

**CITY OF TRUTH OR CONSEQUENCES  
PUBLIC UTILITY ADVISORY BOARD  
MONDAY, JANUARY 10, 2022**

**MINUTES**

**REGULAR MEETING**

Regular meeting of the Public Utility Advisory Board of the City of Truth or Consequences, New Mexico to be held in the City Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico, on Monday, January 6, 2022 at 3:30 pm.

**CALL TO ORDER:**

The meeting was called to order by Chairman Szigeti.

**ROLL CALL:**

George Szigeti, Chairman  
Jeff Dornbusch, Vice-Chairman  
Ron Pacourek, Member  
Gil Avelar, Member  
Don Armijo, Member

**ALSO PRESENT:**

Bruce Swingle, City Manager  
Bo Easley, Electric Department Head  
Ezekiel Alvarez, Water/Wastewater Department Forman  
Dawn C. Barclay, Deputy City Clerk

**1. APPROVAL OF AGENDA:**

**Vice-Chairman Dornbusch made a motion to approve the agenda. Member Avelar seconded the motion. Motion carried unanimously.**

**2. APPROVAL OF MINUTES:**

- a. Regular meeting of December 20, 2021.

**Member Armijo made a motion to approve the December 20, 2021 minutes. Vice-Chairman Dornbusch seconded the motion. Motion carried unanimously.**

**3. COMMENTS FROM THE PUBLIC:**

**Betty Harper of Behalf of James Harper – Ms. Harper presented concerns on behalf of James Harper Jr regarding his utility billing. Ms. Harper’s handout is made part of these minutes.**

**SPECIAL NOTE:** Bruce Swingle, City Manager shared with the board the details related to Ms. Harper's claim. Mr. Swingle's comments are noted under the "Comments from the Board" section of these minutes.

**Ron Fenn** – Presented his opinion based on his submitted handout to the board, which has been made part of these minutes.

**Ariel Dougherty** – Presented her opinion based on her submitted handout to the board, which has been made part of these minutes.

**Jon Biemer** – Presented his opinion based on her submitted handout to the board, which has been made part of these minutes.

#### **4. OLD BUSINESS:**

##### **a. Discussion/Action: Recommendation of Amendments to Ordinance No. 664 – Customer Generated Renewable Energy. George Szigeti, Chairman**

Chairman Szigeti started discussions on finalizing Ordinance 664. He began by clearing up some comments he felt needed to be addressed, they were; PRC, Avoided Costs, and Grandfathering.

The board discussed in detail Ordinance 664 that was provided in this meeting's agenda packet.

**Chairman Szigeti made a motion to incorporate the following changes into Ordinance No. 664. Once the changes have been reviewed by the City Manager and City Attorney he will then present to the City Commission for approval;**

- **Assign new ordinance number.**
- **Add wording "...or regulations in effect at the time of installation." to paragraph 1.b.**
- **Add wording "...constructs a system for the sole purpose of generating electricity to be sold..." to paragraph 1.b.**
- **Add wording "...the total cost of the electricity, including demand charges, transmission costs, and GRT divided by the total number of kilowatt-hours purchased by the electric department..." to paragraph 4.c.**
- **Add new wording "On the first utility billing after the effective date of this ordinance, all existing credits in cogenerating customers' accounts shall be refunded to the customers." as 4.e.**
- **Add wording to repeal Ordinance 664 to the final page of the new Ordinance.**

**Vice-Chairman Dornbusch seconded the motion. Roll call vote was taken.**

**Ron Pacourek, Member – Voted Ney**  
**Don Armijo, Member – Voted Aye**  
**Gil Avelar, Member – Voted Ney**  
**Jeff Dornbusch, Vice-Chairman – Voted Aye**  
**George Szigeti, Chairman – Voted Aye**

**Motion passed in favor, with a 3 to 2 vote. The revised version will be sent to all board members for review before going to the City Commission.**

## 5. REPORTS FROM THE BOARD:

**Vice-Chairman Dornbusch** - Stressed his concern for the need of a water utility forgiveness program. He would like to see this topic added back on to the agenda for discussion.

**Chairman Szigeti** – Expressed a concern to Mr. Harper’s “Public Comment”. He was unclear why the city computer program “Tyler” did not catch Mr. Harper’s excessive bill.

**Bruce Swingle, City Manager** – Elaborated on the concern the board had to Mr. Harper’s “Public Comment”. He expressed to the board numerous times that the city tried to contact Mr. Harper with phone calls, written correspondence, notices, and a visit to the property, which lead to Mr. Harper accosted city staff members who were there trying to rectify his water leak situation. After all those attempts, keeping in mind during this time there is a continuing water leak. The city was left with no other choice but to shut off the water due to no cooperation from Mr. Harper. Mr. Swingle went on to say that this situation does not meet any criteria for a water forgiveness consideration and the city has exhausted all its efforts trying to help Mr. Harper.

**Chairman Szigeti** – Confirmed with Mr. Swingle that the city utility office was aware of this anomaly and the city immediately took the proper steps to stop the flooding. Chairman Szigeti stated the scope of this situation is beyond the control of the Public Utility Advisory Board.

**Member Pacourek** – Made reference to Ordinance No. 712 reference “Water Rates”. He read part of a description focusing on the use of the words “rates” and “fees”. He felt the words were being used loosely and would like to see the words be used in their proper format.

## 6. REPORTS FROM STAFF:

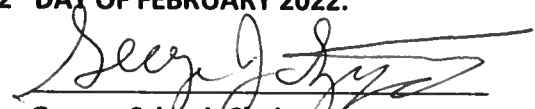
**Bruce Swingle, City Manager** – Informed the board that Jesse Cole, Water/Wastewater Department Head, was sick and was unable to attend the meeting. Attended in his place was Water/Wastewater Forman, Ezekiel Alvarez. Mr. Swingle gave an update on the two water pumps that are located on Morgan Street. These two pumps are beginning to show signs of needing repairs, so two repair kits have been ordered and should be fixed this week.

The Lift Station that is located on North Riverside is continuing to have issues. The city is looking into solutions internally and will provide an update to the board as to their progress.

## 7. ADJOURNMENT:

There being no further business to come before the Public Utility Advisory Board, Vice-Chairman Dornbusch made a motion to adjourn the meeting. Chairman Szigeti seconded the motion. Motion carried unanimously. The meeting was adjourned.

PASSED AND APPROVED ON THIS 22<sup>th</sup> DAY OF FEBRUARY 2022.

  
George Szigeti, Chairman  
Public Utility Advisory Board