

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