

1 **REGIONAL COALITION OF LANL COMMUNITIES**

2
3 City of Espanola – Los Alamos County- Ohkay Owingeh- Pueblo of Jemez – Rio Arriba County –
4 Santa Fe County – City of Santa Fe – Taos County – Town of Taos

5
6 **DRAFT Meeting Minutes**

7
8 July 17, 2020

9 CPLC/RCLC Offices, 112 W. San Francisco Street, Suite 312

10 Santa Fe, NM 87501

11 Electronic meeting participants via <https://zoom.us/j/7487396057>

12
13 **A. Call to order** – Chair Henry Roybal called the meeting to order at 1:34 p.m. on
14 July 17, 2020.

15 **B. Confirmation of Quorum**

16 Attendees: Chair Henry Roybal, Vice-Chair Darien Fernandez, Treasurer David
17 Izraelevitz, Secretary Javier Sanchez, board member Michael Garcia from the City
18 of Santa Fe, and Board member Ron Lovato of Ohkay Owingeh.

19 Board members excused: Board member Mark Gallegos, board member Leo
20 Jaramillo, and Jemez Pueblo representative.

21 Quorum was not established. Chair Roybal requested public comments be heard
22 at this time.

23
24 **C. Approval of Agenda**

25 Chair Roybal responded to an inquiry and confirmed the meeting is being
26 recorded and then moved on to Item C, approval of agenda. Chair Roybal stated
27 that legal counsel Nancy Long was attending the meeting but could only stay for
28 one hour so he asked to move tow items to the front of the agenda so have her
29 available for questions. Chair Roybal asked to move item G., a (Discussion and
30 possible action on RFP for executive director), and G c (Discussion per Board
31 request regarding BBER economic impact study) to after approval of the agenda.
32 Chair Roybal confirmed that he wanted to act on G. c. first and then G a. After
33 discussion Treasurer Izraelevitz made a motion to approve the agenda with Chair
34 Roybal’s recommended changes to hear items Gc and Ga immediately after
35 approval of the agenda.

36 Second by Chair Roybal. Chair Roybal called a roll call vote. Motion passed
37 unanimously.

38
39 **G. c Discussion per Board request regarding BBER economic impact study**

40 Per amendment to the agenda, Chair Roybal called up item G. c, Discussion per
41 board request regarding the economic impact study. Chair Roybal asked
42 Director Vasquez to summarize the BBER study. Director Vasquez stated that this
43 was a request by some board members to have a board discussion about looking
44 into the BBER study more, especially in light of recent media coverage of the

1 study and how at a February RCLC retreat the board reviewed the study and saw
2 a slide deck from BBER that showed some of our communities receiving an
3 uneven fiscal impact. The intent of this agenda item is to see if the board wants
4 to look at this further. CPLC has recommended an in depth look into these
5 findings.
6 Chair Roybal asked each board member to state their preference.
7 Mayor Sanchez wanted more information on methodology and is all for a
8 discussion.
9 Councilor Garcia of Santa Fe voiced concern over the impact on the communities
10 found in the report and wants to look into it further.
11 Vice-Chair Fernandez said he wants the RCLC to investigate further, saying that
12 he has been contacted by numerous constituents and fellow Taos Counselors
13 about the study findings. He stated he believes we should A. examine the study
14 methodology and see if the identified discrepancies are accurate, B. what the
15 fiscal discrepancy really is, and C. if there is a discrepancy, what the coalition can
16 do to address that.
17 Councilor Izraelevitz said if the board wants to look into the study he would not
18 object. He is concerned with the logic that the laboratory is a net negative to the
19 region.
20 Governor Ron Lovato discussed recent absence from the RCLC meetings and said
21 he whole-heartedly supports looking further into the BBER study, stating there
22 have been several other studies showing an imbalance of economic impact from
23 the lab on neighboring communities. He added he agrees we could advocate for
24 changes to address it.
25 Chair Roybal stated he thinks we should take a deeper dive into the
26 methodology and what the impacts on our communities really is.
27 Chair Roybal said that based on these statements it is clear what the board
28 wants to do.
29 Councilor Izraelevitz interjected asking to clarify his position. Councilor
30 Izraelevitz said it is clear that some communities like Los Alamos benefit greatly
31 from the lab, more than others. But that is not the question. Councilor Izraelevitz
32 said the question is whether this is a negative economic impact on surrounding
33 communities. He also asked the next presentation be done by the author of the
34 report.
35 Director Vasquez stated that per some board member requests he had been in
36 contact with the study author and Director of BBER. BBER is a subsidiary of UNM
37 and that due to ongoing IPRA requests the author is unable to publicly speak
38 about the study until all requests are resolved. ON a point of clarification
39 Director Vasquez stated the study does not identify a negative economic impact,
40 but a negative fiscal impact to some local government's budgets.
41 Chair Roybal then asked how the board will want to move forward in light that
42 the actual author may not be able to talk to the RCLC for some time.
43 During board discussion, Director Vasquez also noted that BBER said they had
44 signed a non-disclosure agreement with LANL to not release any of the data that

1 was provided by the lab for the study. A proposal was also made to make a new
2 study to replace the BBER study, but the board decided to also look at the
3 original study.

4 After discussion the board directed Director Vasquez to contact BBER and
5 formally ask for a presentation on the study and available data as soon as
6 possible, contact LANL and ask for a presentation regarding the BBER study, look
7 into what it would take for the RCLC to do a similar study, and share with the
8 board via email details as we proceed.
9

10 **G. a Discussion and possible action on RFP for executive director**

11 Vice-Chair Darien Fernandez said the executive director contract committee had
12 met and recommended issuing an RFP for ED services, but voiced concern over
13 doing so without maintaining director services.

14 During discussion, Director Vasquez confirmed that Chicanos por La Causa had
15 sent a letter to Chairman Roybal notifying him that CPLC would not be seeking to
16 renew the contract, nor rebid a new contract. Director Vasquez stated that CPLC
17 would aid the RCLC in transition process. During questions from the board,
18 Mayor Sanchez asked if CPLC would be willing to extend the contract as the
19 organization determines next steps. Director Vasquez stated that CPLC had
20 considered this proposal and would be willing to extend the contract for one or
21 two months at the regular monthly rate, but not beyond that timeframe.

22 Councilor Izraelevitz proposed operating without an executive director and
23 instead having the Chair serve in that role, without pay until a new contractor is
24 identified. Other board members expressed concern over the chair serving in
25 that role.

26 Councilor Garcia asked that we determine who would handle the RFP. Chair
27 Roybal stated it was currently unknown.

28 Governor Ron Lovato made a motion that the board move forward with
29 developing and issuing a new RFP for executive director services, and further
30 recommend that the chair negotiate a contract extension with CPLC for
31 executive director services for up to two months. Councilor Izraelevitz seconded.
32 Motion passed 6-0 on rollcall vote.

33 Vice-Chair Fernandez suggested that the RCLC meet again in one week to
34 formalize an extension of the CPLC contract and begin the process of issuing an
35 RFP for executive director services. During discussion, board members selected
36 July 24 at noon for the next meeting to address these issues.
37

38 Chair Roybal then moved back to the original agenda order.
39

40 **D. Approval of meeting Minutes**

41 Chair Roybal stated that there were minutes from the three past meetings for
42 approval:

- 43 • April 24, 2020 Minutes
- 44 • May 15, 2020 minutes

- June 19, 2020 minutes
Director Vasquez summarized that the April minutes had been delayed because a board request to allow public comments to be submitted in writing due to a recording failure during that portion of the meeting.
Chair Roybal asked the board if there were any changes. Seeing none he asked if they would like to approve the minutes in a single motion.
Councilor Izraelevitz moved to adopt the minutes from April 24, 2020, May 15, 2020, and June 19, 2020. Governor Ron Lovato seconded.
Chair Roybal called rollcall. All members voted yes 6-0.

E. Public Comment:

Chair Roybal asked if any members of the public wished to speak.
Scott Kovak spoke, providing comments about the BBER report and then thanking the RCLC board for adopting a letter pushing Congress to expand legacy waste cleanup in the June meeting.
Maire O’Neill asked to read a letter she says she sent to the board regarding concerns over timeliness of publishing of meeting minutes and that minutes after adopted were not properly posted.
Jean Nichols asked why the RCLC was not weighing in on citizens request for an environmental impact statement on lab plans for pit production.

F. Treasurers Report

- a. Treasurer Izraelevitz reported on the Accountant’s Compilation Report from Zlotnick, Laws, and Sandoval would be delayed because it was the end of the fiscal year and there are some outstanding payables for FY 2020. The report will be provided at a later meeting.
- b. **Invoices for review and possible approval.**
Treasurer Izraelevitz presented four invoices and asked if the Chair would be willing to move them as one package.
 - i. CPLC invoice for RCLC Executive Director services for June 2020 for \$15,297.68.
 - ii. Invoice for accounting services from ZLS for June for \$1,218.11.
 - iii. Invoice for legal services from Long Komer & Associates for \$4,450.29
 - iv. Invoice for ECA membership for \$950.00. Director Vasquez added that the ECA invoice had been deferred from the June meeting to confirm that this payment was only made once per fiscal year.Chair Roybal asked the board for comments or questions. Seeing none, Treasurer Izraelevitz moved to approve all four invoices for payment. Motion was seconded by Mayor Javier Sanchez.

1 **G. Discussion/Action Items**

2 Having already heard Ga and Gc, Chair Roybal moved to item G b.

3
4 **b. Discussion and possible action on letter to Congress regarding proposed**
5 **cuts to legacy cleanup funding in the federal FY 21 budget**

6 Director Vasquez summarized the letter, noting it had been presented to
7 the board in June for review and called for Congress to reject the
8 administrations proposed 45% cut to Environmental Management
9 spending at LANL in the FY 2021 budget.

10 Chair Roybal asked for discussion. Mayor Sanchez moved to approve the
11 letter. Governor Ron Lovato seconded the motion. Chair Roybal called a
12 roll call vote. Vote passed unanimously 6-0.

13
14
15 **d. Review and possible action on proposal for partial repayment to DOE**
16 **\$15,767.32 for unallowable activities**

17 Chair Roybal asked Director Vasquez to summarize the proposal. After
18 months of negotiating and discussions with DOE EM CBC we were
19 informed in June that we would receive a final remedy letter from CBC on
20 June 30, 2020. This information was shared with the board at the June
21 meeting. That letter was received and included a final ask for repayment
22 of \$15,767.32 for unallowable activities and asked that payment be
23 received by July 30.

24 Chair Roybal commented that this may be the last thing the organization
25 needs to do to complete everything that was required by the audit. Chair
26 Roybal then asked for a motion.

27 Councilor Izraelevitz moved that the RCLC do the repayment to DOE in
28 the amount of \$15,767.32. Chair Roybal seconded the motion. Chair
29 Roybal then held a rollcall vote. Motion passed unanimously 6-0.

30
31 **e. Executive Director Update**

32 Director Vasquez stated that as they begin the process of winding down
33 the contract it has been his pleasure to work with the organization, he
34 believes the RCLC is very close to finalizing some of the goals we have
35 been working towards and the conclusion will make the organization
36 even more robust. Director Vasquez added that he strongly agrees with
37 the mission of the RCLC and wishes the organization the best going
38 forward. Local governments coming together to speak with one voice on
39 issues that jointly affect them is powerful. But it is important that we do
40 so without leaving out some of our members.

41 CPLC thanks the RCLC for the opportunity to serve you over the last two
42 years. It has been our pleasure.

43 Activity updates and things to keep in mind:

44 **DOE grant updates**

1 Pending the partial repayment of \$15,767.32 for the historic grants to EM
2 CBC, the RCLC has consulted with the principals in that office and EM LA
3 about applying for additional funding. Prior to applying the RCLC should
4 complete the preparations for applying, including updating registration as
5 a vendor and reactivating an account in the System for Award
6 Management registration (SAM). Applicable documents shall be
7 provided to the board for review and action.

8
9 **FY 2020 Audit**

10 Kubiak Melton & Associates has indicated a willingness to perform the FY
11 20 financial procedures audit for the RCLC at a rate similar to that for FY
12 19. It is advised the RCLC consult with OSA to obtain a contract for an
13 audit with KMA and ensure OSA will allow the firm to conduct the audit,
14 our third year of service with them. Failing that, the board should pursue
15 contracting with another agency and begin the audit process within the
16 next 60 days.

17
18 **Revised JPA Update**

19 The revised JPA has been approved by six member communities and is
20 being considered by one more. It is advised that the board communicate
21 with the outstanding members to determine if they wish to remain in the
22 organization. Following that, finalize and submit the signature pages for
23 the revised JPA to the Local Government Division of DFA. At that point
24 the new JPA will be in effect.

25
26 **US Census Count Committee Grants**

27 The Taos CCC Coordinator has offered to present an activity report at an
28 upcoming meeting, and proposed attending the August RCLC meeting.

29
30 **EM Technical Working Group Meetings**

31 EM LA and N3B held their fifth Technical Working Group (TWG) meeting
32 on July 8 via teleconference. This meeting was the beginning review
33 process of the Chromium plume and review of cleanup activities to date.
34 The TWG will revisit the MDA C proposal at an upcoming date

35
36 **ECA Update**

37 ECA will be hosting a Workforce Development webinar on Thursday, July
38 30th from 12:00PM-3:15PM EDT. This webinar is expected to be the first
39 in a series focusing on workforce development and training topics that
40 were originally to be addressed at ECA's cancelled peer exchange in May
41 in Santa Fe, New Mexico. If interested in attending please talk with
42 Director Vasquez.

1 **Response Letter Received**

2 On July 14 the RCLC’s contracted legal counsel, Nancy Long received a
3 letter via email from Rep. Andrea Romero in response to the letter sent
4 on behalf of the RCLC asking for repayment of identified questionable
5 reimbursements. In the letter Rep. Romero provides a response to some
6 of the itemized reimbursements and indicates that she disagrees with
7 Ms. Long’s summary and request for repayment. The was shared via
8 email and is part of the meeting packet
9

10 Following the presentation Chair Roybal asked for board questions.
11 Mayor Sanchez thanked Director Vasquez for his work and for
12 demonstrating the value of the RCLC to local communities. Mayor
13 Sanchez asked what if any response the board should take in regards to
14 the letter received from the former executive director.

15 Director Vasquez responded that when the RCLC was finalizing the letter
16 sent to the former executive director for repayment of reimbursements,
17 our legal counsel was able to make a strong case for the ask for a
18 reimbursement of over \$8,000. Yet we also saw during payment of
19 invoices legal services cost money. The RCLC can continue to go after the
20 \$8,000, but as we can see we may soon spend more than we can receive.
21 Director Vasquez then said his advice is to let it go.

22 Councilor Izraelevitz asked to speak in board comments.

23 Commissioner Izraelevitz encouraged members to attend the ECA
24 webinar on July 30.

25 After no other members had comments or questions, Chair Roybal
26 moved to the next agenda item, Board Comments
27

28 **H. Board Comments**

29 Councilor Izraelevitz stated he wants to make sure we agree on our special
30 meeting in time for proper notice and to have the current ED contract included
31 in the packet.

32 Chair Roybal asked if members would be available for a special meeting on
33 Friday, July 24 at 1:30 to review the proposed ED contract extension.

34 Governor Lovato said he was available. Councilor Garcia said he had a possible
35 conflict with city budget hearings. Mayor Sanchez said he was available.

36 Councilor Izraelevitz was also available. After discussion, the board selected
37 12:00 noon on Friday, July 24 for a special meeting.

38 Councilor Garcia confirmed a JPA committee hearing on Aug 3. Vice-Chair
39 Fernandez thanked Director Vasquez for his help. Chair Roybal agreed.
40

41 **I. Adjournment**

42 Motion to adjourn was made by Governor Lovato, second by Mayor Sanchez.
43 Motion carried 6-0. Meeting adjourned at 3:52 p.m.
44
