

Sandra Whitehead
Mayor

Kathy Clark
Mayor Pro-Tem

Rolf Hechler
Commissioner



Paul Baca
Commissioner

George Szigeti
Commissioner

Morris Madrid
City Manager

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SPECIAL MEETING

THE SPECIAL MEETING OF THE CITY COMMISSION OF THE CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO, IS TO BE HELD IN THE COMMISSION CHAMBERS, 405 W. 3RD ST., ON WEDNESDAY, JANUARY 29, 2020; TO START AT 9:00 A.M.

A. CALL TO ORDER

B. INTRODUCTION

1. ROLL CALL

Hon. Sandra Whitehead, Mayor
Hon. Kathy Clark, Mayor Pro-Tem
Hon. Rolf Hechler, Commissioner
Hon. Paul Baca, Commissioner
Hon. George Szigeti, Commissioner

2. SILENT MEDITATION

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF AGENDA

C. PUBLIC HEARINGS

1. Public Hearing/Discussion/Action: Final Adoption of Ordinance No. 711 from the Verified Initiative Petition calling for "An Ordinance imposing a ten-year (10) moratorium prohibiting the acquisition, installation, or maintenance of smart meter technology (AMI or Other Real-Time) within Truth or Consequences' Utility jurisdiction." City Manager Madrid and City Attorney Rubin

D. NEW BUSINESS

1. Discussion/Action: Resolution No. 28 19/20 proclaiming to call for a Special Election to be held on Tuesday, March 24th, 2020 related to the verification of the petition for an Ordinance imposing a ten-year (10) moratorium prohibiting the acquisition, installation, or maintenance of smart meter technology (AMI or Other Real-Time) within Truth or Consequences' Utility jurisdiction." City Manager Madrid

E. ORDINANCES/RESOLUTIONS/ZONING

1. Discussion/Action: Publication of Ordinance No. 712 amending the City of Truth or Consequences Municipal Code of Ordinances, by amending Section 14-38 of the Code pertaining to water rates. City Manager Madrid

F. ADJOURNMENT

NEXT REGULAR CITY COMMISSION MEETING FEBRUARY 12, 2020



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: January 29, 2020

Agenda Item #: C.1

SUBJECT: Public Hearing/Discussion/Action: Final Adoption of Ordinance No. 711 from the Verified Initiative Petition calling for "An Ordinance imposing a ten-year (10) moratorium prohibiting the acquisition, installation, or maintenance of smart meter technology (AMI or Other Real-Time) within Truth or Consequences' Utility jurisdiction.

DEPARTMENT: City Clerk's Office

DATE SUBMITTED: January 23, 2020

SUBMITTED BY: Angela A. Torres, Interim City Clerk

WHO WILL PRESENT THE ITEM: City Manager Madrid

Summary/Background:

An initiative Petition was certified for Mr. Jack Noel to distribute for signatures on November 1st, 2019 and was returned on November 15th, 2019. The number of signatures that was required was 154 which per Section 3-14-18.A is required to be signed by the qualified electors in a number more than twenty percent of the average number of voters who voted at the previous four regular municipal elections or more than twenty percent of the number of voters who voted at the previous regular municipal election, whichever is the greater. After collaboration with the Sierra County Clerk's official records and staff, including any change of Voter Registration forms that may have been submitted, the following determined the verification of the petition:

- 264 names were submitted on the petition
- 211 were determined valid as signed by qualified electors
- 53 of the names were not accepted for various reasons

Recommendation:

None. Consider the proposed ordinance for final adoption.

Attachments:

- Ordinance presented at the time the Petition was submitted with signatures on November 15, 2019.

Fiscal Impact (Finance): Yes

Up to \$100.00 for ordinance publication OR if a Special Election is called it could cost up to \$12,000 which would be paid for by the city, NOT the State.

Legal Review (City Attorney): Yes

We have consulted with the Attorneys

Approved For Submittal By: ☐ Department Director

Reviewed by: ☒ City Clerk ☐ Finance ☐ Legal ☐ Other: Click here to enter text.

Final Approval: ☒ City Manager

CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN

Resolution No. - Ordinance No. -

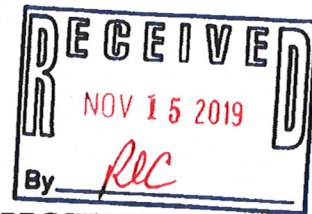
Continued To: - Referred To: -

☐ Approved ☐ Denied ☐ Other: -

File Name: CC Agendas 1-29-20

ORDINANCE NO. _____

SMART METER MORATORIUM



AN ORDINANCE IMPOSING A TEN-YEAR (10) MORATORIUM PROHIBITING THE ACQUISITION, INSTALLATION OR MAINTENANCE OF SMART METER TECHNOLOGY (AMI OR OTHER REAL-TIME) WITHIN TRUTH OR CONSEQUENCES' UTILITY JURISDICTION.

OVERVIEW

As the City of Truth or Consequences owns and operates unregulated public utilities for the provision of electricity, water and wastewater to its citizens it has become necessary for affected individuals to act as overseer in their best interest of their physical and financial well-being.

Owing to the lack of any demonstrable, urgent or insurmountable need that would require the level of technology offered by smart metering and the controversy surrounding health-related issues concerning this technology it is reasonable to allow a period of ten (10) years for further studies and technology advances to insure the safety of our health-conscious community before implementation.

WHEREAS the City of Truth or Consequences has:

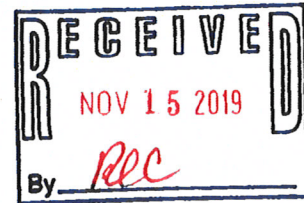
- not shown that customers want smart meters,
- not demonstrated that smart meters will save money,
- not demonstrated that smart meters will produce energy efficiency,
- not evaluated alternatives. i.e., Enforcing City Ordinances, (Ord. 669, §§ 14-30)
- not said how it would protect customer-data privacy,
- not provided opt-out provisions,
- not solicited or encouraged public input,
- not addressed health & safety concerns and

WHEREAS more than one-third of New Mexico's population (including Albuquerque and Santa Fe) have rejected smart-meter technology from being implemented in their communities by the Public Regulation Commission for the same reasons.

THEREFORE a ten-year moratorium is imposed on any smart meter technology being introduced into Truth or Consequences' utility jurisdiction. Any and all contracts or agreements concerning this technology are hereby repealed and voided for the moratorium's duration. Any reintroduction of this technology, after the moratorium's expiration, shall be with voter approval on a referendum question on the next municipal election ballot.

ORDINANCE NO. _____

Smart Meter Moratorium



BE IT ORDAINED BY THE CITY COMMISSIONERS OF THE CITY OF TRUTH OR CONSEQUENCES:

Section 1. All Ordinances, resolutions and motions, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any Ordinance, resolution or motion or part thereof, heretofore repealed

Section 2. EFFECTIVE DATE. This ordinance is hereby declared and designated a public emergency ordinance necessary for the protection of public health and safety and shall be effective immediately upon its adoption.

PASSED, APPROVED AND ADOPTED this _____ day of _____ 20

CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO

BY: _____
Mayor

ATTEST: _____
City Clerk



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: January 29, 2020

Agenda Item #: D.1

SUBJECT: Discussion/Action: Resolution 28 19/20 proclaiming to call for a Special Election to be held on Tuesday, March 24, 2020.

DEPARTMENT: City Clerk's Office

DATE SUBMITTED: January 23, 2020

SUBMITTED BY: Angela A. Torres, Interim City Clerk

WHO WILL PRESENT THE ITEM: City Manager Madrid

Summary/Background:

Attached is the final verification of the signatures on the Petition for Ordinance 711. The final numbers are 211 Valid Signatures, with 53 Invalid Signatures. The number of signatures required was 154.

The Special Election day will be March 24, 2020. A more detailed calendar with all pertinent dates will be distributed to the Commission and to the public.

Recommendation:

Approve Proclamation & Resolution No. 28 19/20 calling a Special Election to be held on March 24, 2020 related to the Petition for an Ordinance imposing a ten-year (10) moratorium prohibiting the acquisition, installation, or maintenance of smart meter technology (AMI or Other Real-Time) within Truth or Consequences' Utility jurisdiction.

Attachments:

- Proclamation & Resolution No. 28 19/20

Fiscal Impact (Finance): Yes

If a Special Election is called it could cost up to \$12,000 which would be paid for by the city, NOT the State.

Legal Review (City Attorney): Yes

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Approved For Submittal By: ☐ Department Director

Reviewed by: ☒ City Clerk ☐ Finance ☒ Legal ☐ Other: -

Final Approval: ☒ City Manager

CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN

Resolution No. - Ordinance No. -

Continued To: - Referred To: -

☐ Approved ☐ Denied ☐ Other: -

File Name: CC Agendas 1-29-2020

SPECIAL ELECTION RESOLUTION/PROCLAMATION
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO

RESOLUTION NO. 28 19/20

**A RESOLUTION ADOPTING A PROCLAMATION CALLING A SPECIAL ELECTION
FOR MARCH 24, 2020**

WHEREAS, the City Commission, the Governing Body of the City of Truth or Consequences, adopted Ordinance No. 711 imposing a ten-year (10) moratorium prohibiting the acquisition, installation, or maintenance of smart meter technology (AMI or Other Real-Time) within Truth or Consequences' Utility jurisdiction; and

WHEREAS, a petition for an Ordinance imposing a ten-year (10) moratorium prohibiting the acquisition, installation, or maintenance of smart meter technology (AMI or Other Real-Time) within Truth or Consequences' Utility jurisdiction has been presented to the City Clerk; and

WHEREAS, the City Clerk has certified the petition as having sufficient valid signatures to require such an election to take place.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF TRUTH OR CONSEQUENCES:

1. That Proclamation/Resolution No. 28 19/20, calling for such special election is hereby adopted by the Governing Body of the City of Truth or Consequences.
2. That City Staff is hereby instructed and authorized to do all deeds necessary in the accomplishment of the herein above.

PASSED, APPROVED and ADOPTED this 29th day of January, 2020.

Sandra Whitehead, Mayor

ATTEST:

Angela A. Torres, Interim City Clerk



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: January 29, 2020

Agenda Item #: E.1

SUBJECT: Discussion/Action: Publication of Ordinance No. 712 amending the City of Truth or Consequences Municipal Code of Ordinances, by amending Section 14-38 of the Code pertaining to water rates.

DEPARTMENT: City Clerk's Office

DATE SUBMITTED: January 23, 2020

SUBMITTED BY: Angela A. Torres, Interim City Clerk

WHO WILL PRESENT THE ITEM: City Manager Madrid

Summary/Background:

The RCAC Rate Analysis was presented at the January 22, 2020 City Commission Meeting by Karl Pennock Rural Development Specialist.

Recommendation:

Approve publication of Ordinance No. 712 amending the City of Truth or Consequences Municipal Code of Ordinances, by amending Section 14-38 of the Code pertaining to water rates.

Attachments:

- Proposed Ordinance 712

Fiscal Impact (Finance): N/A

\$0.00

Legal Review (City Attorney): Yes

[Click here to enter text.](#)

Approved For Submittal By: ☐ Department Director

Reviewed by: ☒ City Clerk ☐ Finance ☒ Legal ☐ Other: -

Final Approval: ☒ City Manager

CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN

Resolution No. - Ordinance No. -

Continued To: - Referred To: -

☐ Approved ☐ Denied ☐ Other: -

File Name: CC Agendas 1-29-2020

CITY OF TRUTH OR CONSEQUENCES

ORDINANCE 712

AN ORDINANCE AMENDING THE CITY OF TRUTH OR CONSEQUENCES MUNICIPAL CODE OF ORDINANCES, BY AMENDING SECTION 14-38 OF THE CODE PERTAINING TO WATER RATES - GENERALLY

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS, CITY COMMISSIONERS OF THE CITY OF TRUTH OR CONSEQUENCES:

Section one. That section 14-38 of the Code of Ordinances of the City of Truth or Consequences be amended so that such section shall read as follows:

SEC. 14-38. - WATER RATES—GENERALLY.

- (a) *Rates to residential and commercial customers within the City limits and the Village of Williamsburg.* The rates for water are as follows:

Base Customer charge:	\$8.15 per month \$18.00 per month
Usage charge:	
0-7,000 gallons: 0-2,000 gallons:	\$1.75 per each 1,000 gallons no additional charge
Next 22,000 gallons: next 5,000 gallons	-1.93 per each 1,000 gallons \$2.71 per each 1,000 gallons
Next 20,000 gallons: next 22,000 gallons	-2.12 per each 1,000 gallons \$2.99 per each 1,000 gallons
Over 50,000 gallons: next 21,000 gallons	-2.33 per each 1,000 gallons \$3.29 per each 1,000 gallons
Next In excess of 50,000 gallons	\$3.61 per each 1,000 gallons

There shall be a three percent (3%) annual increase in all of the above rates with the first increase commencing on July 1, 2021.

- (b) *Meters required.* The Governing Body shall require consumers to install water meters with the exception of services installed for fire suppression.
- (c) *Shortage of water.* When there is a shortage of water supply of the City, the Governing Body reserves the right to control the manner of use and time of use by consumers of water

supplied to them by the system, and to make such rules and regulations therefore by proclamation of the Governing Body. Any consumer taking or using water contrary to such regulations and rules, as may be promulgated in such proclamation, shall be deemed guilty of a misdemeanor.

- (d) *Rates to consumers outside the City limits.* Rates charged to consumers outside the City limits are the same as those rates set forth in section 14-38(a), Water rates—Generally.
- (1) *Reference:* As provided in section 14-28(b) Service—Applications; extension: All requests and proposals to supply water to consumers outside the City limits and all proposed water system plans, designs, and specifications to deliver water beyond the City limits require prior approval by the City Commission.
- (2) *Reference:* As provided in section 14-28(a) Service—Applications; extension: Applicants who wish to have water supplied beyond the City limits shall be responsible for "payment for necessary line extensions."

The City reserves the right to deny applications and requests to supply water beyond the corporate limits of the City when in the opinion of the City Manager and by vote of the City Commission such requests would impair the supply of water to existing customers located within the corporate limits of the City.

- (e) *Industrial fire plug meter.* The minimum monthly charge shall be \$91.91, which shall entitle the consumer up to 50,000 gallons per month. The second 50,000 gallons consumed shall be charged at the rate of \$1.84 per 1,000 gallons. The third 50,000 gallons consumed shall be charged at the rate of \$2.02 per 1,000 gallons. All water consumed in excess of 200,000 gallons per month shall be charged at the rate of \$2.22 per 1,000 gallons.
- (f) *Effluent water/recycled water.* The charge shall be \$1.35 per 1,000 gallons. If a meter is used, the minimum monthly charge shall be \$25.00 plus actual usage.

(Code 1962, § 3-3-12; Ord. No. 371, 5-14-90; Ord. No. 387, 11-12-91; Ord. No. 405, 2-8-93; Ord. No. 411, 1-10-94, Ord. No. 459, § 1, 7-13-98; Ord. No. 475, § 1, 7-24-00; Ord. No. 491, § 1, 3-26-01; Ord. No. 497, §§ 1, 2, 7-9-01; Ord. No. 521, § 1, 10-16-02; Ord. No. 526, § 1, 5-27-03; Ord. No. 530, § 1, 8-25-03; Ord. No. 572, 6-20-07)

Section two. ~~All other provisions of the aforementioned codes not specifically amended by this ordinance, shall remain unchanged and in full force and effect as written.~~ Subsections 14(b) – 14 (f) shall remain in full force and effect.

Section three. Effective date. The provisions of this Amended Ordinance shall become effective ~~five (5) days upon the publishing of its adoption.~~ April 1, 2020.

**PASSED, APPROVED, and ADOPTED by the GOVERNING BODY of the CITY OF
TRUTH OR CONSEQUENCES this ____ day of _____, 2020.**

SANDRA WHITEHEAD - Mayor

ATTEST:

ANGELA TORRES – Interim City Clerk