

**CITY OF TRUTH OR CONSEQUENCES
PUBLIC UTILITY ADVISORY BOARD
MONDAY, JUNE 21, 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, June 21, 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 May 17, 2021.
- b. Workshop meeting of June 14, 2021.

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

4. NEW BUSINESS:

- a. Discussion/Action: Recommendation of Re-appointment for Don Armijo.
- b. Discussion/Action: Recommendation of Re-appointment for Gil Avelar.
- c. Discussion/Action: Recommendations for Proposed Changes to Ordinance 664.

6. REPORTS FROM THE BOARD

7. REPORTS FROM STAFF

8. ADJOURNMENT

The meeting will also be available via teleconference using the information listed below:

**Impact Fee & Public Utility Advisory Board Meeting
Mon, Jun 21, 2021**

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2. APPROVAL OF MINUTES:

- a. Regular meeting of May 17, 2021.**

**CITY OF TRUTH OR CONSEQUENCES
PUBLIC UTILITY ADVISORY BOARD
MONDAY, MAY 17, 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, May 17, 2021 at 5:30 pm.

CALL TO ORDER

ROLL CALL:

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

ALSO PRESENT

Bruce Swingle, City Manager
Traci Alvarez, Community Development Director
Alfredo Holguin, Wilson & Company
Bo Easley, Electric Department Director
Sonya Williams, Utility Office Manager
Pricilla Fuentes, Electric Department Administrative Assistant
Dawn C. Barclay – Deputy City Clerk

1. APPROVAL OF AGENDA

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

2. APPROVAL OF MINUTES:

a. Regular meeting of April 19, 2021.

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

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

Ariel Dougherty – Was present and addressed the board in person. She would like to continue to supply the utility department a photograph of her electric meter as proof of customer supplied readings. She requested that there be no additional charges to accounts that supply their own meter readings.

Ron Fenn – Was present and addressed the board in person. He began with the utility charge for not having a smart meter. He provided a handout to board which was a proposed contract between himself and the city along with a billing proposal. He requested to be added to next month's meeting agenda. He went on to address the inadequate invoicing regarding lack of proper information on the utility bills. He offered to work with the utility department to help design a new format for the monthly customer bill.

Susie Crow – Addressed the board remotely. Her comments are attached and made part of these minutes.

4. OLD BUSINESS:

- a. **Discussion/Action: Set time and date for Ordinance 664, Electricity Cogeneration Workshop. George Szigeti, Chairman**

It was determined to tentatively meet on June 14, 2021 at 5:30pm in the City Chambers.

5. NEW BUSINESS

- a. **Discussion/Update: Water/Wastewater Project Update. Traci Alvarez, Community Development Director**

Traci Alvarez, Community Development Director – Ms. Alvarez began by addressing the board with an introducing to Mr. Alfredo Holguin who was present and in person. He was a representative from "Wilson & Company" who is conducting water and waste water projects for the City of T or C. Mr. Holguin provided a handout which is attached and made part of these minutes. The handout showed all current active projects at this time.

- b. **Discussion/Update: Electric Pole Replacement Project. Bo Easley, Electric Department Director**

Bo Easley, Electric Department Director - Mr. Easley began by addressing the board then gave an update to the electric pole replacement projects. He stated "Bohannon & Huston" is in the final stages and is approximately 95% done with completion. He made reference to his

provided handouts showing all locations for each of the current projects. He gave updates in detail of each project locations.

c. Discussion/Action: Recommendation of Meter Reading Fee for Non-AMI Customers. George Szigeti, Chairman

Chairman Szigeti – Began by discussing how the City Commission proposed a value for the meter reading fee. It was based upon the cost Sierra Electric charges for their service call's which is currently \$50.00. This gave a starting point to discuss further among the PUAB board.

Moving forward, he began discussion with a prior conversation he had with Ex City Manager, Morris Madrid on another issue. They had discussed and calculated what an hourly cost of an average City Employee would cost. It was calculated based upon salary, benefits, and insurance and workers compensation. They concluded an average cost per employee comes to \$50,000. He stated there are about 2,000 work hours a year. So they divided \$50,000 by 2,000 that gives an average hourly rate of \$25.00 per hour.

He proposed there are two ways to read the AMI Meters. Send a meter reader to the location they would record the reading and report it as usual. Second, would be for the customer to read the meter and send information back to the utility office. The office would then transcribe it into the system.

He pointed out transportation time would not be an issue due to the size of the town, but went on to say, the city employee will have to get in the vehicle, drive to the location, read the meter then drive back. He estimate it would take about 30 minutes to complete this task. Due to the customers being on different meter cycles one meter reader cannot read all meters at one time. Confirming this applies to Non-AMI customers only. The meter reader must enter the reading into a hand held devise then return to the utility office so the information can be down loaded to the system. When the bills are ready to be generated, a button is pushed and all of the data that was collected is uploaded into the Tyler. He pointed out, if the customer was to send in their own meters readings, this would require a city employee to manually enter the reading into the system, causing an increase in labor time, but not as substantial as the cost of a meter reader going to the customer's location. During his visit at the utility office with Ms. Williams, he became aware there is approximately 1,800 records just in "Cycle A". The system does generate some flags that must be addressed and they are separated into priority levels. The utility office does their best to address all of the system flags. He was concerned with the added work load to the utility office with customers sending in their readings. He pointed out meter reading fees are not unusual with utilities that have AMI Meters. Sending in a reading or having a meter will always have an associated cost. He feels that Non-AMI Meter customers should have to share some of the costs responsibilities involved. In his opinion the \$50.00 proposed rate is excessive. Using the labor cost calculation of \$25.00 per hour, he proposed reducing the service charge to \$25.00.

Member Pacourek – Asked, how many Non-AMI Meter are in use?

Bo Easley, Electric Department Director - replied 7.

Member Pacourek – Agreed \$50.00 is excessive. \$25.00 is more acceptable, but does not totally agree this would be the final agreeable charge. He suggested \$10.00 might be more appropriate.

Chairman Szigeti – Asked Mr. Easley if all 7 customers were residential customers and if they all had chosen to opt-out?

Bo Easley, Electric Department Director – Confirmed with a yes.

Chairman Szigeti – Asked Mr. Easley, if the commercial customers have been all converted to the new AMI Meters?

Bo Easley, Electric Department Director – Confirmed with a yes. He went on to say initially at the beginning there was some delay. This was due to the meter can/box having to be updated to fit the new AMI Meters.

Chairman Szigeti – Reiterated, commercial customers are converted over to AMI Meter and that only leaves 7 residential customers who choose not to have an AMI Meter.

Bo Easley, Electric Department Director – Confirmed, yes.

Member Pacourek – Was concerned with customers not having an email, smart phone or a way to digitally send their meter reading.

Chairman Szigeti – Pointed out a deadline should be addressed if customers were going to read their own meter with some sort of penalty if a meter reader had to be dispatched.

Bruce Swingle, City Manager - Asked for clarification on “self-reporting” option. He wanted to know that was an ordinance?

Chairman Szigeti – Replied, it is not an ordinance but was presented as a viable option.

Bruce Swingle, City Manager - Took a minute, commended and acknowledge the staff at the utility departments. He understands there may be some issues that are related to policy inconsistencies. He advised the board in what whatever recommendation they decide to make to the City Commission regarding this issue, to keep in mind that their decision can be applied consistently over time and not limit their scope to just the seven customers in question and to have knowledge on the impact it may have regarding productivity in the utility department.

Chairman Szigeti – Agreed. Gave some examples of potentially loss of time in the utility department.

Bruce Swingle, City Manager - Confirmed with the board, he was not discouraging “self-reporting”. But encouraged the board to think it through clearly and apply their recommendation based upon consistency. It would then go to the City Commissioner’s for their approval.

Chairman Szigeti – Agreed with Mr. Swingle. He then had a question for Sonya Williams, Utility Office Manager Williams asking her how long would she thought it would take to complete one

billing cycle process doing it the way she would like to see it done by not being rushed through the process.

Sonya Williams, Utility Office Manager – She replied, it could take her all day. She took a minute to expand her reply to let the board know, that no matter which way the board decides to recommend, she will make sure the procedure is completed, no matter the time involved.

Member Pacourek – Asked Sonya Williams, Utility Office Manager her ideas or thoughts on how it would be best handled in the utility office?

Sonya Williams, Utility Office Manager – She is understood both points, self-reading vs. meter reading. She pointed out that during billing she must send out meter readers and if there is an inconsistencies, she must pull a meter reader off of their duties to go and verify the issue because billing takes the priority. Example....while she is billing for "Cycle B" meter readers are out reading for "Cycle C". She was ok with receiving emails if that what the board chooses but was not open to receiving cards. She reassured the board that whatever decision they recommend, she will do what it takes to get the job done.

Member Avelar - Some concerns he had was with the added time the utility office will incur. He pointed out it always doesn't run as smoothly as sitting down for 30 min with uninterrupted time, always something will come up.

Member Pacourek – Is concerned with each of the 7 customers and their current ability to send in readings. He stated again, he is for a \$10.00 service fee if submitted on time, if not then the \$50.00 late fee can be implemented.

Chairman Szigeti – Went over some of the pros and cons of the two options.

Sonya Williams, Utility Office Manager – She wanted to the board to know her department handles many system errors anywhere from 50 to 60 sometimes more.

Chairman Szigeti made a motion that all Non-AMI customers will have their meters read by a city meter reader and they will be charged \$25.00 a month service fee. **Member Armijo** seconded. Motion carried unanimously.

Chairman Szigeti – Offered to present this motion at the City Commissioners meeting. Requested that the "Comments" portion of the agenda be added back.

Bruce Swingle, City Manager - Agreed with Chairman Szigeti that staff needs to be given an opportunity to have communication time with the board.

Dawn Barclay, Deputy City Clerk - noted the request and confirmed the "Comments" portion of the agenda would be added back on all the board agendas.

6. ADJOURNMENT

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

PASSED AND APPROVED ON THE 21ST DAY OF JUNE 2021.

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

TorC City Clerk

Ron Fenn

From: Ron Fenn <fenwron234@gmail.com>
Sent: Monday, May 17, 2021 11:14 AM
To: TorC City Clerk
Subject: Documents for PUAB
Attachments: Contract Modification EL.pdf; New Billing Proposal for T or C Utilities PUAB.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Please Copy and distribute the attached documents to the PUAB members as I will discuss at the meeting 5/17/21

Thank you. Regards

Ron Fenn Co-CEO, City of Truth or Consequences, NM
575-894-1543

and "JUSTICE for ALL"...not "JUST THIS " for so many!

To insure accurate and verifiable customer billing, City Utilities need to provide proper Invoices with Itemized charges. To accomplish this the following need to be changed or incorporated in the Utility Bill.

1. Dates of Meter Reading or Data capture both Previous and Current.
2. Service Month needs to be recorded, and needs not include days as the Service charge is not adjusted or pro-rated by the actual number of service days reflected in the billing month.
3. Actual Days between reading or capture dates needs to be supplied which can be automatically calculated by the computer subtracting "Previous" from "Current" dates.
4. Service Charges must be removed from rate calculations and Itemized accordingly.
5. Rates must be shown with each utility and usage to assist customer in verifying and reconciling their bills.
6. Meter Reading amounts, and meter multipliers (when used) must be clearly calculated and multiplied by the appropriate unit rate which must be shown for each utility and sub division.
7. Electrical Demand quantity must be shown with its Cost factor, multiplied and shown as an itemized sub total.
8. Taxes must be itemized for each Utility with a different rate with its appropriate rate and included in the Subtotal column.
9. Penalty dates for late payment when shown must include the penalty rate.
10. In Solar production accounts, only the Net quantity (kWh REC subtracted from kWh DEL and negative amounts treated as zero charge) is multiplied by the Utility Rate and shown as Total Elect.
11. There is no need to show Solar Credit as the meter readings automatically in real time provide the data for the next billing period. The practice of showing dollar credit falsely calculated on a rate that will never be honored is illogical and misleading. In the event of a "settlement" for excess production the account meter can be reset. If the city just allowed Solar Producers to have Analog meters they would automatically show the Net by running bi-directionally and dispel the notion that the non-solar customers are somehow subsidizing the individuals who have made great financial investments in their systems.
12. As the "Adjustment" is a fixed amount it should not be separated from the Base Rate, but be combined to reflect the actual Rate charged as in the City's Utility Rate Sheet.
13. Subtotals for each utility can be added and shown as an Amount Due.
14. The Net Metering process will eliminate the need for separate Electric bills for Solar producers as there is no monetary credit that can be applied to the other utilities.

15. Solar Production must be re-coded to reflect its negative consumption to honestly reflect the overall utility condition. Since exported solar reflected in the REC reading is put back into the local grid and sold to nearby users without compensation until a future undetermined date at a not yet determined rate. The City Utility benefits from not having to purchase that quantity from a commercial source and pay for it within the month. The locally produced solar output is additionally not subject to transportation costs and accompanying losses or middleman profits.

Current Billing practices are nearly impossible to decipher without a great deal of requests for information or other research.

Anyone would balk at a bill or receipt for purchases from a store or business that did not itemize the charges that allows the consumer to rectify their bills and spending.

Here is an example of the format for Electric Service (in this case for a commercial business) that can be adapted easily for Residential or Commercial accounts

In the interest in better service to the Utility Consumers of Truth or Consequences I hope that these changes may be adopted and I offer my assistance to the city in making this happen on a volunteer basis. This has been a large part of my business experience and ability.

Sincerely,
Ron Fenn
316 N Foch St
T or C, NM 87901
575-894-1543

Modified Contract Agreement with City of Truth or Consequences Utility Department.

I, Ronald W Fenn, a man, in response to the non-negotiated, unilateral changes of my contract with the City of Truth or Consequences for Electrical Service herein adjust and modify my Contract Terms.

Whereas there has existed a tacit contract: "purchase for services" between the parties for more than twenty years without default or failure to pay and

Whereas a new agreement for Co-Generation has been in force since June of 2019, that provides mutual benefit to myself and the City,

Whereas the recent "smart-meter" program was not negotiated in "good faith" or with "full-disclosure" to the community "owners of the utility" for which the entity exists and the denial of a legally required election for a Initiative Moratorium Ordinance per NM Stat § 3-14-18 (2019),

Whereas harm, both real and theoretical exists in the technology including: fire hazard, radio frequency radiation health effects, surveillance features which violate the Constitutionally protected right to security and sanctuary of ones home and for potential problems related to cybersecurity hacking,

Whereas in the case of Co-Generation where power supplied to the City exceeds that purchased from the City, no extraordinary measures or policies can or need be shown to be beneficial when self reading and reporting for accounting purposes is offered and proven effective,

Whereas under the terms set forth in Ordinance 664, (currently under review for violation of the Solar Rights Act [47-3-1 to 47-3-5 NMSA 1978] no requirement for account "settlement" prior to discontinuance of the service defers compensation to some future time and at some undetermined rate leaves the substantial capital investment in my solar generation facility in limbo

Whereas there has not been shown another need or requirement for "metering" other than for providing billing and accounting data, no extreme measures need be taken when such information is otherwise provided,

Therefore: I will only conditionally accept your offer of a fee exceeding that already in the monthly Service Fee as long as it is waived each month the utility department receives a date stamped photo record, emailed to the utility office each month on a mutually determined day and frequency, showing electric usage, also that the City's sends no one out to read the meter when such record is provided, unless meter tampering or other violation of the City's equipment is reasonably suspected or annual verification is required. Further, just as compensation is deferred, the punitive fee, if any shall only be collected upon the final settlement of the Electric Utility account. Credit already removed from this account to date shall be restored pursuant to this agreement. This is my conditional acceptance to your contract offer.

Signed

Dated

Account # 2006-03625-00

☐ Accepted ☐ Denied Date: _____

City Manager: _____

Utility Manager _____

Print Name: _____

Barclay, Dawn

From: Suz Crow <suzcrow505@gmail.com>
Sent: Monday, May 17, 2021 6:11 PM
To: Barclay, Dawn
Subject: PUAB comments

Follow Up Flag: Follow up
Flag Status: Flagged

Please recommend that the utility change the policy to "self reporting" and have those choose to keep analog meters be responsible for sending an image of their meter reading monthly by email. Remove the policy that requires a utility employee to go out and read the meter. When you have visual confirmation of the reading in a photo, it's an unnecessary waste of our taxpayer dollars to send two utility employees out to read a meter.

the perception I have when a utility employee comes to my house for redundant verification is that they don't have enough work to do and should probably reduce one or staff members. If you can't eliminate the fee altogether, Any fee that is imposed should be waived when the customer provides any form of self reporting, be it photos by email or documentation sent or dropped off at the office.

My elec bill ranges between \$25-30, so Even a \$5 monthly fee represents 20% of my monthly electric usage.

New Mexico Statutes Chapter 62 § 62-8-1. Rates

Every rate made, demanded or received by any public utility shall be just and reasonable.

How can a penalty that is twice my electric usage be considered reasonable? Please recommend the policy be changed to accept self reporting and eliminate this onerous trip fee.

The 2005 clean energy act was intended as an opt-in program. The phrasing stated that advanced technologies are "TO BE OFFERED". It is a violation of the intent of the law making AMI meters mandatory. Additionally, the NM Regulatory commission set precedent April 11, 2018, Case No. 15-00312-UT by denying PNM any form of opt-out or trip fees as punitive and a hardship to customers.

Any demand of extra payment to avoid having privacy, security or health infringed upon within one's own home is extortion, particularly in light of the fact that microwave radiation, including that emitted by smart meters, is classified by the WHO as a class 2 carcinogen.

Please take these concerns into consideration when you make your recommendations to the commission.

Thank you,
Susie Crow

Coordination Memorandum



Attendees: City of T or C: Public Utility Advisory Board, Traci Alvarez

Wilson & Company: Alfredo Holguin

Time: 5:30 pm – 6:30 pm

Date: 5/17/2021

Location: City Commission Chambers

Re: City of T or C – Project Status

Planning Phase

1. **City Wide Water System Improvements - Colonias PER**
 - a. Funded by 2019 Colonias Trust Fund
 - b. NMED-CPB 2nd Round Comments being Addressed.
 - i. Amendment Submitted for Time Extension Approved by NMED-CPB
2. **Municipal Water System Improvements Phase 1 – USDA-RD PER**
 - a. Funded through City Funds to be reimbursed through USDA.
 - b. PER Submitted to USDA-RD for review on 9.4.20
 - i. PER approved by USDA on 3.1.21
3. **Municipal Water System Improvements Phase 2 – USDA-RD PER**
 - a. Funded through City Funds to be reimbursed through USDA.
 - b. USDA-RD Comments being Addressed.
 - c. Wilson & Co. plan to submitted comment responses when funding is approved for Ph. 1
4. **Sanitary Sewer Asset Management Plan**
 - a. Funding: NMFA Planning Grant
 - b. IQ Tests and Initial Resolution Submitted to NMFA
 - c. Prepared Maps for City Utility field verifications
 - i. Utility Department has not had chance to begin
 - ii. Hard copy maps sent by mail on 2.12.21
 - iii. NMFA Extension Request Letter drafted and to be provided to City for review.
 - iv. WCI scheduled condition assessment mtg. with Utilities on 5/20/2021
5. **Water System Asset Management Plan**
 - a. Funding: City Local Funds
 - b. IQ Tests and Initial Resolution Submitted to NMFA
 - c. Prepared Maps for City Utility field verifications
 - i. Utility Department has not had chance to begin
 - ii. Hard copy maps sent by mail on 2.12.21
 - iii. NMFA Extension Request Letter drafted and to be provided to City for review.
 - iv. WCI scheduled condition assessment mtg. with Utilities on 5/20/2021

Design Phase

1. DWSRF Water System Improvements
 - a. Project: Waterline Replacement & SCADA Improvements
 - a. Marshall St., N. Pershing, 2nd Ave., Sierra Vista Dr.
 - b. Funding: NMED DWSRLF \$1,241,085.00
 - c. Funding Analysis Provided to City – Approx. \$370,000 short for full scope
 - a. Potential Additive Alternate Scoping with removal of Marshall & Sierra Vista
 - b. Colonias 2021 Application submitted for shortfall construction
 - d. Tentative Schedule
 - i. Final Design 90% (pending MSD)
 - ii. Begin Construction Dec. 2021
 - iii. Construction Completion Mar. 2022
2. MSD Water System Improvements
 - a. Funding: USDA-RD \$9,417,000.00
 - b. Tentative Schedule
 - i. 90% Design Submittal (City/Agency) May 20, 2021
 - ii. LOC Extension Submitted through August 26, 2021
 - iii. Bidding/Construction September 2021 through September 2022

Construction Phase

1. None

2. APPROVAL OF MINUTES:

- b. Workshop meeting of June 14, 2021.**

**CITY OF TRUTH OR CONSEQUENCES
PUBLIC UTILITY ADVISORY BOARD
MONDAY, JUNE 14, 2021**

MINUTES

WORKSHOP MEETING

Workshop 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, June 14, 2021 at 5:30 pm.

CALL TO ORDER

ROLL CALL:

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

ALSO PRESENT

Bruce Swingle, City Manager
Traci Alvarez, Community Development Director
Bo Easley, Electric Department Director
Dawn C. Barclay – Deputy City Clerk

1. APPROVAL OF AGENDA

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

2. DISCUSSION/REVIEW/PUBLIC INPUT: Discussion and input related to Ordinance No. 664

Chairman Szigeti – He began the meeting with an opening statement. Advised the Public Citizens they were allowed 5 minutes to speak and to give their input with allowed interaction with the board members.

Ron Fenn - Suggested charging GRT on the net amount and suggested giving kilowatts as a credit vs a dollar amount. He also pointed out the City has poor contracts in regards to the transportation of

electricity which is costly to the City. John Diaz asked why the 90% rule can't be 100% rule. Board responded the minor cost goes to help fund maintenance, repairs, salaries, etc.

Ariel Dougherty - Spoke making reference from her handout that was presented at the meeting.

Marilyn Bush - Wanted to point out the City should encourage and support all private solar installs as this will help to absorb the maintenance solar costs.

Mrs. Armijo - Is in favor of a connection fee and understands the City is a business and must make decisions to help stay in the positive.

Member Armijo – Is very concerned about the solar producer becoming a business. Also should the producer incur maintained down time or moves, how is the city going to deal with that situation have to supply electricity back to the producer. He noted this meeting has given him some new views to consider.

Bo Easley, Electric Department Head – was asked by Chairman Szigeti for his opinion about the commercial solar impact on releasing some of the stress on our City generators. His replied it had some impact along with the Public Schools, VA, Hospital, Business and Residential areas limiting their usage.

Member Pacourek – suggested that once a year customers be given an opportunity to request from the utility department reimbursements of any credits that may be available.

Bruce Swingle, City Manager advised the board to gather all the inputted suggestions and make their recommendations at the next PUAB meeting so they can move on to their presentation to the City Commission.

3. ADJOURNMENT

There being no further business to come before the Public Utility Advisory Board, Chairman Szigeti requested for a motion to adjourn meeting. All members favored the motion. Motion carried unanimously. The meeting was adjourned.

PASSED AND APPROVED ON THIS 21st DAY OF JUNE 2021.

George Szigeti, Chairman
Public Utility Advisory Board

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 ADDING THE FOLLOWING SECTION 14-48 PERTAINING TO CUSTOMER GENERATED RENEWABLE ENERGY:

Sec. 14-48. Customer generated renewable energy

(a) Renewable Energy Generation Customer Program

(1) Overview

- a. The City of Truth or Consequences (City) Renewable Energy Customer Program is available to any City customer, residential or commercial, that installs a qualified renewable energy system sized for the most recent twelve month average usage and has it interconnected to the City's power grid. 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.
- b. The City reserves the right to deny interconnection for over-sized systems and in no case may the renewable energy generation system be sized such that its inverters rated capacity exceeds 90% of the most recent 12 month average of customers' usage. Denial of a customer's interconnection application may be appealed in 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. All supporting technical, design and support documentation for the appeal and 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, building permit and inspection department and must conform to:
 - i. The standards and procedures described in rule 17.9.568 NMAC and the manual (<http://www.nmprc.state.nm.us/utilities/docs/NMInterconnectionManual2008.pdf>) to the interconnection of generating facilities with a rated capacity up to and including 10 MW.
 - ii. The standards and procedures described in 17.9.569 NMAC and the manual (<http://www.nmprc.state.nm.us/utilities/docs/NMInterconnectionManual2008.pdf>) apply to the interconnection of generating facilities with a rated capacity greater than 10 MW.
 - iii. Provisions of Sec. 14-33, tampering with meters of the City of Truth or Consequences existing municipal code.

(2) Metering

- a. Systems 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.

(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.
- e. In the event a customer disconnects from the City's system with unused kWh in the bank, the City will pay the customer for all unused kWh credits at the Sierra Electric Cooperative Rate to be determined at the time of disconnect. (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.)

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 15th day of ^{Nov,} 2015.

PASSED, APPROVED AND ADOPTED this 10th day of Nov, 2015.

CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO



BY: _____

SANDRA WHITEHEAD - Mayor

ATTEST: _____

RENEE CANTIN - City Clerk

Text in BLUE — additions
proposed by Ariel Dougherty

Text in GREEN are comments made by staff
of Solar United Neighbors, national experts
in assisting for use of solar

Text in BROWN are comments by
Ariel Dougherty

ORDINANCE NO. 664 B

Changes in this ordinance SHOULD NOT effect
previously approved and built solar systems, hence
the addition of a "B" to this ordinance

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
SECTION 14-48 PERTAINING TO CUSTOMER
GENERATED RENEWABLE ENERGY:

Sec. 14-48. Customer generated renewable energy

Preamble: As expressed in the City's 2014 Comprehensive Plan
(page 88) this Ordinance is designed to encourage residents and
businesses to harness renewable energies. Renewable energies
added on to homes and commercial properties allow citizens to
become independent from the use of fossil fuels while maximizing
efforts of energy efficiency and self-reliance. While the expenses
of installation are born by individual property owners renewable
energies can enhance property values and be a benefit to the
community welfare. Such citizen involvement promotes
community conservation awareness and activities.

(a) Renewable Energy Generation Customer Program

(1) Overview

- a. The City of Truth or Consequences (City) Renewable Energy Customer Program
is available to any City customer, residential or commercial, that installs a
qualified renewable energy system ~~sized for the most recent twelve month~~ that is
~~average usage and has it~~ interconnected to the City's power grid. 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.
- b. The City reserves the right to deny interconnection for over-sized systems and in
no case may the renewable energy generation system be sized such that its
inverters rated capacity exceeds ~~90% 10 KW for residential systems, or 100% of~~
~~the most recent 12 month average of customers' usage for non-residential~~ 25KW for all
systems. Denial of a customer's interconnection application may be appealed in
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. All supporting
technical, design and support documentation for the appeal and 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, building permit and inspection department and must conform to:
 - i. The standards and procedures described in rule 17.9.568 NMAC and the
manual
[http://www.nmprc.state.nm.us/utilities/docs/NMInterconnectionManual
2008.pdf](http://www.nmprc.state.nm.us/utilities/docs/NMInterconnectionManual2008.pdf)) to the interconnection of generating facilities with a rated capacity up to
and including 10 MW.
 - ii. The standards and procedures described in 17.9.569 NMAC and the
manual
[http://www.nmprc.state.nm.us/utilities/docs/NMInterconnectionManual
2008.pdf](http://www.nmprc.state.nm.us/utilities/docs/NMInterconnectionManual2008.pdf)) apply to the interconnection of generating facilities with a rated capacity
greater than 10 MW.
 - iii. Provisions of Sec. 14-33, tampering with meters of the City of Truth or
Consequences existing municipal code.

(2) Metering

- a. Systems will be billed monthly from a bi-directional or net main meter at the
specific facility or residence. ~~AMI meters are mandatory for all customers with electric co-
generation systems.~~ 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

SPECIAL NOTE
— How can
households add
EV use to their
system in the
future (especially
if we don't go with
25Kw) ??

"10KW is ridiculously low...
it is common to see 25KW"

Aztec, NM, similar in size to
TorC, also operating its own
municipal electric, permits 25KW

There is no need for solar to
have AMI. An old analogue
meter does fine.

The City now has created
an opt out for AMI. Further
this is in litigation.

And PUNITIVE!

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.
- e. Each year, at the ~~October~~ March billing, any excess credits on the customer's account after current charges are paid shall be refunded to the customer at ~~40% of the current electric rate per existing City of Truth or Consequences municipal code~~ ^{the same as} the current electric rate per existing ^{City of Truth or Consequences municipal code}. The customer has the option to donate this credit back to the Utility Office to be used to help pay the utility bills of disadvantaged customers.
- f. In the event a customer disconnects from the City's system with a credit for excess kWh production, the City will pay the customer for all unused kWh credits at the rate being charged to the City by Sierra Electric Cooperative at the time of the disconnect Sierra Electric Cooperative Rate to be determined at the time of disconnect (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.)

DEFINE better (06/14/21)
+credit at full retail rate?
+"avoided cost" ie
wholesale
Credit will carry over
month by month

The timing of OCTOBER is
the worst.....a 40%
reduction in the value is a
terrible ideal
Early Spring, like March....

40%..There is no
justification of this
whatsoever.

Legally the City can not
discriminate against one group
of solar producers over another

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 2015.~~

PASSED, APPROVED AND ADOPTED this ~~day of 2015.~~

Note: New Language this is an excerpt from the original for size constraints, the original is available at: <https://cms5.revize.com/revize/truthorconsequences/3-15-2021%20-%20PUAB%20packet.pdf>

4. OLD BUSINESS:

- a. Discussion/Action: Recommendation of Re-appointment for Don Armijo.**



City of Truth or Consequences

City Boards Application

Name: Donaciano Armijo Address: PO Box 38, Williamsburg, NM 87942

Phone: 575.740.1060 Email: chanoystoner@yahoo.com

I am interested in serving as a member of one the following Boards:

☐ Airport Advisory Board ☐ Public Arts Advisory Board ☐ Golf Course Advisory Board

☒ Public Utility Advisory Board ☐ Library Advisory Board ☐ Recreation Advisory Board

☐ Lodger's Tax Advisory Board ☐ Planning & Zoning Commission ☒ Impact Fee Board

☐ Other: _____

Added Pec Don's
Approval on 6/16/21.

My qualifications are:

___ *Currently serving on the PUAB (1st term)

___ *Retired from the City of TorC as Director of Public Works (worked 31 years, 25 years
as a Supervisor/Department head)

___ *Volunteer Firefighter/EMT with Las Palomas Volunteer FD since its inception

___ *Current President of the New Mexico State Fire Fighters State Association

___ *Currently serving on several other community organizational boards (Domestic Abuse;
Hamilton Veterans Park/Museum, Geronimo Springs Museum)

I hereby certify that my appointment to this board neither creates, nor should create, any
conflict of interest for myself or the Board. I further confirm that any possible conflict of
interest that may arise will be reported to the Board and the City Clerk.

Signature: Donaciano Armijo

4. OLD BUSINESS:

- b. Discussion/Action: Recommendation of Re-appointment
for Gil Avelar.**



City of Truth or Consequences

City Boards Application

Name: Bil Auclac Address: 1402 Steel
Phone: 575-740-6556 Email: BAuclacTosC@gmail.com

I am interested in serving as a member of one the following Boards:

- ☐ Airport Advisory Board ☐ Public Arts Advisory Board ☐ Golf Course Advisory Board
☒ Public Utility Advisory Board ☐ Library Advisory Board ☐ Recreation Advisory Board
☐ Lodger's Tax Advisory Board ☐ Planning & Zoning Commission ☒ Impact Fee Board
☐ Other: _____

My qualifications are:

See Credentials on File

I hereby certify that my appointment to this board neither creates, nor should create, any conflict of interest for myself or the Board. I further confirm that any possible conflict of interest that may arise will be reported to the Board and the City Clerk.

Signature: _____

B. Auclac

4. OLD BUSINESS:

- c. Discussion/Action: Recommendations for Proposed Changes to Ordinance 664.**

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 ADDING THE FOLLOWING SECTION 14-48 PERTAINING TO CUSTOMER GENERATED RENEWABLE ENERGY:

Sec. 14-48. Customer generated renewable energy

(a) Renewable Energy Generation Customer Program

(1) Overview

- a. The City of Truth or Consequences (City) Renewable Energy Customer Program is available to any City customer, residential or commercial, that installs a qualified renewable energy system sized for the most recent twelve month average usage and has it interconnected to the City's power grid. 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.
- b. The City reserves the right to deny interconnection for over-sized systems and in no case may the renewable energy generation system be sized such that its inverters rated capacity exceeds 90% of the most recent 12 month average of customers' usage. Denial of a customer's interconnection application may be appealed in 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. All supporting technical, design and support documentation for the appeal and 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, building permit and inspection department and must conform to:
 - i. The standards and procedures described in rule 17.9.568 NMAC and the manual (<http://www.nmprc.state.nm.us/utilities/docs/NMInterconnectionManual2008.pdf>) to the interconnection of generating facilities with a rated capacity up to and including 10 MW.
 - ii. The standards and procedures described in 17.9.569 NMAC and the manual (<http://www.nmprc.state.nm.us/utilities/docs/NMInterconnectionManual2008.pdf>) apply to the interconnection of generating facilities with a rated capacity greater than 10 MW.
 - iii. Provisions of Sec. 14-33, tampering with meters of the City of Truth or Consequences existing municipal code.

(2) Metering

- a. Systems 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.

(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.
- e. In the event a customer disconnects from the City's system with unused kWh in the bank, the City will pay the customer for all unused kWh credits at the Sierra Electric Cooperative Rate to be determined at the time of disconnect. (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.)

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 15th day of ^{Nov.} 2015.

PASSED, APPROVED AND ADOPTED this 10th day of Nov., 2015.

CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO

BY: 
SANDRA WHITEHEAD - Mayor

ATTEST: 
RENEE CANTIN - City Clerk

