



Agenda

DATE 5/29/18 TIME 2:32r
SERVED BY Christine Chavez
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AMENDED

SANTA FE WATER CONSERVATION COMMITTEE MEETING
CITY HALL – 200 LINCOLN AVE.
CITY COUNCILORS' CONFERENCE ROOM
JUNE 5, 2018
3:00 PM TO 5:00 PM

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF CONSENT AGENDA
5. APPROVAL OF MINUTES FROM THE MAY 8, 2018 MEETING

CONSENT AGENDA:

6. WATER CONSERVATION PROGRAM SCORECARD UPDATE FOR MAY 2018 (Christine Chavez)
7. UPDATE ON CURRENT WATER SUPPLY STATUS (Christine Chavez)

INFORMATIONAL ITEMS:

8. SURVEY RESULTS AND SUBCOMMITTEE FORMATION (Christine Chavez)
9. REPORT ON MEETING WITH LAND USE AND ENGINEERING ON REBATE PROGRAM (Christine Chavez)
10. RESULTS OF RESTAURANT PILOT STUDY (Christine Chavez)

MATTERS FROM PUBLIC:

MATTERS FROM STAFF:

MATTERS FROM COMMITTEE:

NEXT MEETING – (Councilor's Conference Room): TUESDAY, JULY 10, 2018

CAPTIONS: due by 3:00 pm, Monday, June 25, 2018

PACKET MATERIAL: due by 3:00 pm, Wednesday, June 27, 2018

ADJOURN.

Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6520, five (5) working days prior to meeting date.



Agenda

DATE 5/24/18 TIME 6:03pm
BY Christine Chavez
[Signature]

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CITY HALL – 200 LINCOLN AVE.

CITY COUNCILORS' CONFERENCE ROOM

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8. SURVEY RESULTS AND SUBCOMMITTEE FORMATION (Christine Chavez)
9. REPORT ON MEETING WITH LAND USE AND ENGINEERING ON REBATE PROGRAM (Christine Chavez)
10. SCOPE AND IMPLICATIONS OF REGISTERING AND MONITORING PRIVATE WELLS WITHIN THE CITY (Tim Michael, Stephen Wiman, Christine Chavez)
11. RESULTS OF RESTAURANT PILOT STUDY (Christine Chavez)

MATTERS FROM PUBLIC:

MATTERS FROM STAFF:

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**WATER CONSERVATION COMMITTEE MEETING
CITY HALL, CITY COUNCILOR'S CONFERENCE ROOM
200 LINCOLN AVENUE
TUESDAY, JUNE 5, 2018, 3:00 PM**

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
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ROLL CALL	QUORUM	1
APPROVAL OF AGENDA	APPROVED	1-2
APPROVAL OF CONSENT AGENDA	APPROVED	2
APPROVAL OF MINUTES MAY 8, 2018	APPROVED	2
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WATER CONSERVATION PROGRAM SCORECARD UPDATE FOR MAY 2018	APPROVED ON CONSENT	2
UPDATE ON CURRENT WATER SUPPLY STATUS	APPROVED ON CONSENT	2
SURVEY RESULTS AND SUBCOMMITTEE FORMATION	INFORMATION/DISCUSSION	2-9
REPORT ON MEETING WITH LAND USE AND ENGINEERING ON REBATE PROGRAM	INFORMATION/DISCUSSION	9-17
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MATTERS FROM THE PUBLIC	NONE	17
MATTERS FROM STAFF	NONE	17

MATTERS FROM THE COMMITTEE	NONE	17
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**SANTA FE WATER CONSERVATION COMMITTEE
CITY HALL - CITY COUNCILORS' CONFERENCE ROOM
200 LINCOLN AVENUE
JUNE 5, 2018, 3:00 PM**

1. CALL TO ORDER

The meeting of the Santa Fe Water Conservation Committee was called to order at 3:00 pm by Councilor Romero Wirth, Chair, on Tuesday, June 5, 2018, at City Hall, in the Councilors Conference Room, 200 Lincoln Avenue, Santa Fe, New Mexico.

2. ROLL CALL

MEMBERS PRESENT

Councilor Carol Romero Wirth, Chair
Lisa Randall
Tim Michael
Stephen K. Wiman
Scott Bunton
Robert Coombe
Doug Pushard
Aaron Kauffman
(Vacancy)

MEMBERS ABSENT

Ken Kirk, Excused
Bill Roth, Excused

OTHERS PRESENT

Christine Chavez, City of Santa Fe, Water Conservation Manager
Caryn Grosse, Water Conservation Division
Marcos Martinez, Assistant City Attorney
Andrew Erdmann, Water Department
Andy Otto, Watershed Association
Kim Shanahan, Santa Fe Home Builders
Elizabeth Martin, Stenographer

3. APPROVAL OF AGENDA

MOTION A motion was made by Mr. Bunton, seconded by Ms. Randall, to approve the agenda as presented.

VOTE The motion passed unanimously by voice vote.

4. APPROVAL OF CONSENT AGENDA

MOTION A motion was made by Mr. Michael, seconded by Mr. Kauffman, to approve the consent agenda.

VOTE The motion passed unanimously by voice vote.

**5. APPROVAL OF MINUTES
MAY 8, 2018**

MOTION A motion was made by Mr. Michael, seconded by Mr. Bunton, to approve the minutes as presented.

VOTE The motion passed unanimously by voice vote.

CONSENT AGENDA

6. WATER CONSERVATION PROGRAM SCORECARD UPDATE FOR MAY 2018

7. UPDATE ON CURRENT WATER SUPPLY STATUS

INFORMATIONAL ITEMS

Chair Romero Wirth said at 3:30 pm we may need to jump down to item 9. She invited Marcos Martinez to the meeting to help us with some confusion and he is coming around 3:30 pm.

8. SURVEY RESULTS AND SUBCOMMITTEE INFORMATION

Chair Romero Wirth said the survey results are in the meeting packet. She is not sure how best to approach this.

Ms. Chavez said Caryn organized the results. 8 people responded.

Ms. Grosse said one of Doug's suggestions as to organize the results from short term projects to medium to long term. She did that and with priorities within the time frames.

Chair Romero Wirth said as she looked at this, and she did talk to Christine about it, one of the things she wants us to talk about is what we want to focus on next. The

office is set with the budget and marching orders and that has left us open to think about bigger things. When she thinks of bigger things she thinking of 3 things. There is enough talent around this room that we could start to make headway on some things. We can build a better understanding and start addressing challenges around issues. 1. How do we reduce our water use and be more aggressive in conserving water. Some of the survey responses address that. For the big picture we might think about how some of the things being done now fit into that. 2. City Council is being asked to vote on whether to water willows and cottonwoods for the greenway project. That is an instructive problem for our future. How do we get out in front of things like that rather than in a crisis manner like we are being asked about now. Can the Sustainability Commission, who is advocating for an office of sustainability for the City, get above the issues and help us think about water implications so that they are not just planting willow trees with no mind to the water. That is a big picture item. 3. Understand better the issues around regionalization. The City has taken a stance that they do not think this is the right time. We need to be looking at how we use water and how we partner and how we work to assure that we are doing what we should be doing. Not just in our backyard. We need to be having the conversations. There is a lot of talent here. We need to start to have the conversations now. She is curious to see what you think about that and hear your comments and thoughts overall about how we approach the work of this committee as we enter this new chapter.

Mr. Pushard said those are very good ideas. First he agrees that Christine and staff are up to speed. That allows us to step back and do some meaningful thinking and work that we can bring to the table independent of them and in a broader context. He agrees regionalization needs to be on the list. We can't build a wall around the City. Councilor Ives put forward a Resolution last year to have meetings with the County on something specific. It did not pass. We need to go beyond that like our Chair is thinking of. How to aggressively reduce our GPCD and coming up with plans would be a very interesting project and one of the ones he put on his survey was a 100 year plan and putting some context around it. We could do some modeling. What would the time frame be. Maybe there are some things we could do that have nothing to do with GPCD that have to do with water rights. Aquifer storage for example. The process one is a citywide issue and not specific to this team.

Chair Romero Wirth asked wouldn't it be good to start thinking about talking to each other so we take into consideration what each other is doing.

Mr. Pushard said the sustainability report is all about energy. Without water it is not sustainable. It has to be solved from the top. For that reason he is hesitant.

Mr. Michael said he likes all that has been said. He thought we left this at the last meeting saying that we were going to make the statement that we would focus on larger issues rather than on the Water Conservation Office. He thinks we need to have that conversation. How do we set this group up and how do we think about moving forward so we stay focused on those kind of things. He doesn't want to stall the discussion. We

already said we were going to focus on bigger picture issues. We need to be aware of those times when we are working on more immediate issues. We need to finish what we started last time about that.

Chair Romero Wirth said she thought that was what we were doing. We are trying to figure out what you want to work on.

Mr. Coombe said he agrees regionalization is one of the larger issues. Ground water conservation is an appropriate way to approach that. All of us within the region are using the same aquifer and we have the same issues. The question he has is how the authority structure within the City is matched to authority structures within the County. Let's say we want to meter wells. What organization within the County works on that and what organization within the City is most appropriate to engage with and has the means to act. That is a large issue. The other thing from last month is that if we separate surface water and ground water and ground water is our real reserve that needs to be protected then the equations for building urgency around water conservation become clearer. 8,000 acre feet as opposed to 10,000 acre feet. There is more urgency to ground water and water conservation and reducing water usage. That is an approach he can see happening. With whom do we work to move in that direction.

Mr. Pushard said the Resolution that Councilor Ives mentioned actually was identical to one passed in the County. They were willing to bring people to the table. Until we vote on ours we don't know. It is just the City and the County in the discussion. What about the Pueblos. We have a willing partner in the County.

Mr. Coombe said if we build a relationship and bring in other organizations then even the Office of the State Engineer may participate.

Chair Romero Wirth said how we move into talking about water conservation because ground water is our reserve becomes much more important is a great way to address this larger issue. We have folks from the City saying our supply is fine and at the same time we are in drought and may be in a long term drought. If this continues to next year and we use up our reserve are we still going to be good. We have to get out ahead on this and be smart about it. She just returned from Capetown, South Africa. The government officials there did not get out in front of that crisis. Here she is in a position to get out in front of this. How do we start that. She is starting the conversation here with you. It is something we need to talk about. To the issue of metering the wells, there is a bigger legal issue to that. She needs to understand that the City has the legal authority to put in place meters and monitor those meters or is that in the purview of the State Engineer. We need that answer before we do a lot of wheel spinning. That is the preliminary question we need answered. As for County matches she has talked to a County Commissioner who is interested. There is a similar committee to this at the County level. We could have a joint meeting to tackle some of these issues and challenges and start to have some dialogue to see where we can make progress. The conversation in and of itself is a good thing.

Mr. Bunton said starting that conversation is overdue. The sooner the better. He wonders if we should limit ourselves only to starting a conversation. There will be things we agree on and don't agree on. The things that we do agree on we need to move forward within the 2 entities. Maybe we could start working on a regional compact so that there is a more defined way for discussions and the legislative environment. We can agree and still nothing will happen.

Chair Romero Wirth said at least we can identify what things we have control over as a City and County and what things we can't do anything about without help from the State.

Mr. Bunton said we need something that looks out over the immediate.

Chair Romero Wirth said she hopes we can do this in a somewhat positive light. We need to understand and not paint doomsday scenarios. We may live differently, but that does not mean we can't live well and have a vibrant community.

Mr. Bunton said the objective is to avoid doomsday.

Mr. Kauffman said the big picture is to reduce water use. In the 2 years he has been here we have made great gains on indoor consumption. Outdoor water use can be tackled. Some of Doug's recent efforts around grey water have been great. If the concern is with the county growth and water resources coming from ground water and wells we need to be figuring out how to decrease water use.

Mr. Wiman said there needs to be water limits on growth in this City

Mr. Bunton said GPCD has population as one of its critical components.

Mr. Michael said he is seeing 3 big components to this. Regionalization is one. Another is how do we talk with each other through the process and 3rd is what is the physical vision for the City. We need to envision what we want this City to be physically. Those are the things he would group these big things into.

Mr. Coombe said if we really want to reduce water consumption we need to push the GPCD to the optimal level and from that see how much growth is appropriate. We do know that residential GPCD is on the order of 50 something. The ICI component runs it up. We have very little information on how that works. It strikes him that is the place where the opportunity is. To optimize the overall GPCD for the City. That a big area of opportunity. Not to diminish a larger plan for the City for growth. For the 85,000 people this is the optimal GPCD we think we can get to. From that look out longer term. It strikes him that we need to see what we can do by inviting in the ICI sector before we start attacking more things in the residential sector. We have to think where the leverage is. We spend \$50,000 for rebates and save 3 acre feet of water.

Mr. Shanahan said another stat that is equally important is how many houses per acre foot. Right now we have 5 houses per acre foot. We know that we could go to 10 houses per acre foot and it goes back to cross connections to harvest water and use it in our homes. As we design new subdivisions we put tanks in the ground. We want to capture the water and put it back in the house. If we can get to 10 houses per acre foot we postpone the conversation. We should never walk away from that conversation.

Ms. Grosse said it is worth noting that over the years the City has offered rebates and incentives and the cumulative savings is over 140 acre feet. We saved 3 acre feet this year. Almost 7 last year. Over time that makes a difference so that the amount of water we use has not gone up.

Mr. Coombe said that is a very small number.

Ms. Grosse said there are variables. The rebate program only captures the people who apply for rebates. At what point do you stop incentivising. Technology has improved.

Chair Romero Wirth said you express the seriousness of the City about water use. It was unbelievable in Capetown in all aspects of the City. The rebates play a broader role in awareness. There are things we can do to reduce our use of water.

Mr. Shanahan said also water is deposited into our water bank that the development community needs. So we are not contributing to demands on the system. The water bank is what allows us to say we not contributing to demands on the system.

Mr. Bunton said on rebates it is about how to get the most bank for the buck. Maybe we focus on where we can get the greatest reduction in GPCD.

Mr. Wiman said he doesn't think the public is aware that their incentives to reduce water use is to put the water saved into the water bank. When they see all the development going on they are thinking how is that happening. Maybe we need a specific presentation on the water bank. Andrew did a presentation for us and it was the best one he has seen. He would like a detailed presentation for a future meeting and what percentage goes to affordable housing and what percentage to developers.

Mr. Shanahan said it does not go to them they buy it.

Chair Romero Wirth asked what is the percentage used for.

Mr. Otto said have Kim give part of the presentation. Bring them both. Alan Hook too.

Mr. Shanahan said we continue to hear about a deficit of 8,000 units of housing. There is not enough in the water bank to sustain that. People will buy water rights and

transfer them into the City. We have a City policy that demands that we build more units to serve the population here now.

Mr. Kaufmann said it is outdoor use where we can make a difference. Everything used inside is recoverable. Outdoor is a loss.

Mr. Shanahan said we should capture it and use it to water. Water from your roof should be used inside the house.

Mr. Pushard said he likes this conversation, but it is way off topic. If we took an informal vote we have agreement on 2 items.

Chair Romero Wirth said the other piece of this is thinking about the timeline on this. Maybe we talk about regionalization for a specific shorter time frame. We don't have to decide to do it for a whole year.

Mr. Pushard said before the next meeting we need to get consensus on what we want to do then at the next meeting how we want to start addressing or approaching it.

Mr. Pushard asked what do we have consensus on.

The following were the results of that discussion:

- Regionalization, yes, consensus.
- Process and how to determine integrated decision making, no consensus.
- Infrastructure for communication long term and not ending, no consensus.
- Reduce water use by more aggressive water conservation driving down GPCD, no consensus.
- Hundred plan including demand and supply, no consensus.

Mr. Pushard asked are there others.

Mr. Bunton said just looking at reducing GPCD is too general. Lets look at ICI.

Mr. Pushard said he is against the assignment itself. We should be thinking big. We need to get involved in moving our water from Elephant Butte and get it up here to the reservoirs in the north so we are not losing water due to evaporation.

Mr. Coombe asked is that a matter for the City.

Mr. Pushard said it is our water. The GPCD is a bit constraining. We should do

some work on outdoors and commercial. It is a blend. It is a time for us to step back and go for the moon shot.

Chair Romero Wirth asked what are you all interested in seeing.

Mr. Wiman said an overview of the water bank and a legal response about metering private wells. The reasons Buckman was built was to conserve our ground water.

Chair Romero Wirth said we are going to do both of those. She wants to go back to big picture things.

Ms. Randall said she is still listening. She would support an all encompassing project.

Mr. Michael said he is in favor of working on regionalization. That may address all of these issues.

Chair Romero Wirth said she doesn't think she narrowed this to GPCD. She wants to know how do we reduce our water use in the big picture. It is clear we are going to have to further reduce our water use. We need to get in front of it and be ready when we need to do it instead of waiting until we are in crisis.

Mr. Coombe said he wants to focus on things that can actually be done with a definable outcome.

Mr. Pushard said the Albuquerque plan is prioritized. There are specific immediate short term projects and a long term list of 20 things they wanted to do.

Mr. Bunton said we could have a tactical and strategic set of agenda items. Both are important. It is important for Santa Fe for this group, using its capacities, to look at longer term issues. He realizes that we cannot predict, but you do the best you can with the models available to produce a living plan.

Mr. Pushard said he likes the concept of a longer term plan.

Ms. Chavez said maybe we need to have Bill present at our next meeting. He is in the process of writing the 40 year plan now. That is part of his job.

Chair Romero Wirth said lets let this percolate for a bit. For the next meeting e will bring Marcos back, have the presentation on the water bank, get legal clarification on wells, hear the presentation on the 40 year plan and have preliminary conversations about regionalization.

Chair Romero Wirth said thank you all. She appreciates all the comments and ideas.

9. REPORT ON MEETING WITH LAND USE AND ENGINEERING ON REBATE PROGRAM

Ms. Chavez said we had a 40,000 gallon cistern going in place at Milagro High School. When it went through the permit process they got some information from Land Use and when they tried to hook up to City water they hit a second set of requirements from Public Utilities. Then the State got involved because they govern the schools in a way too. We tried to find out why there were 2 sets of requirements directly effecting our rebate program. We looked over the 2012 UPC code. Engineering wanted to add an air gap to the system which required another design from the cistern group. We determined the initial requirement needed to be applied. That spurred another conversation about the back flow program for the City. The Uniform Plumbing Code (UPC) was adopted, but Land Use is still working on the rewrite of their code. Her understanding is when it was adopted the 2012 UPC superceded any other requirements. The chapter 25 requirement is not really a requirement. We agreed to bring the 2015 code, which touches all entities, to our Governing Body. We are going to make sure it touches all departments that it effects so everyone is on the same page. We plan on bringing that code to the Governing Body in July. It will come to this committee first. Marcos is going to help us understand how these codes connect. It effects every system going forward.

Mr. Pushard said the specific topic is the 2012 plumbing code is what we operate under which was approved by Resolution by the City Council and is what we use on plumbing. Chapter 25 of the Land Use Code has a sentence in the appendix that says no cross connection is permitted. Chapter 25 is still under rewrite. When we adopt an updated code and have a conflicted old code what takes precedent.

Mr. Martinez asked how is it in conflict.

Mr. Pushard said Chapter 25 says no cross connections at all. That is what engineering is saying. But we have not updated that. It is in an appendix.

Mr. Erdmann said this is the exhibit at the back of Chapter 25. Part of the chapter is the same as anything else. This was brought froward from PNM. It is part of the code.

Chair Romero Wirth said back up a bit. She is confused about what are we talking about here. Regulation or City code.

Mr. Martinez said Chapter 25 is an Ordinance and Appendix A was adopted as

part of the Ordinance. The Building Code was adopted by Ordinance. Cross connection is more stringent. That is still in effect at this time. PUC still uses it. The rule of construction is the more recent rule and governs unless there is a specific statute.

Mr. Bunton asked does the 2012 code permit the cross connections.

Mr. Pushard said yes.

Mr. Bunton said they are contradictory. According to the rule of construction the most recent action prevails so the ability to provide the cross connection is accepted.

Mr. Martinez said it says no cross connection is to be made if it is connected to City lines.

Mr. Erdmann said we hold everyone to that.

Mr. Martinez asked what is the provision under the UPC code.

Mr. Pushard said UPC provides you directions as to how to do cross connections and says they are approved if done as described. The 2012 and 2015 codes say that.

Mr. Martinez said the later one controls, but the better practice is when it goes through for the 2015 code do we need to amend those chapters in Chapter 25. He will examine that question.

Mr. Erdmann said there is a good reason for having the cross connection in there. They are not going to repeal it. They may make it stronger.

Chair Romero Wirth said she is trying to understand the law to figure out the considerations of what is in the law so that 2 different departments are not saying 2 different things. She is trying to be consistent.

Mr. Erdmann said one of them is stronger than the other and is not conflicting. The one code gives you ways to do it, but is that a different way of saying do it.

Mr. Martinez said when you examine the 2015 code and have other departments involved part of the question will be what is the goal of Chapter 25 saying no cross connections. Part of it is to protect the potable water supply. It exists for a reason. Can we protect that goal of safe drinking water and still allow the rain water harvesting systems so that we protect the health and safety of the public. No one really disputes this goal.

Mr. Pushard said he has sat on both of these code committees. 50% are public health officials. This has been vetted and investigated. There is a lot of science in this.

Sometimes they are laudable goals, but not science backed goals. We want to make sure when we have discussions like this. It should be the science we bring to bear here. There needs to be some justification or document that supports that going the extra mile.

Mr. Martinez said he thinks one reason the City needs to tread cautiously is water supply is one of the issues where the City has liability and is not covered by the Tort Claims Act. If any health risk is posed by something the City authorizes we are not shielded from any negative results of that. He would want the Councilors to consider that. What Doug said is appropriate. Codes should be substantiated by science. He expects the Engineering Division would approve that as well. They must think there is an engineering reason for it.

Mr. Bunton said if we are looking at this only in a binary sense something or nothing you say makes sense in the case of liability. The question with respect to moving forward is what is the best way to prevent the undesired consequence other than no connection.

Mr. Martinez said he does not know why the decision was made at this time.

Mr. Pushard said there is a second issue. Going forward we have a plan of action on a current project. When we adopt 2015 we need to come up with the language for Chapter 25. That is good. The second thing is gray water. We also have an issue on gray water.

Ms. Chavez said the New Mexico Environment Department, as we understood it, did not require permits for gray water systems of 250 or less gallons a day. When we went through the 2012 code Land Use brought up that permits are required for all systems. The resolution was the 2012 UPC said that so we should be allowing permits, but the issue still stands. The State is still saying they are requiring the permits.

Mr. Martinez said so who requires the permit.

Mr. Pushard said the City requires the permit for gray water systems. There are no regulations that tell anyone how to do it, but that is what the plumbing code says. In the County the site inspectors say no permit needed. The State is bound by the same plumbing code, but they passed a specific law saying no permit was required for under 250 gallons. There are 2 conflicting State laws.

Mr. Shanahan asked isn't it a specific and narrow kind of gray water.

Mr. Pushard said yes. There are 14 items. There is a State book that tells you the 14 guidelines. If you follow those 14 you do not need a permit from the State.

Mr. Martinez said it sounds like you have worked through these issues.

Ms. Randall said at the customer's expense and delay of the project.

Mr. Martinez said with respect to going forward he suggests you try to harmonize these conflicts and amend the code. Rather than discover the issues in the middle of the project and having to take care of them at the customer end of things.

Mr. Pushard said we need to debate as a body if we are ok with the City of Santa Fe being the only City in New Mexico that requires a permit for a gray water system.

Mr. Martinez said if you are of the mind not to adopt the rule the State is deploying you need to look at alternatives rather than just articulating your own rule and that you are not going to do it.

Ms. Chavez said if we adopted it by Ordinance, maybe when we do 2015 we can make an exception. We can be less stringent than the rule.

Mr. Martinez said you would say you are adopting the rule that the State is employing. He thinks the State has enacted an interpretation of the regulation. You want to adopt that and when changed the City adopts that change as well so you are as stringent as the State. You could preserve the rule to require a permit or just follow the stringency of the State. He would like to find out where that is codified and look at that himself.

Mr. Pushard said it is stated in the gray water code.

Ms. Grosse said on page 21 of the code it lists the 14 items.

Mr. Martinez said that regulation will identify the statutory authority and the detail.

Mr. Coombe asked do the statutes or codes from other cities allow for cross connections.

Mr. Pushard said yes, residential only. Commercial has done it for decades.

Mr. Coombe said you are talking about defining what is acceptable legally for the health and safety risk for the City. Is the science good enough. If that has already been done by other municipalities we don't have to start from square one. That is potentially useful in rationalizing these 2 points.

Mr. Martinez said it would be useful.

Mr. Coombe asked would it be permissible for this group to ask the City Attorney's Office to make sure the process of making UPC and Chapter 25 consistent is ok before it goes to the Governing Body.

Mr. Martinez said we could review the internal inconsistencies. That is resonalbe.

Mr. Pushard said air gap is an acceptable method and is in the code, but there is not a diagram of what an air gap looks like. What the City required was an air gap that followed through the air into the top of a tank for toilet flushing. In the winter what happens. We need more than the words "air gap." The code officials do not always think of the climate in northern New Mexico. We need to define what an air gap is.

Ms. Chavez said with the regulations and Chapter 25 rewrite, this committee has been involved in the past on the water conservation sections. Andrew has spent so much time working on this. If the Ordinances passed and they have already changed the code how does that get rectified in the system. It seems siloed again. How do we work collaboratively on this so the Ordinances get reflected in the code that we are editing again.

Mr. Martinez said that is the consequence of the complexity of the Ordinance the City has. In 2012 it went through Public Utilities and the Public Works Committees. He doesn't know if the Engineering Department was asked to look through it. He is guessing that did not happen. They are not in the habit of looking at code changes in other departments. We need to be mindful of that. There is no magic solution he can think of. Wholesale rewrites are very difficult. Problems come out of the practice. Now that we know about this we need to get Water Engineering involved in this.

Ms. Chavez said we see it on the PUC agenda, but staff has not had a chance to even see it.

Mr. Erdmann said it comes down to making phone calls and going to everyone's office. It is tricky. One of our goals was to wrangle all that together. The Land Use code rewrite is a great example of that.

Ms. Randall asked is there anything in terms of infrastructure or systemic procedure that would force that conversation. It has to be intentional and procedural. Is there some kind of overarching point of contact that is paying attention to the interdepartmental workings.

Mr. Bunton said maybe we need to put in place a process where 15 different City departments have to sign off on the approach before it can be approved. Then you have touched all the departments you need to touch.

Mr. Pushard said the issue is a 40,000 gallon cistern. That is why it got bubbled up. We have thousands of cross connections in the City now. 40,000 is big. Having every department sign off on every residential item might be prohibitive.

Mr. Bunton said he talking about the Ordinances not the individual permits.

Ms. Chavez said we will work closely with you, Land Use and Engineering and will do our best for the 2015 UPC.

Mr. Martinez said make sure these more important code changes are on discussion rather than consent. The Water Division used to have a meeting with all the divisions before PUC. Maybe you need to make sure you can review items before PUC.

Mr. Pushard said we are talking a lot about water here. UPC is the plumbing code, but much more than the chapter we are talking about. The book is 2 inches. That is the issue. Someone has to read it and understand it. What is new is that it is all underlined. It is more than just this issue. This is a really big issue. They change every chapter every 3 years. It is a process we need to get into.

Chair Romero Wirth asked wasn't there a time frame on this with regard to the City accepting the 2015.

Ms. Grosse said 6 months after the State. They adopted it May 15th of this year.

Ms. Chavez said we were going to try to push it through faster. She is not sure we can. In this case we don't know how long that will take.

Mr. Erdmann said this Ordinance has the other problem of permits it sounds like. Rain water permits. That makes him nervous. It did not get caught in the review process. There are errors on both sides. This is a process issue that will continue to come up every 36 months. We need a process.

Mr. Michael said he used to work for the State Surface Water Quality Bureau. Every 3 years the State had a formal, standard process. That is why he was surprised when you guys told him you were going to do Chapter 25 in 6 months.

Ms. Randall asked what are the next steps for resolution.

Ms. Chavez said we will bring the 2015 through this committee. Also a stronger back flow process will be in place.

Ms. Randall said at this point they are required to be installed, but there is no inspection program.

Ms. Chavez said we are looking closely at that right now.

Mr. Martinez said he has a lot of homework.

Chair Romero Wirth said we will put you back on our agenda for next month to update us.

Mr. Martinez said the Chapter 25 rewrite is admirable. Right now what we should focus on is to find the specific conflicts before we deal with the full rewrite. Parts of the City Ordinances are amended on a piece meal basis. It would be better to prioritize the conflict pieces and address them. We don't want to take away any of the work Andrew has done. It is still a good long term goal, but it would be better to prioritize this.

Chair Romero Wirth said she tends to agree with this. Giving the public 2 sets of rules drives them crazy. Staff too.

Ms. Randall said it could be contrary to the work of this committee and the office. It could have killed the project. Not everyone has the funds to redesign projects.

Chair Romero Wirth said this is an example of what we are talking about. This process stuff has to be fixed. She is not sure she has an answer of how to do that. We need to start to prioritize the conflicts and address them in groups or one on one.

Mr. Bunton said it is an every 3 year problem so there needs to be a systemic solution.

Chair Romero Wirth asked do you in the City Attorney's Office have the bandwidth to deal with these codes.

Mr. Martinez said the City Attorney's Office does not issue formal opinions of all the code amendments happening. It is like anything else in the City. It is a matter of prioritizing things. He expects there will be other conflicts in the UPC.

Chair Romero Wirth said the City Attorney's Office are litigators rather than legislative. The State has the Attorney General, then the Legislative branch with Council Service. Their whole job is to pay attention to the law and how it changes and how it works and advise how that is going to come together in a way that makes sense to carry it out. We don't have anything like that here.

Mr. Martinez said we have Legislative Services under the City Attorney, but they are not lawyers. We only have 7 lawyers. They do some litigation. Torts are handled outside. We handle things not covered by insurance. A lot of what we do is staff the Boards that exist. He reviews all the contracts in the City. He has ongoing litigation for things not covered and he is the Water and Utilities lawyer. We have a small shop relatively speaking. There are 35 City Attorneys in Albuquerque.

Chair Romero Wirth asked do we need a couple of attorneys specific to this statutory construction stuff and making sure we are keeping the codes in order.

Mr. Coombe said let's say this committee wants to address the cross connection issue and we looked at the language in the codes in Albuquerque and we voted to recommend the changes to Christine, what happens.

Ms. Chavez said she has to write an Ordinance for the Governing Body. She not a lawyer.

Chair Romero Wirth said so there are not real bill drafters.

Mr. Martinez said Jesse and Linda draft them and sometimes ask us to review them.

Chair Romero Wirth said they are not lawyers. With Council Service that is 90% of what they do. Then you have guys like Andrew trying to do things wholesale because they are not done correctly piece meal.

Mr. Martinez said some departments do not have a standing attorney. A lot of the departments fall through the cracks.

Chair Romero Wirth said staff is meant to implement these kind of things and they go to sites with their books and use the book with no understanding that the Ordinances are changing with no regard to what Council does.

Mr. Shanahan said the overarching principal is trust the science. Trust the national code process. It is a rigorous process based on science. To presume that Chapter 25 is better because it is more stringent is not true. Homebuilders push back on that. We have to trust codes vetted with science.

Chair Romero Wirth said and yet Chapter 25 is what some staff are following.

Mr. Shanahan said some, but some are falling back on legislative interpretation. Maybe we just need to trust the code process at a national level and not have more lawyers to look at it.

Mr. Martinez said if that immunizes the City from liability, but it does not.

Chair Romero Wirth said the law is how we get our rules. It is by following the rules that we immunize ourselves from liability. If we need to be adopting the code as our rule and we are not keeping up with that it is a real problem in the legal liability world.

Mr. Pushard said the simple solution is lawyers talking to each other. We used to have a pool of lawyers.

Chair Romero Wirth said Marcos has to leave. We probably do not need to reinvent the wheel here. She is sure there are other cities who have models for us to follow to close this gap we identified. Lets leave this for now.

Mr. Martinez left the meeting.

Mr. Michael said you mentioned Marcos will come back.

Chair Romero Wirth said it might be useful. He now understands the issue. He can give us insight on things after he looks into things.

Mr. Michael said we still need clarification of the City authority for metering wells.

Chair Romero Wirth said she will follow up with that. Let's leave this topic for now.

10. RESULTS OF RESTAURANT PILOT STUDY

Ms. Chavez said the project was successful. She will give a report at the July meeting.

11. MATTERS FROM THE

None.

12. MATTERS FROM STAFF

None.

13. MATTERS FROM THE COMMITTEE

None.

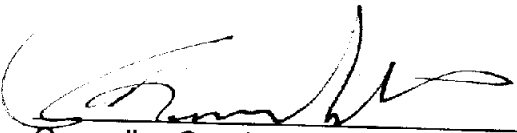
14. NEXT MEETING JULY 10, 2018

15. ADJOURN


MOTION A motion was made by Mr. Bunton, seconded by Mr. Michael, to adjourn the meeting.

VOTE The motion passed unanimously by voice vote.

There being no further business before the Committee the meeting adjourned at 5:11 pm.



Councilor Carol Romero Wirth, Chair



Elizabeth Martin, Stenographer