

**CITY OF TRUTH OR CONSEQUENCES  
PUBLIC UTILITY ADVISORY BOARD  
MONDAY, NOVEMBER 15, 2021**

**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, November 15, 2021 at 5:30 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  
Traci Alvarez, Assistant City Manager  
Bo Easley, Electric Department Head  
Jesse Cole, Water/Wastewater Department Head  
Dawn C. Barclay, Deputy City Clerk

**1. APPROVAL OF AGENDA:**

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

**2. APPROVAL OF MINUTES:**

- a. Regular meeting of October 18, 2021.

Member Pacourek made a motion to approve the October 18, 2021 minutes. Member Avelar seconded the motion. Motion carried unanimously.

### 3. COMMENTS FROM THE PUBLIC:

**Ariel Dougherty** – Began by thanking the water department for fixing two major leaks in her neighborhood, and is now concerned about repairs to the disturbed areas. She also voiced her comments in regards to the recommendation of amendments to Ordinance 664. Her handout is attached and has been made a part of these minutes.

**Ron Fenn** – Presented his handouts to the board, one was titled “Potential Press Releases Headlines” and the other was in regards to recommendations amending Ordinance 664. Both handouts are attached and have been made a part of these minutes.

### 4. OLD BUSINESS:

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

Attorney John Appel joined the meeting via telephone. Bruce Swingle, City Manager, began the meeting by thanking Mr. Appel for his attendance and gave a brief overview on Mr. Appel’s concerns with the amendments to Ordinance No. 664. His two concerns were the Batement Act and Procurement process. The board had interactions with Mr. Appel through back and forth conversations. The board decided it would be best to table this topic until further research can be conducted by reaching out to other Municipalities.

**Chairman Szigeti made a motion to table the Recommendation of Amendments to Ordinance No. 664 – Customer Generated Renewable Energy. Member Armijo seconded the motion. Motion carried unanimously.**

#### b. Discussion/Action: Changes to Quarterly Utility Department Reports.

The board discussed and agreed to keep the same “Quarterly Utility Department Reports” that was submitted at last month’s meeting (copies attached and made part of the minutes) along with the following additions to be added and included in future reports;

#### Utility Department:

- Violations of any kind.
- Prudent Reserve (Emergency operation funds)
- Accounts in arrears.
- Accounts red tagged.
- Fuel costs.

#### Electric Department:

- Violations of any kind.
- Prudent Reserve (Emergency operation funds)
- Comparison of total electricity purchased vs total sold.
- Fuel costs.

**Water/Wastewater Department:**

- Static levels for wells.
- Wells in service.
- Number of leaks addressed.
- Production amounts for individual wells.
- Production amounts for lift stations.
- Prudent Reserve (Emergency operation funds)
- Violations of any kind.
- Fuel costs.

**Sanitation Department:**

- Violations of any kind.
- Prudent Reserve (Emergency operation funds)
- Fuel costs.

**The board discussed options but no action was taken.**

**5. NEW BUSINESS:**

- Discussion/Review: Verbiage for 5% Increase Each Year on “Residential/Commercial Poly Carts and Dumpsters” (Solid Waste) Ordinance No. 648 and “Village of Williamsburg Wastewater Treatment Charges” Ordinance No. 667.**

Member Pacourek spoke about solid waste rates for polycarts. He made a comparison using the “City Codes & Ordinances” section to the rates that are posted on the City’s “Utilities” webpage. He pointed out that the collection fee does not match. Chairman Szigeti explained that the discrepancy is normal due to the wording in Ordinance No. 648 which states a beginning rate and then increases as follows; *“Each July of every year hereafter the fees shall be adjusted automatically to reflect a five (5) percent increase.”* This yearly 5% increase wording also applies to Ordinance No. 667.

**The board decided they would like to table this topic for further discussion.**

- Discussion/Action: Set New Meeting Date & Time. George Szigeti, Chairman**

The board discussed and agreed it would be a benefit to each Utility Department, including the City Manager’s office, to change the meeting time from 5:30pm to 3:30pm. This would allow city staff to attend meetings during business hours.

**Chairman Szigeti made a motion to change the meeting time for the Public Utility Advisory Board to the third Monday at 3:30pm. Vice-Chairman Dornbusch seconded the motion. Roll call votes were taken.**

**George Szigeti - Aye**  
**Jeff Dornbusch - Aye**  
**Ron Pacourek - Aye**  
**Gil Avelar - Aye**  
**Don Armijo – Aye**

**Motion passes in favor for, with a 5 to 0 vote.**

**6. REPORTS FROM THE BOARD:**

**Member Pacourek –** Made reference to Ordinance 664. He was pleased to see the wording addressed rates, structures, and charges. He also made reference to the City Code for Solid Waste Management – Section 11.2; applying this code to local RV and mobile home parks in regards to how the solid waste fees apply to these particular businesses.


**7. REPORTS FROM STAFF:**

No reports from the staff.

**8. ADJOURNMENT:**

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

**PASSED AND APPROVED ON THIS 20<sup>th</sup> DAY OF DECEMBER 2021.**

  
\_\_\_\_\_  
**George Szigeti, Chairman**  
**Public Utility Advisory Board**

Ariel Dougherty  
1 of 5

Public Utility Advisory Board – November 15, 2021  
Ariel Dougherty – Public Comment

First, I would like to thank the water department for fixing two major leaks in my neighborhood. But now the road down Arrowhead is an utter mess. When will that get repaired? Oh! And now there's a new leak on West Riverside between Foch and Pershing.

On the redo of 664 – which I have been discussing with the City for two years now – all I can say is that at least the 90% issue is GONE. But that is solely because it has been found to violated state law. The rest of the rewrites are highly questionable.

FIRST, and foremost, I URGE the additional changes I sent you all earlier this afternoon to the new (3) which I have renamed NET METERING.

As Ron has so aptly pointed out on his comments – in RED – there are no provisions for “grandfathering” in those on the current 664. Despite numerous attempts to bring up this issue all along, addressing it has been IGNORED in every City redraft.

In Section 2 Applicability the language is utterly negative. Who added this? It completely ignores the Comprehensive Plan about renewables and a primary reason why citizen's want renewables. **It is to get off of fossil fuels – to mitigate, personally, to reduce green house gases.** If the City had it own goals on Climate Change and renewables maybe the ordinance would have an entirely different flavor. Maybe then, the City would see citizen use of renewables as an asset to its own renewable portfolio. As such, it would gladly be paying locals for renewable energy, reaching its own goals faster. And not having long distance transmission loss and cost. I URGE striking this section ALTOGETHER. My suggested preamble many versions ago would have avoided this negativity.

The City Attorney's 4 (a) v., as I understand it, completely negates what net-metering is about and is a violation of both Federal and State law.

Mostly it is sad, frustrating and a crying shame, that the good intentions of citizens like myself are entirely ignored. Four or five good working sessions that are an EXCHANGE of ideas and words could have produced a fine, workable and positive Ordinance. This draft is not that. I urge you not to pass it until you have DIRECTLY considered these and other suggestion we have made, repeatedly.

Ariel Dougherty  
225

How are Current Solar producers to be treated? Major investments were made under the current Ord 664 which is not being operated under its specified component features, but has no provision for denying credit.

ORDINANCE NO. 664

AN ORDINANCE OF THE CITY OF TRUTH OR CONSEQUENCES, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF TRUTH OR CONSEQUENCES, BE AMENDED BY AMENDING SECTION 14-48 PERTAINING TO THE CUSTOMER GENERATED RENEWABLE ENERGY PROGRAM:

RED = Comments of Ron Fenu

Sec. 14-48. Customer generated renewable energy program shall be amended in its entirety to read as follows: **There is no "Grandfather provision in this version."**

**a) CUSTOMER GENERATED RENEWABLE ENERGY PROGRAM**

**1) Overview**

a. The City of Truth or Consequences (City) Customer Generated Renewable Energy Program is available to any City electric customer, residential or commercial, that installs a qualified renewable energy system and has it interconnected to the City's power grid. A Qualifying Facility means a cogeneration or a small power production facility which meets the criteria for qualification contained in 18 C.F.R. Section 292.203, or such other criteria as may be reasonably prescribed by rule by the City. Application is to be made to the Electrical Department Manager. Blank application copies can be obtained from the electrical department or on the City website. All supporting technical, design and support documentation for the interconnection application must be submitted in writing via hard copy or electronic format. Review and approval of system design and size will be per the T or C Electrical Department and permitted through the Planning & Zoning Department and must conform to:

i. The standards and procedures as described in Rule 17.9.568 NMAC and the most recent version of the New Mexico Interconnection Manual as approved by the Public Regulatory Commission.

ii. Provisions of Sec. 14-33, tampering with meters, of the City of Truth or Consequences, existing municipal code.

b. The City reserves the right, but not the duty, to inspect any system to ensure the system complies with all existing regulations.

c. The City reserves the right to deny interconnection for non-compliant systems. Denial of a customer's interconnection application can be appealed to the City's Electric Department Manager. The appeal must specifically explain the basis of the appeal. If the City's Electric Department Manager denies the appeal, the customer may appeal to the City Manager. If the City Manager denies the appeal, the customer may appeal to the City Commission. In such event, the procedure shall be in accordance with the rules applicable to 14-30 (e) appeals.

**2) Applicability**

STRIKE

~~a. This ordinance applies to any customer of the City of Truth or Consequences Electric Department that installs a solar, wind or other renewable energy system to generate electricity for onsite use, with the intent of reducing their electric bill.~~ **Who determines intent?**



~~writing once and must be done within 30 days from the notice of denial. The appeal is to be sent to City of T or C City Commission. The City reserves the right, but not the duty, to inspect any system to ensure the system complies with all existing regulations.~~

- c. The City reserves the right to deny interconnection for non-compliant systems. Denial of a customer's interconnection application can be appealed to the City's Electric Department Manager. The appeal must specifically explain the basis of the appeal. If the City's Electric Department Manager denies the appeal, the customer may appeal to the City Manager. If the City Manager denies the appeal, the customer may appeal to the City Commission. In such event, the procedure shall be in accordance with the rules applicable to 14-30 (e) appeals.

ARIEL  
REVISIONS

(3) NET

(2) Metering.

- a. ~~Systems~~ Customers participating in the customer generated renewable energy program will be billed monthly from receive a bi-directional or net main meter at the specific facility or residence. The Each monthly on the bill will reflect a net reading which will show customer usage in excess of customer generation as positive kWh, or customer generation in excess of customer usage as negative kWh. Positive kWh can potentially carry over for numerous months, recognizing that weather fluctuates to counter months when renewables reseed. The customer will be billed per existing City of Truth or Consequences municipal code Sec. 14-43 for installation of the net meter by the City and those costs will be billed to the customer on the first billing cycle post net meter installation.

(3) Rates

- a. Customers will be billed for service in accordance with the rate structure and monthly service charges that the customer would be assigned if the customer had not interconnected a qualifying facility.
- b. Customer kilowatt hour generation will be used to displace a customer's own kilowatt hour consumption.
- c. If electricity supplied by the City exceeds the electricity generated by the customer during a billing period, the customer will be billed for the net energy supplied by the City under the applicable rate.
- d. If electricity generated by the customer exceeds the electricity supplied by the City during a billing period, ~~the City will credit the customer on the next billing cycle for the excess kWh generated at the rate of \$0.05 per kWh with a maximum credit of \$20.00 per month.~~ the customer will not be entitled to a credit. This Ordinance does not affect the base rate.
- e. ~~Each year, at the January billing, any credit in excess of \$20.00 on the customer's account after current charges are paid shall be refunded to the~~

## What Ordinance applies to this section

b. This ordinance does not apply to any entity that installs a deliberately over-sized system with the intent of selling the overage to the Electric Department or any other entity.

### 3) Metering

a. Customers participating in the customer generated renewable energy program will be billed monthly from a bi-directional or net main meter at the specific facility or residence. The monthly bill will reflect a net reading which will show customer usage in excess of customer generation as positive kWh, or customer generation in excess of customer usage as negative kWh. The customer will be billed per existing City of Truth or Consequences municipal code Sec. 14-43 for installation of the net meter by the City and those costs will be billed to the customer on the first billing cycle post net meter installation.

### 4) Rates

a. Residential and small non-residential installations.

i. Definition: This category includes systems of any size supporting a single family home, a single dwelling unit in a multifamily structure with its own electric meter, or any non-residential system with a generating capacity less than or equal to 10 kilowatts.

ii. Customers will be billed for service in accordance with the rate structure and monthly service charges that the customer would be assigned if the customer had not interconnected a qualifying facility.

iii. Customer kilowatt hour generation will be used to displace a customer's own kilowatt hour consumption.

iv. If electricity supplied by the City exceeds the electricity generated by the customer during a billing period, the customer will be billed for the net energy supplied by the City under the applicable rate.

----- PUAB recommendation:

v. If electricity generated by the customer exceeds the electricity supplied by the City during a billing period, the City will credit the customer on the next billing cycle for the excess kWh generated at the rate of \$0.05 per kWh with a maximum credit of \$20.00 per month. **Will excess credit over \$20.00 be merely STOLEN?**

vi. Each year, at the January billing, any credit in excess of \$20.00 on the customer's account after current charges are paid shall be refunded to the customer. If the credit amount is less than \$20.00, the credit will be carried over to the next billing cycle.

vii. In the event a customer disconnects from the City's system with a credit for excess production, the City will pay the customer for all credits. This amount will be first deducted from the customers final utility bill and then from any additional fees or fines that the customer owes to the City. Any remaining balance will be reimbursed to the



customer by check or electronic transfer.

----- City Attorney recommendation:

v. If electricity generated by the customer exceeds the electricity supplied by the City during a billing period the customer will not be entitled to a credit. This Ordinance does not affect the base rate.

**This appears to be "Theft of (In Kind) Service" from Solar Producers!**

**Violation of Sec. 14-31. - Taking service—Without authority.**

**b. Large non-residential installations. and will the City legislate Theft?**

i. Definition: This category includes systems with a generating capacity greater than 10 kilowatts that support a non-residential facility.

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**How to discourage investment 101**

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

*Section 1.* All Ordinances or Resolutions, 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 or Resolution or part thereof, heretofore repealed.

*Section 2.* This Ordinance shall take effect on the \_\_\_\_\_ day of 2021.

**PASSED, APPROVED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.**

**CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO**

## Potential Press Releases Headlines

following PUAB discussion/action on Proposed Ordinance 664 revision.

Want Solar? Avoid Truth or Consequences, NM. We don't want You, says PUAB.

T or C City Attorney proposes "CREDIT THEFT" from Private Solar Producers!

New Mexico ~~True~~- False... at least in Truth or Consequences!

T or C Cordially Invites You to go back where you came from. Input unwanted!

Etc,

Etc

Etc.

Copy will likely come from the mouths of the Board Members ( self appointed ).

prepared by Ron Fenn for anyone's use.

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**PASSED, APPROVED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.**

**CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO**

**City of Truth or Consequences Utility Office**

**July, August, September 2021**

**Number of Active Accounts- 3765**

**Total Utilities paid- \$2,907,205.55**

**Current Electric Cost Adjustment- .0414 per KWH**

**Number of delinquent Accounts- 460**

**Total amount in Arrears- \$70,754.94**

**All receipts from 2019-2020- \$9,694,654.15**

**All receipts from 2020-2021- \$10,145,521.44**

**Total increase- \$450,867.29**

**Billing issues- Still working on having bill format updated with current service dates (meter read dates preferably).**





City of Truth or Consequences  
**ELECTRIC DEPARTMENT**  
 505 Sims Street  
 Truth or Consequences, New Mexico 87901  
 (575) 894-6673

## ELECTRIC QUARTERLY REPORTS

| JULY 2021                         |                          |                            |
|-----------------------------------|--------------------------|----------------------------|
| SOURCE                            | TOTAL PURCHASED          | COST                       |
| SSA Solar of NM 4                 | 320,660 kWh              | \$27,993.62                |
| Tri-State- Wheeling Sales         | 5,6031 kW                | \$38,519.86                |
| Western Area Power Administration | 5,603 kW & 1,903,309 kWh | \$49,929.37                |
| Sierra Electric Cooperative Inc.  | 3,403,729 kWh            | \$273,812.99               |
|                                   |                          | <b>Total: \$390,255.84</b> |

| AUGUST 2021                       |                          |                            |
|-----------------------------------|--------------------------|----------------------------|
| SOURCE                            | TOTAL PURCHASED          | COST                       |
| SSA Solar of NM 4                 | 251,870 kWh              | \$21,988.25                |
| Tri-State- Wheeling Sales         | 5,6031 kW                | \$39,401.37                |
| Western Area Power Administration | 5,603 kW & 1,901,011 kWh | \$48,903.11                |
| Sierra Electric Cooperative Inc.  | 3,314,327 kWh            | \$266,621.04               |
|                                   |                          | <b>Total: \$376,913.77</b> |

| SEPTEMBER 2021                    |                          |                            |
|-----------------------------------|--------------------------|----------------------------|
| SOURCE                            | TOTAL PURCHASED          | COST                       |
| SSA Solar of NM 4                 | 285,250 kWh              | \$24,902.33                |
| Tri-State- Wheeling Sales         | 5,6031 kW                | \$38,033.25                |
| Western Area Power Administration | 5,603 kW & 1,590,970 kWh | \$45,359.34                |
| Sierra Electric Cooperative Inc.  | 2,818,712 kWh            | \$199,452.62               |
|                                   |                          | <b>Total: \$307,747.54</b> |

| JULY 2021 - SEPTEMBER 2021 |                |
|----------------------------|----------------|
| TOTAL DELIVERED            |                |
| Service Consumption        | 12,644,567 kW  |
| Demand Consumption         | 13,847         |
| Revenue                    | \$1,861,000.95 |

| # SOLAR CUSTOMERS     | TOTAL CAPACITY |
|-----------------------|----------------|
| 63 Completed          | 1,751 kW PV    |
| 18 Pending Completion | -              |

| PROJECTS | STATUS |
|----------|--------|
|----------|--------|



**City of Truth or Consequences**  
**ELECTRIC DEPARTMENT**  
505 Sims Street  
Truth or Consequences, New Mexico 87901  
(575) 894-6673

|                                           |                                               |
|-------------------------------------------|-----------------------------------------------|
| Aerial Med. Voltage Distribution          | RFP currently being advertised                |
| Substation Transformer                    | RFP completed, waiting on funding.            |
| Car Charging Station                      | On hold                                       |
| Roundabouts                               | Waiting for permission from DOT to begin work |
| White Sands Building                      | Waiting on transformer                        |
| NM State Veteran Center Service Upgrade   | Waiting on engineer plans                     |
| Sacred Winds                              | Scheduled to begin soon                       |
| Williamsburg Interstate Interchange Plans | Received 60% drawings                         |



**Water and Wastewater Departments  
1<sup>st</sup> Quarter Report  
July-September 2021**

**WATER DEPARTMENT**

Total water pumped, by well:

- July- Wells 1, 2, 6 & 7 total 51,963,000 gallons
- August- Wells 1, 2, 6 & 7 total 43,947,000 gallons
- September- Wells 1, 2, 6 & 7 total 41,538,000 gallons

Well static levels and condition- Well conditions are fair.

Total water delivered and revenue:

- 83,145 gallons delivered
- \$370,355.61 revenue total

Major projects and status- Corbett St. water line upgrade project; 336 ft. complete, while 1,061 ft. in progress. Staff waiting on parts to complete project.

**WASTEWATER DEPARTMENT**

Total wastewater treated:

- July- 13.5 MGD
- August- 14.1 MGD
- September- 15.3 MGD

Effluent water use:

- July- 9,435,700 gal
- August- 8,030,820 gal
- September- 5,779,880 gal

Major projects and status- none



## City of Truth or Consequences

505 Sims Street

Truth or Consequences, New Mexico 87901

City (575) 894-6673 Fax (575) 894-0363

### Sanitation Department utility report

For Fiscal: 2021 – 2022

Total waste collected and shipped – 3,044.68 Tons

Revenue - \$159,642.79

Disposal cost - \$ 166,335.54

From January 2021 to October 2021

Recycling totals – 217.10 Tons

Revenue - \$17,503.45

No major projects and status

Sanitation Director,