



UPDATE

Newsletter of the League of Women Voters of Los Alamos
Volume 75, Number 9, January 2023

League of Women Voters of Los Alamos
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Calendar

January 5	Legislative Preview, Fuller Lodge, 7 p.m. (6:30 for refreshments)
January 7	LWVNM Advocacy Workshop, Zoom, 10-noon
January 12	LWVNM Legislative Preparation, Zoom, 5:30 p.m.
January 17	NM Legislature convenes at noon
January 26	Board Meeting, Zoom, noon
January 26	Program Planning Meeting, 1577 Camino Medio, 6-8 p.m.

Advocacy Workshop Reminder

Don't forget to register for the Advocacy Workshop, which will be held via Zoom on Saturday, January 7, from 10 a.m. to noon. The speakers are:

- Senator Mark Moores (R-Albuquerque) – Member of Senate Rules & Judiciary
- Representative Kristina Orteza (D-Taos) – Member of House Government, Elections & Indian Affairs and House Energy, Environment & Natural Resources
- Linda Siegle – Long-time lobbyist

Register here: https://us02web.zoom.us/webinar/register/WN_xiaT_ZL3Q8SAVXLQgme8f-w?_x_zm_rtaid=4Z-ceAqRTuaXFW3-oCnHeQ.1672590465024.2720f2da44d820d1afd09484e-b76e451&_x_zm_rtaid=978

Lunch with a Leader: Councilor Denise Derkacs

Our next Lunch with a Leader will be on Thursday, January 19 via Zoom. Our leader will be County Council Chair Denise Derkacs, who was elected to Council two years ago and served as vice chair this past year and has just been elected Council Chair.

Prior to her election, she served for more than two years on the Community Development Advisory Board. She has just been elected as the new Council Chair.

Born and raised in New Jersey, Derkacs has lived in ten states; she came to New Mexico 40 years ago as a trailing spouse with three pre-school age sons. She and her husband Dennis now have seven grandchildren. They travel as time permits and have toured 25 countries on five continents. Derkacs retired from Los Alamos National Laboratory after twenty years of employment. She worked as a chief of staff to senior management most of her career, having started as a technical writer-editor. She previously worked on newspapers in Texas, Iowa, and Hawaii.

She holds a bachelor's degree in journalism from Rutgers University in New Jersey and a master's degree in organizational communication from the University of New Mexico.

Karyl Ann Armbruster

Observer Corps Reports – County Council – Regular Session – December 6

The session was attended in person by Council Chair Ryti and Councilors Derkacs, Izraelevitz, Lepsch, Reagor, and Scott, with Councilor Hand attending on Zoom. Our observer report is based upon discussion during the meeting and documentation

provided in the full agenda packet, some of which is quoted or paraphrased in this report.

Sunsetting the Community Development Advisory Board (CDAB) as a Permanent Board of the County

By a vote of 5–2, with Chair Ryti and Councilor Reagor in opposition, Council adopted an ordinance to remove the CDAB as a permanent board of the County.

After he introduced the motion, Councilor Izraelevitz stated that CDAB has been invaluable in streamlining procedures within the Community Development Department (CDD) and in the preparation of the update to Chapter 18, the Nuisance Code, which was adopted by Council following a public hearing on November 29, 2022 (see the summary of this hearing reported in the December 2022 LWV-LA *Update*). "These efforts have involved much effort and staff time and have been time-consuming and expensive," Izraelevitz said, "and I believe it is appropriate to step back now and see how these new changes work within our community." Izraelevitz felt that CDAB, as an ongoing board, would have an extremely limited role, if any, to play. "It is more appropriate to sunset it at this juncture and reconsider what form and role it should play at a future time when we are ready to revisit this topic," he said. He thanked the board's present and past members for their hard work and cited several examples of other boards that had a lasting impact on the community but that had been sunsetted by Council.

Chair Ryti asked why CDAB had originally been established as a board and not as a task force, which would have had a clearer path to sunset. Councilor Izraelevitz said that when the board was established, there was no clear-cut timetable for revisions to Chapter 18. He agreed that perhaps CDAB should have been a task force more clearly tied to the revision of Chapter 18. Councilor Derkacs noted that CDAB had only met seven times in the past year, with some meetings canceled due to quorum issues. Chair Ryti cited the charter for CDAB, which included language that Council could assign CDAB additional duties related to CDD operations, suggesting that review of the

implementation of the new Chapter 18 could be part of the board's continuing mission. Councilor Hand asked if anyone had sought the opinion of CDAB members regarding disbanding the board, or if its members felt there was more work for CDAB to undertake. Councilor Izraelevitz stated that it is the purview of Council to establish goals for boards. Izraelevitz suggested that Council wait at least a year to see how implementation of Chapter 18 works before revisiting the code's requirements. Hand pointed out that many of the items on the FY 2023 CDAB Work Plan had already been completed and questioned the need for the board to continue.

Councilor Scott, who previously had served as the board liaison for Council, stated that CDAB was focused on gathering public input and disseminating information about Chapter 18, as well as suggesting resources to assist residents in complying with the code. She felt the board's missions had been accomplished. Councilor Reagor, the current Council liaison to CDAB, stated that CDAB had addressed all kinds of issues related to CDD, citing vacant buildings as an example. Reagor added, "CDAB is like a permanent board that you assign Community Development problems to for them to solicit public input. Because the Council has so many issues it takes care of, it is good to have a board that collects that input from the public."

Councilor Derkacs asked CDD Director Paul Andrus what issues CDAB could address in the future. Andrus said that CDD had not been consulted in the creation of CDAB, so he had no comment on the board's possible future. Councilor Lepsch asked what was the original task for CDAB, and Councilor Izraelevitz read from the board's charter, "The purpose of CDAB is to make recommendations to the County Council regarding the development, implementation, and enforcement of County property maintenance codes...."

Public comment focused on how continuation of CDAB could give the public a place to comment on the way enforcement of the new nuisance code is going, and it was suggested that sunseting the board be

delayed for at least six months. David Hanson, vice-chair of CDAB, expressed his concerns that the model under which CDAB was to operate compromised the board's effectiveness and that the board rarely reached consensus, with no way for the minority opinion to be presented to CDD or Council. "With these administrative constraints, I don't see any way to avoid the same limitations going forward," Hanson said.

Councilor Hand proposed an alternate motion to continue the discussion of sunseting CDAB until December 13 when a general discussion of all County Boards and Commissions was scheduled. This motion failed 2–5, with Councilors Hand and Reagor in favor.

In discussion of the original motion to sunset CDAB, several councilors expressed the need for additional input from the public as the implementation of the new nuisance code moves forward, but they felt there were better ways for obtaining public input than continuing with CDAB's current charter.

Registering Vacant Buildings

By unanimous vote, Council agreed to terminate consideration of the ordinance for registering vacant buildings and to take no further action on this issue.

After a long preliminary process dating back to 2021, Council introduced an ordinance requiring registration of vacant properties in February 2022. They did not approve the proposed ordinance, but rather referred it back to County staff for further consideration and evaluation. Councilor Derkacs stated that after research and public comment on the ordinance, she believed that Los Alamos no longer needed it. Derkacs cited overwhelming public opposition to the ordinance expressed at a public meeting in January 2022 and that her research found that most communities with such an ordinance were generally large cities focused on reducing the number of vacant residential buildings. She retracted her support for such an ordinance. County Manager Steve Lynne said that he, too, was no longer in support of the ordinance, citing concerns with

enforceability and that the definition of vacant commercial buildings would create difficulties. He also noted that current vacancies are greatly reduced compared to the situation in effect when the discussion was initiated.

Approving FY23 State legislative agenda for Los Alamos County

Council voted 6–1, with Councilor Reagor in opposition without comment, to approve an amended version of the 2023 State legislative agenda for Los Alamos County. The 2023 Los Alamos County State Agenda includes items to support, monitor, or oppose. Support items include legislative issues that affect Los Alamos County. Monitor items include issues to watch because they may affect the County either negatively or positively. Oppose items would affect the County and its operations negatively.

The adopted agenda includes support of legislation that addresses some items that relate to LWV positions:

- Legislation that improves the educational outcomes of New Mexico students and improves schools' ability to meet educational goals including a revised public school capital outlay formula that decreases the school match by at least 30%.
- Full and/or increased funding for projects to reduce risk of wildfire, and capital outlay funding for the Jemez Mountain Fire Suppression/mitigation project.
- Enhanced infrastructure funding, including road, utility, and broadband access for all New Mexicans, and increased infrastructure funding for communities participating in the Regional Strategic Partnership fund and the regional transit project.
- Legislation that supports energy and sustainability initiatives that align with agreed community goals.

Additional details on this meeting are provided in the article by Carol Clark in the [Los Alamos Daily Post on December 8, 2022](#):

Councilor Izraelevitz provides an overview of this meeting in [a video recorded by Kirsten](#)

[Laskey of the Los Alamos Daily Post](#), posted on December 13, 2022.

June Fabryka-Martin and Craig Martin

Observer Corps Reports – County Council – Regular Session – December 13

The session was attended by Council Chair Ryti and Councilors Derkacs, Hand, Izraelevitz, Reagor, and Scott, with Councilor Lepsch absent. Our observer report is based upon discussion during the meeting and documentation provided in the full agenda packet, some of which is quoted or paraphrased in this report.

Adoption of comprehensive update of Chapter 16, “Development Code”

By unanimous vote, Council adopted an ordinance to repeal and replace Chapter 16, the County's Development Code, as amended at the Council's Special Session on November 30, 2022 (see the summary of this session reported in the December 2022 LWVLA Update).

Council provided County staff with additional direction:

- Evaluate alternative building height requirements south of Trinity Drive in the Los Alamos downtown district to address canyon protections. In the adopted code, the building height south of Trinity Drive is 45 feet. The height limit everywhere else in downtown Los Alamos is 86 feet.
- Evaluate alternative parking requirements, including that required off-street parking in Mixed-Use Zone Districts shall be allowed a 25% reduction of the amount indicated on Table 27 (the current table for minimum requirements in the off-street parking). Furthermore, required off-street parking in the Downtown Los Alamos Zone District shall be provided at 50% of the amount required in Table 27 for the minimum requirements in the off-street parking.

Proposed amendments will be submitted to the Planning and Zoning Commission within 60

days for review and recommendation before returning to Council.

Extensive discussion on the proposed code and the additional requirements had taken place at the November 30 Special Session, and there was little additional discussion by councilors at this meeting.

The amended code includes an Official Zoning Map, which was updated to be consistent with the zoning districts defined in the new code. Council and County staff recognized the need to clean up mismatches of land use and zoning in this map. A public hearing will be held in the future regarding updates to make the map consistent with existing or intended uses of specific parcels in the County. The CDD and the consultant, Dekker Perich Sabatini, are compiling a list of zoning changes needed, many of which were noted in the matrix of public comments received about the draft code and/or brought up at the public hearing in November.

Contract with CM ArborCare, LLC to Provide On-Call Trail Maintenance Services

By unanimous vote, Council approved a contract with CM ArborCare, LLC for on-call trail maintenance services.

Based on the County's existing staffing model, the contract is necessary to stabilize, improve, and reduce erosion on trails throughout the County. The County project manager will be responsible for issuing task orders addressing trail maintenance improvements throughout the County in accordance with trail maintenance guidelines established by the International Mountain Biking Association (IMBA). The tasks include improving the integrity of the trail, clearing downed trees or limbs, and removing vegetation or overhanging branches that are encroaching on the trail.

Chair Ryti requested clarification on the proposed use of IMBA standards for trail maintenance. Community Services Department (CSD) Director Cory Styron explained that IMBA standards have become the industry standard for maintenance of single-track trails, which constitute most of the

trails in the County's trail network. Styron added that "while it does sound like they are leaning toward mountain biking, they have an entire section on multi-use trails that takes into account multi-users and viewsheds. It takes all those potential users into fashion.... We think it is the best product for getting our trails back in shape, providing a standard that we can hold our contractors accountable to." Styron stressed that the contract is specifically for maintenance of existing trails, not the development of new trails.

Styron added that the CSD also hopes to have a volunteer trail day at least once a month, starting in the spring of 2023.

Golf Course Improvements and Design Concept Options

By a vote of 5–1, with Councilor Izraelevitz in opposition, Council approved a motion to prioritize golf course deferred maintenance projects and to make no changes to the current footprint of the course. Before this discussion began, County Manager Steve Lynne announced that the County had not received any bids on the construction of Phase One of the golf course improvements project.

This agenda item was a follow-up to a request from the Los Alamos Golf Association (LAGA) made at Council's October 2022 meeting that the County consider an additional option for golf course improvements (see the summary of LAGA's request reported in the November 2022 LWVLA *Update*). County staff and golf design consultants from iConGolf Studio presented a lengthy summary of Phase 2 of the Golf Course Improvements Project and recommended proceeding with Design Option A, which would lengthen the driving range and realign several holes to provide greater safety at the course. Option A would require expanding the course into adjacent open space, removal of dozens of mature trees, and realigning an existing trail. The consultants stressed the need for greater safety, particularly in regard to the driving range. Staff provided anecdotal evidence of close calls of people being struck by balls from the driving range. Staff also stated that administrative

controls, such as signage, had proved effective at preventing the strongest players from hitting balls that leave the driving range. Both staff and the consultant stressed that an improved course could become a regional draw and address the desires of younger golfers. Option A would require significant additional funding.

County Manager Steve Lynne explained that since the beginning of the effort 10 or more years ago, the maintenance aspects of the project were in the forefront, and he proposed Motion 1 (address maintenance and select none of the improvement options) to get back to the roots of the proposals. "Deferred maintenance, it's fundamental to what we should be doing with all of our assets, taking care of maintenance first," Lynne said. He added that improvements could be proposed in the future, if desired. "But, given where we are today and all the competing objectives, that's my rationale for putting forward my recommendation."

During public comment, LAGA members stressed that efforts for golf course maintenance have been discussed for 13 years and they were not in favor of any further delays on deferred maintenance. They supported Motion 1. Other public comments also supported Motion 1 and emphasized that this option addressed the concerns of both open space and trail advocates and golfers and eliminated the need for removal of mature trees and relocating trails.

Chair Rytty asked if the work proposed for Motion 1 could be added to the request for bids for the rebid of Phase 1. Staff agreed that there was enough flexibility in the language of the request to add the additional work. Councilor Izraelevitz expressed his concern that one of the primary drivers of the project, safety at the driving range, was left unresolved under Motion 1. Councilor Reagor added a friendly amendment to request separate bids for increasing the height of the current netting at the driving range.

The final approved motion read as:

I move that Council prioritize maintenance of the golf course facility and select none of the Phase 2 design concept options at this time; and that administrative management controls continue to be used at the driving range for safety.

I further move that the following scope be added to the Phase 1 golf course site improvement project, prior to being re-bid, to address the additional safety and maintenance needs that remain unaddressed by Phase 1 as follows:

1. deferred maintenance improvements for Holes 1 through 3 and realignment of Hole 7 for safety;
2. driving range practice area improvements;
3. cart path improvements for entire golf course;

and return to Council with a budget revision required for all improvements at the time of bid award.

And I further move that separate bids be solicited for a high fence on the existing driving range that prevents ball from leaving the range.

Additional details about Council discussion and decisions at this meeting are provided in [an article by Kirsten Laskey](#) in the *Los Alamos Daily Post* on December 15, 2022 and [a follow-up article the same day](#).

Councilor Scott provided an overview of this meeting in [a video recorded by Kirsten Laskey](#) of the *Los Alamos Daily Post*, posted on December 15, 2022.

June Fabryka-Martin and Craig Martin

December Lunch with a Leader: Congresswoman Teresa Leger Fernandez



Congresswoman Teresa Leger Fernandez spoke from her car as she waited at National Airport to fly home from Washington, D.C., following an important vote in the House. She said that the two biggest pieces of legislation, the National Defense Authorization Act (NDAA) and the budget, were moving along. The NDAA had passed out of the House and she expected it to pass in the Senate after Senator Manchin's amendment to speed the process for approving new U.S. energy projects was defeated. (The amendment, which would have helped advance both fossil and renewable energy projects, was defeated that day.)

The NDAA authorizes funding for national defense. It also includes an additional \$286 million to accelerate the clean-up at LANL; \$22 million for water projects for acequias; a reduction in the required cost share for acequias from 25% to 10 %; almost \$22 million for water and wastewater projects in Española; and an additional \$2.8 billion in funding for basic research as well as many other distributions.

The budget bill, the Omnibus Appropriations Agreement, was still being hammered out. Leger Fernandez described the budget process as an obstacle course, but a continuing resolution had been passed to give the legislators more time to get it finished. She commented, "You cannot govern with a continuing resolution. It's bad for national security."

Leger Fernandez said she is very excited about the CHIPS and Science Act, which authorized the development of innovation hubs across the country to boost domestic research and manufacturing of semiconductors. She is lobbying for one to be located in New Mexico. Other bills she mentioned were the American Rescue Plan and the Inflation Reduction Act. She wants to make sure Congress implements those important pieces of legislation during the 118th Congress.

In response to a question, she lamented the termination of the Child Tax Credit, which raised 50% of the children living in poverty out of poverty, saying, "It was cruel to allow the expanded Child Tax Credit to expire." She said renewal of the credit is a priority for her, but they need ten Republican votes in the Senate to pass it. Our senators are in favor, she added.

Constitutional Amendment 1 was approved by 70% of New Mexico voters during the election in November, but the amendment, which would provide additional distributions from the Land Grant Permanent Fund for K-12 and early childhood education, must receive congressional approval as well. Leger Fernandez noted that congressional action could have been fast-tracked if the entire New Mexico delegation was in support, but the CD 2 representative, Yvette Herrell, was opposed. (Congressional approval was required because the Land Grant Permanent Fund was created by the federal government. The legislation, the New Mexico Education Enhancement Act, was included in the Omnibus Appropriations Agreement for Fiscal Year 2023 and passed by both houses of Congress later in December.)

In response to questions about immigration, Leger Fernandez said our immigration system is broken; the issues have been politicized. Security at the border must be addressed. The asylum process needs to be fixed. The administration has a few tools at its disposal, but we really need legislation. The House has passed three bills to protect the Dreamers, but they have been stuck in the Senate. The Farm Workforce Modernization Act also has not moved in the Senate. The congresswoman said that she is incredibly frustrated by the impasse in the Senate. "People want a solution to the immigration problem." She is willing to work with people on both sides of the aisle.

Barbara Calef

LWVLA Board of Directors 2022-2023

Officers:

- Co-president: Barbara Calef
- Co-president: Rebecca Shankland
- 1st Vice-President: Felicia Orth
- 2nd Vice-President: Ellen Mills
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- Director at Large: Addie Jacobson
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- Arrangements: Wendy Swanson
- County Council and P&Z Observers: June Fabryka-Martin and Craig Martin
- Membership: Jean Dewart
- Nominations: Ellen Mills & Leslie Wallstrom
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- Video Editor: Eduardo Santiago



LEAGUE OF WOMEN VOTERS OF LOS ALAMOS

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_____ Check here to receive occasional friendly reminders of upcoming events by e-mail.

Membership Categories: all checks for memberships and contributions should be payable to LWV-Los Alamos and all are now tax-deductible. Let us know if you'd like a tax-deduction statement.

_____ Single membership: \$45.

_____ Household membership (two or more people at the same address): \$70.

_____ Single Sustaining membership: \$75.

_____ Household Sustaining membership (two or more people at the same address): \$95.

_____ Student membership: \$0 (must be 16 or over).

_____ Contribution to support League work: \$ _____.

Interests and Ways to Help the League (check as many as apply)

Topics of Interest

- _____ Affordable Housing
- _____ Local Government
- _____ Education
- _____ Elections, Voting Rights
- _____ Water Issues
- _____ Land Use
- _____ Health Care
- _____ Money in Politics
- _____ Sustainability
- _____ Living Wage
- _____ Public Transportation
- _____ Environment
- _____ Other area of interest: _____

Ways to Help with League Activities

- _____ Voter Registration
- _____ Organize/provide refreshments at forums
- _____ Observer Corps: Council, DPU, P&Z, etc.
- _____ Write newsletter articles
- _____ Assist in developing the Voter Guide (editing, developing questions, data entry, etc.)
- _____ Assist with Lunch with a Leader
- _____ Website/Social Media – Technical assistance and content development
- _____ Advocate for League positions – Communicate with local, state, and federal leaders
- _____ Serve on LWV-Los Alamos Board (we need a Treasurer and a Lead for the Voter Guide)
- _____ Other ideas? (See the *March, 2022 Update* for details.)

In this issue

	Page
<i>Calendar</i>	<i>1</i>
<i>Advocacy Workshop Reminder</i>	<i>1</i>
<i>Lunch with a Leader: Councilor Denise Derkacs</i>	<i>2</i>
<i>Observer Corps Reports - County Council - Regular Session - December 6</i>	<i>2</i>
<i>Observer Corps Reports - County Council - Regular Session - December 13</i>	<i>4</i>
<i>December Lunch with a Leader: Congresswoman Teresa Leger Fernandez...</i>	<i>7</i>
<i>LWVLA Board of Directors 2022-2023</i>	<i>8</i>