

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

**AGENDA**

**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**

**ROLL CALL:**

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

**1. APPROVAL OF AGENDA**

**2. APPROVAL OF MINUTES:**

- a. Regular meeting of October 18, 2021.

**3. COMMENTS FROM THE PUBLIC: (3 Minute rule applies)**

**4. OLD BUSINESS:**

- a. Discussion/Action: Recommendation of Amendments to Ordinance No. 664 – Customer Generated Renewable Energy. George Szigeti, Chairman
- b. Discussion/Action: Changes to Quarterly Utility Department Reports.

**5. NEW BUSINESS**

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

**6. REPORTS FROM THE BOARD**

**7. REPORTS FROM STAFF**

**8. ADJOURNMENT**

**PUBLIC UTILITY ADVISORY BORAD**

November 15, 2021

**2. APPROVAL OF MINUTES:**

- a. Regular meeting of October 18, 2021.

**CITY OF TRUTH OR CONSEQUENCES  
PUBLIC UTILITY ADVISORY BOARD  
MONDAY, OCTOBER 18, 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, October 18, 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  
Bo Easley, Electric Department Head  
Dawn C. Barclay, Deputy City Clerk

**1. APPROVAL OF AGENDA:**

**Chairman Szigeti** - Addressed the board in regards to why he denied Ron Fenn's request to speak with interaction at the Public Utility Advisory Board. After reviewing Mr. Fenn's topics, Chairman Szigeti determined these topics were previously discussed at an earlier date and there was no new information being presented at this time to grant a discussion during this meeting.

**Member Pacourek** made a motion to approve the agenda. **Member Avelar** seconded the motion. **Motion carried unanimously.**

## **2. APPROVAL OF MINUTES:**

- a. Regular meeting of August 16, 2021.

**Member Armijo made a motion to approve the August 16, 2021 minutes with one spelling correction requested by Chairman Szigeti. Member Avelar seconded the motion. Motion carried unanimously.**

## **3. COMMENTS FROM THE PUBLIC:**

**Ron Fenn** – Spoke to the board about his presented handouts titled “SSA of New Mexico #4 Annual Report & Analysis” and “Electric Dept 1st Qtrly Report”. Both handouts are attached to be made part of these minutes.

**Ariel Dougherty** – Voiced her concerns in regards to the re-drafted Ordinance 664. Her topics made reference to following;

- (1) Overview i – making reference to Public Regulatory Commission.
- (1) Overview c – making comment to Non-compliant.
- (2) Metering a. – making reference to net metering, carryover and customer billing.

## **4. OLD BUSINESS:**

- a. **Discussion/Action: Recommendation of Amendments to Ordinance No. 644 – Customer Generated Renewable Energy. George Szigeti, Chairman.**

A clarification was needed to agenda item Ordinance No. 664. It was confirmed by Bruce Swingle, City Manager there was a typo and the number in red should have been 664 not 644. Moving on, Chairman Szigeti stated the wording in black is the board’s approved suggested version, the wording in red is the Attorney’s suggested wording. The topic that was discussed at this meeting was to address adding additional wording to Ordinance 664 for Commercial Accounts. Suggestions were discussed and the board agreed that Chairman Szigeti will obtain a copy of the word.doc from the City Clerk’s office. He will make the discussed changes and he will present it back to the Public Utility Advisory Board for further discussion.

- b. **Discussion/Action: Seasonal Trash Pickup. Jeff Dornbusch, Vice-Chairman.**

The board agreed to table this discussion until Vice-Chairman Dornbusch can further his research by meeting with Sonya Williams, Utility Department Manager.

- c. **Discussion/Action: Utility Forgiveness Program. Jeff Dornbusch, Vice-Chairman.**

The board reviewed the presented document in resolution format and agreed to move forward with presentation to the City Commission for approval.

**Vice-Chairman Dornbusch made a motion to approve document for presentation to the City Commission for approval. Member Pacourek seconded the motion. Motion carried unanimously.**

## **5. NEW BUSINESS:**

### **a. Discussion/Review: Quarterly Utility Reports.**

**Bruce Swingle, City Manager** – Addressed the four quarterly reports that were presented for FY 2021-22, July through September. The documents submitted were from the following City's Utility Departments; Water/Wastewater Department, Electric Department, Sanitation Department, and the Utility Department. City Manager Swingle asked the board to review and give feedback to which report topic they would like to keep, add or remove. Vice-Chairman Dornbusch made reference to the water departments report; he would like to see Wells in service, production amounts and lift station status on wells that are currently in service. Member Avelar would like to see information on the Static Levels.

**Chairman Szigeti** - Made reference to the Utility Departments reports about the amount of accounts that are in arrears.

**Vice-Chairman Dornbusch** - Suggested to send out a final letter that if payment is not made, their service will stop.

**Bruce Swingle, City Manager** – Responded, he thought that all delinquent accounts are on a payment plan. Without a payment plan in place, the delinquent accounts were going to collections.

**Chairman Szigeti** – Would like to add to the Utility Department's report, how many accounts are on a payment plan vs how many accounts that have been red tagged through the Utility Department.

**Member Pacourek** - Asked Bo Easley, Electric Utility Department Head about the current status on the Roundabouts. Mr. Easley reported, the department is still waiting on permits.

**Chairman Szigeti** - Took a minute to thank all the Department Head's for compiling their report information. The board agreed it was a very good start and they would like to continue to review the current data and discuss in more detail at the next board meeting.

## **6. REPORTS FROM THE BOARD:**

**Member Pacourek** - Spoke about Sec 11 14.1 referring to the Poly Cart wording, stating there is a 5% increase each year. He reported he could not find any documentation where it had been approved for Solid Waste and Waste Water fees. The board discussed and agreed they would like this topic added to next meeting agenda.

## **7. REPORTS FROM STAFF:**

No reports from the staff.

**8. ADJOURNMENT:**

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

**PASSED AND APPROVED ON THIS 15<sup>th</sup> DAY OF NOVEMBER 2021.**

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



**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
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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



## **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

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,



**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

## SSA of New Mexico #4

Comprehensive Project Performance & Analysis																		
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R
1	City of Truth or Consequences																	
2	PV Plant																	
3																		
4															Total Differential	R5-J5	-\$284,080.27	
5										The Report		Fiction						Fact
6	Contract Year		Estimated Annual Energy Output (kWh)	Estimated Annual Cost Of The Energy Conservation Measure	Estimated Annual Utility Cost Savings	Estimated Annual Savings Amount Calculation E - D	Replacement Energy Incremental Cost Per kWh	Energy Payment Rate	Actual Annual Energy Output (kWh)	Actual/Annual Savings Calculation (G*) - (H)	Annual Savings Guarantee Amount	Savings Credit Difference Calculation J - K	Savings Guarantee Payment (If Column L Is Negative)		Actual Annual Energy Output (kWh)	Actual Replacement Energy Incremental Cost Per kWh	Cost Actual V Energy rate (P) - (H)	Savings Credit Difference Calculation Q X O
7	1	2/24/15 - 2/23/16	4,070,347	\$324,814	\$340,281.00	\$15,467.00	\$0.0836	\$0.0798	2,959,490	\$11,246.06	\$100.00	\$11,146.06	\$0.00		2,959,490	\$0.0755	-0.00430	\$12,725.81
8	2	2/24/16 - 2/23/17	4,041,855	\$327,378	\$348,036.00	\$20,658.00	\$0.0861	\$0.0810	3,498,979	\$17,844.79	\$100.00	\$17,744.79	\$0.00		3,498,979	\$0.0755	-0.00550	\$19,244.39
9	3	2/24/17 - 2/23/18	4,013,562	\$329,963	\$355,968.00	\$26,005.00	\$0.0887	\$0.0822	3,460,209	\$22,491.36	\$100.00	\$22,391.36	\$0.00		3,460,209	\$0.0755	-0.00670	\$23,183.40
10	4	2/24/18 - 2/23/19	3,995,467	\$332,568	\$364,080.00	\$31,512.00	\$0.0914	\$0.0834	3,754,320	\$30,034.56	\$100.00	\$29,934.56	\$0.00		3,754,320	\$0.0790	-0.00440	\$16,519.01
11	5	2/24/19 - 2/23/20	3,957,568	\$335,193	\$372,378.00	\$37,184.00	\$0.0941	\$0.0847	3,466,981	\$32,777.62	\$100.00	\$32,677.62	\$0.00		3,466,981	\$0.0799	-0.00480	\$16,737.51
12	6	2/24/20 - 2/23/21	3,929,865	\$337,840	\$380,864.00	\$43,024.00	\$0.0969	\$0.0860	3,615,090	\$39,404.46	\$100.00	\$39,304.48	\$0.00		3,615,090	\$0.0800	-0.00605	\$21,971.29
13	7		3,902,356	\$340,507	\$389,544.00	\$49,037.00	\$0.0998	\$0.0873			\$100.00							
14	8		3,875,040	\$343,195	\$398,422.00	\$55,226.00	\$0.1028	\$0.0886			\$100.00							
15	9		3,847,915	\$345,905	\$407,502.00	\$61,597.00	\$0.1059	\$0.0899			\$100.00							
16	10		3,820,979	\$348,636	\$416,789.00	\$68,153.00	\$0.1091	\$0.0912			\$100.00							
17	11		3,794,232	\$351,388	\$426,287.00	\$74,899.00	\$0.1124	\$0.0926			\$100.00							
18	12		3,767,673	\$354,162	\$436,002.00	\$81,840.00	\$0.1157	\$0.0940			\$100.00							
19	13		3,741,299	\$356,959	\$445,939.00	\$88,980.00	\$0.1192	\$0.0954			\$100.00							
20	14		3,715,110	\$359,777	\$456,102.00	\$96,325.00	\$0.1228	\$0.0968			\$100.00							
21	15		3,689,104	\$362,617	\$466,496.00	\$103,879.00	\$0.1265	\$0.0983			\$100.00							
22	16		3,663,260	\$365,480	\$477,128.00	\$111,648.00	\$0.1302	\$0.0998			\$100.00							
23	17		3,637,637	\$368,366	\$488,002.00	\$119,636.00	\$0.1342	\$0.1013			\$100.00							
24	18		3,612,174	\$371,274	\$499,123.00	\$127,849.00	\$0.1382	\$0.1028			\$100.00							
25	19		3,586,889	\$374,205	\$510,498.00	\$136,293.00	\$0.1423	\$0.1043			\$100.00							
26	20		3,561,781	\$377,159	\$522,132.00	\$144,973.00	\$0.1466	\$0.1059			\$100.00							
27	21		3,536,848	\$380,137	\$534,032.00	\$153,895.00	\$0.1510	\$0.1075			\$100.00							
28	22		3,512,090	\$383,138	\$546,202.00	\$163,064.00	\$0.1555	\$0.1091			\$100.00							
29	23		3,487,506	\$386,163	\$558,650.00	\$172,487.00	\$0.1602	\$0.1107			\$100.00							
30	24		3,463,093	\$389,212	\$571,382.00	\$182,170.00	\$0.1650	\$0.1124			\$100.00							
31	25		3,438,851	\$392,285	\$584,404.00	\$192,119.00	\$0.1699	\$0.1141			\$100.00							

# Electric Dept 1st Qtrly Report

Fy 21/22

		City of Truth or Consequences		
		ELECTRIC DEPARTMENT		
		505 Sims Street		
		Truth or Consequences, New Mexico 87901		
		(575) 894-6673		
		ELECTRIC QUARTERLY REPORTS		
		1st Quarter FY 21/22		
SOURCE /	UM	TOTAL PURCHASED Power	Rate	
SSA Solar of NM 4	kWh	857780	\$0.0873	\$74,884.20
Western Area Power Administration	kWh	5395290	\$0.0482	\$260,146.30
Sierra Electric Cooperative Inc.	kWh	9536678	\$0.0776	\$739,886.65
TOTAL Purchasee	kWh	15789748		\$1,074,917.15
Power Delivery				
Western Area Power Administration	KW	Actual 7252	\$4.8500	\$81,523.65
Tri-State- Wheeling Sales	KW	16809	\$6.5300	\$109,762.77
Overcharge Not Delivered	ND	-9557	\$11.3800	-\$108,758.66
		JULY 2021 - SEPTEMBER 2021		
TOTAL DELIVERED				
Service Consumption	kWh	12644567	\$0.1472	
Demand Consumption	KW	13,847	\$8.0000	
Gross Revenue				\$1,861,000.95
Net Income		Mark up	73.13%	\$786,083.80
Net Loss		-3145181		-\$462,901.17
# SOLAR. CUSTOMERS		TOTAL CAPACITY		
63 Completed	kW PV	1751		Prod recorded as
18 Pending Completion				Consumption ?????
PROTECTS		STATUS		
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 Inin 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		
Management Factor Report				
Manpower	No.			Hours Required
Full time				
Part time				
Man hours worked			Total	
Operations				
Poles Installed	Ea.			
Transformers Installed	Ea.			



## Electric Dept 1st Qtrly Report

Fy 21/22

Primary Cable Installed	Feet			
Service Wire Installed	Feet			
Meters Installed	Ea.			
Emergency Responses	No.			
<b>Vehicle Use</b>				
Auto & Pickup Truck	No.			
Cumulative Mileage	Mi			
Purchased Gasoline	gal			
Diesel	gal			
Other Vehicles				
Cumulative Mileage	Mi			
Equipment Hours	Hrs			
Fuel Purchases	gal			
Tree Trimming/Cutting				
Scheduled or Call outs	No.			
Other Activities	No.			

## **CITY OF TRUTH OR CONSEQUENCES**

### **RESOLUTION NO.....**

#### **A RESOLUTION SETTING PROCEDURES AND CONDITIONS FOR A CATASTROPHIC UTILITY FAILURE RELIEF PROGRAM**

**WHEREAS**, the City of Truth or Consequences owns and operates the Water, Wastewater, Electric and Solid Waste Utilities and is responsible for setting their rates and charges; and

**WHEREAS**, there occasionally occur catastrophic failures of a utility customers systems, particularly the water system, in which large volumes of water are lost, causing the customer to be charged a utility bill far in excess of their normal bill; and

**WHEREAS**, this large utility bill can place a financial hardship on the utility customer.

**NOW THEREFORE, BE IT RESOLVED** by the governing body of the City of Truth or Consequences:

1. A portion of this greater-than-normal utility bill can be forgiven by the Utility Office if the following conditions are met:
  - A. The utility failure was not the result of an action or activity of the utility customer, nor by their failure to properly maintain the system.
  - B. The utility customer promptly took action to shut off the utility and repair the break.
  - C. The utility fault is documented.
  - D. Repairs are made by a licensed contractor, normally a plumber, or if the repair is made by the homeowner, the repair must be inspected and approved by the appropriate utility department.
  - E. The resulting total utility charge is more than 200% of the customer's average monthly bill.
  - F. The utility customer asks the utility office, in writing, for the utility relief within 30 calendar days of receipt of the utility bill showing the overage, and the person making the request is the same as the name on the utility bill.
  - G. The utility customer cannot request such utility relief more than once in a calendar year or more than twice in 5 years.
2. The amount of the bill to be forgiven is 75% of the difference between the charge for that utility and the average monthly charge.
3. If the failure is in the water system and occurs during the months when the water usage is used to calculate the sewer bill, the monthly bills showing the excessive water usage will not be used in that calculation.

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

**PUBLIC UTILITY ADVISORY BORAD**

November 15, 2021

## **4. OLD BUSINESS:**

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



## 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:

Sec. 14-48. Customer generated renewable energy program shall be amended in its entirety to read as follows:

### **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**

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.

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.

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.

-----  
b. Large non-residential installations.

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

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.

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.

**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**

**BY:**

**Sandra Whitehead- Mayor**

**ATTEST:**

***Angela A. Torres- City Clerk***

**PUBLIC UTILITY ADVISORY BORAD**

November 15, 2021

## **5. NEW BUSINESS:**

- a. 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.

ORDINANCE NO. 648

AN ORDINANCE OF THE CITY OF TRUTH OR CONSEQUENCES, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF TRUTH OR CONSEQUENCES,

BE AMENDED BY ADDING THE FOLLOWING SECTIONS OF THE CODE; PROVIDING FOR RESIDENTIAL/COMMERCIAL POLY-CARTS:

**Sec. 11-14**

**1. RESIDENTIAL/COMMERCIAL POLY-CARTS AND DUMPSTERS**

Garbage and refuse containers (Poly-carts/Dumpsters) shall be provided by the City to applicable account holders and shall be made of metal or plastic with tight fitting covers.

Residential Customers: the city shall provide (1) minimum ninety-five gallon cart to each applicable account holder in the order determined by the City Solid Waste Department except in circumstances determined by the Solid Waste Department that a residence will be better serviced with a dumpster. Additional Poly-carts may be provided at the current adopted rate per month (maximum two (2) carts per customer account.)

Commercial Containers: The City shall provide either one (1) minimum ninety-five gallon cart or size appropriate dumpster(s) as determined by the City solid Waste Department. Additional Poly-carts may be provided at the current adopted rate per month (maximum two (2) carts per customer account.)

The Account holder shall be charged at the current adopted rate per month for one (1) pick up a week. The solid waste shall not exceed the receptacle capacity, and the containers lid must be securely closed when not in use.

**Sec. 11-14.1.**

**A. COLLECTION FEES**

Number of Pick-ups per Week	Residential Poly-Cart (1)	Residential Additional Poly-Cart	Residential Dumpster	Basic Commercial Poly-cart (1)	Basic Commercial Additional Poly-Cart	Commercial Dumpster (small)	Commercial Dumpster (Medium)	Commercial Dumpster (Large)
1	22.37	11.18	44.85	32.37	16.18			
2	N/A	N/A	N/A	N/A	N/A			
3	N/A	N/A	N/A	N/A	N/A			
4	N/A	N/A	N/A	N/A	N/A			
5	N/A	N/A	N/A	N/A	N/A			
6	N/A	N/A	N/A	N/A	N/A			

N/A = Not Applicable/Not Available

Replacement Poly-Cart	\$ 60.00
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Each July of every year hereafter the fees shall be adjusted automatically to reflect a five (5) percent increase.

## **B. PRECOLLECTION PRACTICES**

1. All residential and commercial users shall comply with the rules and regulations established by the City for the use, care and location of solid waste containers and shall keep the lids and covers furnished for such containers closed at all times except when they are being filled, emptied or cleaned. All garbage and refuse containers provided by the City shall be kept in neat and sanitary condition at all times. Containers shall be only loaded in such a manner as they will self-empty when inverted.
2. No person shall remove for their own use, someone else's receptacle. To do so, shall result in fines and penalties and could be prosecuted to the fullest extent of the law. It is unlawful for any person to deposit, or cause to be deposited, any refuse in any container that he/she does not own or is not entitled to use as a tenant. (Article II Utility Department Sec 14-31. Taking Service-Without Authority)
3. The owner, occupant, tenant, or lessee of each premise shall store the containers (poly-cart) on their property for the purpose of and in such a manner to keep the containers from being overturned or upset and the contents scattered. This will also keep the sidewalks and sides of the streets clear. Poly-carts are to be placed at the designated pick up area on assigned pick up day only. It is the responsibility of the account holder to notify the utility department when vacating premises so that assigned poly-cart will be removed by the Sanitation Department. Failure to do so could result in a replacement charge to the account holder.
4. It is unlawful to maliciously damage any refuse container owned by the City. Any person that damages any container provided for the residential or commercial users shall be liable to the City for the cost of repair or replacement of such container at the current market rate including freight for such container. It is prohibited for any person, including children, to be on or in sanitation containers. All account holders shall be responsible for lost, stolen or burnt poly-carts. Replacement poly-carts are available at the current adopted rate. The City shall be entitled to seek restitution for all maintenance repairs or loss occasioned by the negligent or intentional acts of third parties from such responsible third parties. Replacement poly-carts will require a security deposit amount of which to be determined by current replacement rate. (Article II Utility Department Sec. 14-37. Security Deposits, payment guarantees.)

## **C. COLLECTION DAY**

On the day curbside collection is scheduled for any premises, or not earlier than 6pm of the night before collection is scheduled, poly-cart may be placed at curb unless otherwise specified by the City Solid Waste Department. The poly-cart may be placed at the edge of the resident's property, next to the street and front of poly-cart facing the street. There must be a minimum of five feet (5') of clearance from parked vehicles, street signs, lampposts, trees, mailboxes and other obstructions. Poly-carts must be set apart a minimum of sixteen inches (16"). The receptacles, when placed at curbside, shall not interfere with pedestrian or vehicular traffic. Collection will begin at 6:30am Monday through Friday in an order determined by the City Solid Waste Department. It shall be the responsibility of the resident to deliver the receptacles to such point for collection and return the empty receptacles from such points to the usual place of storage, within twenty-four (24) hours of collecting. No items, bagged, bundled or otherwise may be placed for pick up outside of the poly-cart. All collections made by the city for other

than qualified physically disabled residents, (see Exempt Service Collection), shall be made at curbside from the streets, except where special circumstances warrant otherwise and are approved by the City Solid Waste Department. See Special Services and Fees Section 11.10.1 D and E.

#### **D. SPECIAL SERVICES:**

**Special Services:** Upon request and for a fee (refer to section 11.10.1.E.) A special pickup will be provided for items that cannot be placed in poly-cart or dumpsters such as trash overflow, discarded furniture, appliances, yard waste, trees, tree and shrubbery trimmings etc. Customers must call the office and make an appointment for the removal of such items. On the agreed appointment date and time customers will have items placed at the location specified by the Solid Waste Department and deemed acceptable and safely accessible for the city to remove such items. All costs and fees associated with this special service are payable at the time of removal and may not be applied to customers monthly bill.

#### **E. SPECIAL SERVICE FEES: (All fees subject to current GRT)**

Customer will be charged a fee of \$50.00 (fee includes one employee, trash truck or standard truck, fuel charges, and maximum 1 hour of labor) for any Special Services described above in Sec. 11.10.1.D. (Minimum 1 hour charge)

All loads picked up will be subject to disposal fee at the current adopted rate  
(See Section 11-14 Ord. #636)

Loads requiring special or extra equipment, more than one employee and for services requiring more than one hour: (See Below)

<b>Solid Waste Equipment</b>	<b>Cost/Hour</b>
Cost per Employee	\$ 25.00
Backhoe	\$ 35.00
Dump Truck	\$ 35.00
Forklift	\$ 35.00
Flatbed	\$ 35.00
Skat Trak	\$ 45.00
Rear Load Trash Truck	\$ 45.00
Other Equipment	\$ 40.00

Each July of every year hereafter the fees shall be adjusted automatically to reflect a five (5) percent increase.

#### **Sec. 11-14.2**

#### **EXEMPT SERVICE COLLECTION:**

Exempt Service Collection means the resident is physically unable and does not have anyone else at the residence to roll the poly-cart(s) to the curb or designated location for collection.

To qualify for Exempt Service Collection the resident must:



- Have a physical disability preventing you from rolling the carts to the curb or specified collection point
- Submit the completed application to the Solid Waste Department (See application for submission options)
- Not have any other occupant or long-term guest residing in the home with the ability to roll the cart to the curb or specified collection point
- Have your physician complete the physician's section of the application and return to the Solid Waste Department

Within one week of receiving the request for Exempt Service Collection, a representative from the Solid Waste Department will contact you by phone and schedule an appointment to meet at your residence for completion of the Exempt Collection Service Application. At that meeting he/she will confirm the members of your household and accept or deny your application. Upon acceptance of your application he/she will advise you of the proper location for your poly-cart(s).

**Your cart's location must be:**

- In front of or beside your residence
- Less than 100 feet from the street
- Visible from the street
- Out of danger of any dogs

Applications must be renewed by July 1 of each year.

Exempt Service Collection shall not be provided for persons who have not complied with the above requirements of this section.

Customers receiving Exempt Service Collection are subject to all fees as stated in Collection Fees 11.10.1.A and Special Services and Fees section 11.10.1.D & 11.10.1.E as warranted.

**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 18<sup>th</sup> day of <sup>November</sup>~~October~~, 2013.

**PASSED, APPROVED AND ADOPTED** this 12 day of <sup>November</sup>~~October~~, 2013.

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

**BY:**

John Mulcahy  
**JOHN MULCAHY – Mayor**

**ATTEST:**

Judy Harris  
**JUDY HARRIS – City Clerk**

## **Sec. 11-14. - Residential/commercial poly-carts and dumpsters.**

Garbage and refuse containers (poly-carts/dumpsters) shall be provided by the City to applicable account holders and shall be made of metal or plastic with tight-fitting covers.

**Residential customers:** The City shall provide one minimum 95-gallon cart to each applicable account holder in the order determined by the City Solid Waste Department except in circumstances determined by the Solid Waste Department that a residence will be better serviced with a dumpster. Additional poly-carts may be provided at the current adopted rate per month (maximum two carts per customer account.)

**Commercial containers:** The City shall provide either one minimum 95-gallon cart or size appropriate dumpster(s) as determined by the City solid Waste Department. Additional poly-carts may be provided at the current adopted rate per month (maximum two carts per customer account.)

The account holder shall be charged at the current adopted rate per month for one pick up a week. The solid waste shall not exceed the receptacle capacity, and the containers lid must be securely closed when not in use.

(Ord. No. 636, § 1, 4-9-13; Ord. No. 648, 11-12-13)

**Editor's note—** Ord. No. 648, adopted Nov. 12, 2013, changed the title of § 11-14 from "Solid waste collection center fees" to "Residential/commercial poly-carts and dumpsters."

ORDINANCE NO. 667

AN ORDINANCE OF THE CITY OF TRUTH OR CONSEQUENCES, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF TRUTH OR CONSEQUENCES,

**BE AMENDED BY AMENDING CHAPTER 14 ARTICLE III SECTION 14-90 VILLAGE OF WILLIAMSBURG WASTEWATER TREATMENT CHARGES AND CHAPTER 14 ARTICLE III SECTION 14-92 SAME-SANITARY SEWER LIFT STATION MAINTENANCE AND CALL OUT CHARGES, AND CHAPTER 14 ARTICLE III SECTION 14-94 PERIODIC ADJUSTMENTS , OF SAID CODE; PROVIDING FOR AN INCREASE IN SEWER TREATMENT CHARGES.**

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

**Section 1.** That section 14-90 thru 14-94 of the Code of Ordinances of the City of Truth or Consequences, be amended so that such sections shall read as follows:

**Sec. 14-90. Village of Williamsburg wastewater treatment charges.**

- (a) Residential and commercial users.
  - (1) A unit charge of **\$3.12** per 1,000 gallons of "Established Water Use" for all Williamsburg consumers will be totaled each month and charged to the Village of Williamsburg for wastewater treatment.

**Each July and every year hereafter the fees shall be subject to be adjusted automatically to reflect a five (5) percent increase.**
  - (2) The unit charge for wastewater treatment shall be indexed to individual consumer's "Established Water Use," measured in gallons.
  - (3) Each consumer's "Established Water Use" shall be computed annually by averaging the monthly water use indicated on the consumer's November, December, and January water utility bills. Initial "Established Water Use" shall be the average of bills issued to consumers in November and December, and January.

**Sec. 14-91. Same—Sanitary sewer service billing.**

- (a) Each month, the City of Truth or Consequences will bill Village of Williamsburg customers at the rate that has been established by the Village and collect the payments for sanitary sewer service.
- (b) The City will charge the Village a service fee of \$1.00 each month for each bill sent to Village of Williamsburg customers.

**Sec. 14-92. Same—Sanitary sewer lift station maintenance and call-out charges.**

- (a) The City of Truth or Consequences will perform regular lift station maintenance on Williamsburg Sanitary Sewer System Lift Stations once each month at the flat rate of \$90.00 per month.

- (b) Minimum charge for lift station call-outs shall be \$98.00 for the first two hours. After the first two hours, call-out time will be prorated to actual time required, at a rate of \$48.00 per hour
- (c) Minimum charge for Residential/Commercial call-outs requiring special equipment will be billed at the rate of \$65.00 per hour. There is a minimum 2 hour charge which contemplates that a City of Truth or Consequences employee and one piece of equipment shall be utilized. Other charges may apply, dependent upon the type of call-out service requested.
- (d) Call-out services shall be performed only at the request of Sierra County Dispatch and billed to the Village of Williamsburg. Regular maintenance and call-out service includes labor and equipment only, parts are not included.

**Sec. 14-93. Reimbursement for wastewater treatment and sanitary sewer lift station maintenance and call-out services.**

- (a) Payments due from the Village of Williamsburg to the City of Truth or Consequences for wastewater treatment, sanitary service billing, regular maintenance and call-out services on lift stations will be deducted from the total of all funds collected by the City from Williamsburg customers. The balance of said funds shall then be forwarded to the Village of Williamsburg by the tenth day of each month.
- (b) The City of Truth or Consequences will pay the Village of Williamsburg a sewer line use fee of \$45.50 per month for the City of Truth or Consequences residents that are connected to sewer lines owned by the Village of Williamsburg.

**Sec. 14-94. Periodic adjustments.**

- (a) The monthly volume of wastewater treated by the City of Truth or Consequences for the Village of Williamsburg shall be computed annually by averaging the water consumption on each customer's November, December, and January water utility bills. The wastewater treatment charge will be based upon the average water usage calculated for those three months. This three month average will be the "Established Water Use" and shall become effective on March first of the same year.
- (b) The aforementioned charges to be levied against the Village of Williamsburg by the City of Truth or Consequences in the amount of:
  - (1) Section 14-90: Wastewater treatment, \$3.12 per 1,000 gallons of "Established Water Use" each month.

**Each July and every year hereafter the fees shall be subject to be adjusted automatically to reflect a five (5) percent increase.**

(2) Section 14-91: Sanitary sewer service billing, \$1.00 for each utility bill sent each month.

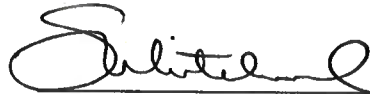
(3) Section 14-92: Regular sanitary sewer lift station maintenance, \$90.00 per month, lift station call-out service, minimum \$98.00, residential/commercial call out service, \$65.00 per hour, minimum 2 hour charge.

**Section 2.** 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 an Ordinance or Resolution, or part thereof, heretofore repealed.

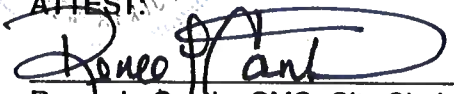
**Section 3.** This Ordinance shall take effect on the 15<sup>th</sup> day of November, 2015.

**Adopted** this 10<sup>th</sup> day of November, 2015.

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

  
Sandra K. Whitehead, Mayor



  
Renee L. Cantin, CMC, City Clerk

**Commission Approved Intent to Adopt:** September 29, 2015

**Public Hearing Notice Publication:** October 23, 2015

**Public Hearing & Final Adoption:** November 10, 2015

**Effective Date:** November 15, 2015