration has submitted his intent to retire. Staff are working on a recruitment brochure to fill his position. Human Resources is working on advertising the vacancy.
- 2) Mr. Wright asked that a copy of the LANL Technical Working Group presentation on the geologic conditions and groundwater hydrology that surround the chromium plume be sent to board members. Mr. Shelton emailed the PowerPoint file to the board and it is attached to these minutes.

Board members asked a few questions and Mr. Shelton clarified as necessary.

4.D. County Manager's Report

Mr. Burgess reported on the following items:

- 1). Nine days to his retirement; this was his last BPU meeting.
- 2). Council will resume in-person meetings on June 8. There will be media access however, staff and members of the public will be asked to participate via Zoom or watch the proceedings online.

There were no questions from the board. Mr. Wright did congratulate Mr. Burgess on his retirement and thanked him on behalf of the board for his years of leadership and service to the County.

4.E. Council Liaison's Report

Mr. Robinson provided a summary of the items presented at the May 18th Council meeting:

- 1). DOE-EM provided an update on the Middle DP Road project.
- 2). TRIAD provided an update on LANL construction.
- 3). There were presentations from the Transportation and Environmental Sustainability Board Chairs.
- 4). The LACDC provided a proposed metropolitan redevelopment plan for White Rock 5). There was discussion about the PNM/Avangrid merger.
- 6). Recognition of outgoing County Manager Mr. Burgess.

Future Council Agenda items include:

- 1). A presentation from Dekker/Perich/Sabatini architects on the downtown master plans (and possible adoption).
- 2). Representatives from the Los Alamos Main Street Program and the New Mexico Main Street Program provided an overview of the Metropolitan Redevelopment Area Designation that is proposed for the White Town Center. Council will then discuss and possibly adopt the MRA resolution.
- 3). Discussion and possible adoption of the overlay plans introduced by Councilor Williams for the downtown areas.
- 4). Board of Public Utilities member appointment.
- 5). Utilities policy committee work/discussions on the profit transfer, extreme events, changes in the resolution to allow the Utilities Manager and Attorneys to act on county's behalf in negotiations like the PNM/Avangrid merger.

There were no questions from the board.

4.F. Environmental Sustainability Board Liaison's Report

Mr. Loechell was absent; no written report was submitted.

4.G. General Board Business

There was none.

4.H. Approval of Board Expenses

There were no board expenses.

4.I. Preview of Upcoming Agenda Items

4.I.1. [14268-21](#) Tickler File for the Next Three Months

No additional items were identified for the tickler.

5. PUBLIC HEARING(S)

There were no public hearings.

6. CONSENT AGENDA

I move that the Board of Public Utilities approve the items on the Consent Agenda as presented and that the motions in the staff reports be included in the minutes for the record.

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

6.A. [14249-21](#) Approval of Board of Public Utilities Meeting Minutes

I move that the Board of Public Utilities approve the meeting minutes as presented.

6.B. [14130-21](#) Approval of Incorporated County of Los Alamos Code Ordinance No. 707, An Ordinance to Authorize the Refinance and Re-issuance of Amended Loan and Promissory Note Agreements with the New Mexico Environment Department to Reflect a Lowered Interest Rate.

I move that the Board of Public Utilities approve Incorporated County of Los Alamos Code Ordinance No. 707, An Ordinance to Authorize the Refinance and Re-issuance of Amended Loan and Promissory Note Agreements with the New Mexico Environment Department to Reflect a Lowered Interest rate, as presented, and forward to Council for adoption.

6.C. [14226-21](#) Approval of Requisition No. 1515 for the Purchase of Commercial and Large Residential Water Meters from Ferguson US Holdings, Inc. in the Amount of \$380,115.88 plus Applicable Gross Receipts Tax.

I move that the Board of Public Utilities approve the purchase of Commercial and Large Residential Water Meters from Ferguson US Holdings, Inc. as outlined in Requisition No. 1515 in the amount of \$380,115.88, plus applicable gross receipts tax, and forward to County Council for approval.

6.D. [14158-21](#) Approval of Contract for Services No. AGR 21-953 with R&M Construction LLC in the amount of \$118,398.47, plus Applicable Gross Receipts Tax, for the Purpose of turn-key construction and remodel of the Customer Care workspace and offices.

I move that the Board of Public Utilities approve Contract for Services No. AGR 21-953 with R&M Construction, LLC in the amount of \$118,398.47, plus Applicable Gross Receipts Tax, and a contingency in the amount of \$17,759.77 for a total of \$136,158.24 for the Purpose of turn-key construction and remodel of the Customer Care workspace and offices.

6.E. [14163-21](#) Award of IFB 21-33 El Vado and Abiquiu Hydroelectric Plant Deck and Floor Painting Project

I move that the Board of Public Utilities approve the Award of IFB 21-33 for the purpose of the El Vado and Abiquiu Hydroelectric Plant Deck and Floor Painting Project to Thomas Industrial Coatings in the Amount of \$324,370 and a contingency in the amount \$20,000 for a total of \$344,370 plus Applicable Gross Receipts Tax and forward to Council for approval.

6.F. [AGR0749-21](#) Approval of General Services Agreement No. AGR22-905 with Virtue & Najjar, P.C. in the Amount Not to Exceed \$270,000 plus Applicable Gross Receipts Tax for the Purpose of Providing Legal Services in Connection with the Incorporated County of Los Alamos' Utilities Operations

I move that the Board of Public Utilities approve Agreement No. AGR22-905 between the Incorporated County of Los Alamos and Virtue & Najjar, P.C. in an amount not to exceed \$270,000.00, plus Applicable New Mexico Gross Receipts Tax, for the Purpose of Providing Legal Services in connection with the Incorporated County of Los Alamos' Utilities Operations, and forward to Council with a recommendation for approval.

- 6.G. [AGR0750-21](#) **Approval of AGR22-903 General Services Agreement with John & Hengerer in the Amount of \$300,000, plus Applicable Gross Receipts Tax for the Purpose of Providing Legal Services to the Incorporated County of Los Alamos Relating to Matters Pending Before the Federal Energy Regulatory Commission (FERC) and/or Other Federal Agencies Involved in Energy Regulation.**

I move that the Board of Public Utilities approve Agreement No. AGR22-903 between the Incorporated County of Los Alamos and John & Hengerer in the amount of \$300,000, plus applicable NMGRT and forward to County Council for approval.

7. BUSINESS

- 7.A. [AGR0751-21](#) **Approval of General Services Agreement No. AGR21-950 with Keystone Restoration Ecology for the Los Alamos Canyon Water Shed Restoration Project - and - Support for the NMED Grant Application to Restore the Los Alamos Canyon Reservoir Watershed and Stream Channel**

Mr. Jack Richardson, Deputy Utility Manager for Gas, Water and Sewer Services presented. Following are substantive details of the item being considered:

When the Federal government cancelled the previous developed and approved FEMA grant award for approximately \$2.1 million for the Los Alamos Canyon Reservoir Road Stabilization Project, staff thought that this project was never going to be done and that DPU would have to live with almost annual expenditures of road and pipeline/conduit repair after every major storm water runoff event in the reservoir. Due to the vigilance of a DPU Engineering Project Manager, DPU has recently been approached by a team of watershed restoration professionals who are proposing a different approach to this problem with a new grant funding source.

This current grant application proposal substitutes "soft" improvements using natural materials such as logs and large boulders as opposed to "hard" improvements such as concrete and gabion structures for road stabilization. This softer approach also includes more enhanced approaches to stream bed restoration such as removal of downed trees and other vegetation and sediment deposits that have degraded the stream bed. It is this degradation of the stream bed that is the major cause of the storm water runoff jumping the existing channel and causing erosion damage to the road and DPU facilities. Apparently the use of this "softer" approach lends itself well to enhanced environmental acceptability on the part of the government regulating personnel. In addition, this project proposes watershed restoration upstream of the reservoir which would eliminate the future need for reservoir dredging.

The funding for this project is proposed to be sourced from three entities: (1) a \$300,000 grant from the State of New Mexico River Stewardship Program, (2) \$250,000 from DPU, (3) and \$250,000 transfer from the County General Fund. The matching funds from both DPU and the County General Fund is slightly less than previously approved matching funds for the FEMA project. These matching funds are allocated in the proposed FY 2022 budget.

If successful in the grant award stage, Keystone Restoration Ecology will be the prime contractor in the development of the design and construction of the project. If unsuccessful in the grant award stage, then either Keystone will be paid only for the effort up to that date for assisting the County in the development and preparation of the grant proposal and the remainder of the agreement will be cancelled. Or, the Agreement with Keystone Restoration Ecology will be amended to design and construct a project that does not include State grant funding but does include the DPU and County CIP funds.

The Board discussed this item and requested clarification where necessary.

I move that the Board of Public Utilities approve agreement AGR21-950 with Keystone Restoration Ecology for the Los Alamos Canyon Water Shed Restoration Project and forward to Council for approval of agreement AGR21-950 and authorization to submit an application to the New Mexico Environment Department (NMED) for River Stewardship funding.

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

7.B. [14248-21](#)

Approval of New Job Description: Data Analyst and Senior Data Analyst

Deputy Utility Manager for Power Supply Mr. Steve Cummins presented. Following are the substantive details of the item being considered.

In September 2020, staff presented to the BPU the recommendations from the EIM Gap Assessment report. The report recommended adding a full time employee to support the additional work with the changes in the operation associated with the Energy Imbalance Market, purchase of software to manage EIM transactions and hire consulting support services to assist with the development of operating procedures and training of staff.

The budget revision approved by the BPU in September 2020 was estimated at a grade 206 (Exempt) with a salary range of \$61,281 to \$90,336 annually. Staff estimated the cost of the new FTE with benefits not to exceed a maximum amount of \$115,482.00 on an annual basis. Following approval by the board, Human Resources graded the reactivated job description of Power Scheduler/Energy Analyst at a grade of 124 (Non-Exempt) with a pay range of \$51,646 to \$76,132.

Staff has made three separate attempts to recruit this position with no success. Initially there was two qualified candidates in the first recruitment, however the job description did not lend itself to meet their salary requirements. The second and third recruitments were unsuccessful as well, because the candidates experience did not fit the business need for the position. In proposing this new job description and include a senior level, DPU is looking toward having the ability to have succession planning within the organization as well as fill this business need. This position is very important to our organization to ensure continuity of operations.

In an effort help find the right fit, Staff met with Human Resources and modified the Job description to more accurately reflect the skills needed by the position. With these latest revisions to the job description, Human Resources has created a new title of Data Analyst and Senior Data Analyst with respective salary grading of 124 \$51,646 to \$76,132 and 127 with a pay range of \$60,384 to \$89,013. Both positions are still non-exempt and fall within the budgeted salary range approve last fall.

The Board discussed this item and requested clarification where necessary.

I move that the Board of Public Utilities approve the New Job Description: Data Analyst and Senior Data Analyst and forward to Council for final approval.

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

8. STATUS REPORTS

8.A. 14252-21 Status Reports

The following informational status reports were provided to the Board in the agenda packet:

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

There were some questions from the board regarding the Accounts Receivables Report, how the department will respond when the Governor lifts the moratorium on turning off power for non-payment, and the policy on notifying customers. Mr. Westervelt reported that the department has been proactive and engaging with customers regularly through the use of Public Service Announcements, door hangers, and bill inserts. Although the normal policy for repayment is within three months, collections will be flexible. Mr. Shelton also added that the County Social Services Department has been providing community resources throughout the pandemic which also includes financial assistance with utility bills. Mr. Wright commented that he would like to see a continuation of compassion and good business sense. Ms. Walker asked for a presentation to the board on next steps, collection gaps, and community resources.

9. PUBLIC COMMENT

Mr. Wright opened the floor for public comment on any items. There were no members of the public present and no comments submitted prior to the meeting

10. ADJOURNMENT

The meeting adjourned at 7:07 p.m.

APPROVAL:

Board of Public Utilities Chair

Board of Public Utilities Chair Signature

Date Approved by the Board