

CITY COMMISSION

CITY OF TRUTH OR CONSEQUENCES

MONDAY, NOVEMBER 4, 2013

SPECIAL MEETING  
ACTION MINUTES

**TIME & PLACE:** The Mayor and the City Commission of the City of Truth or Consequences in the Country of Sierra and State of New Mexico met in Special Session in full conformity with the law and ordinances of said Commission in the Commission Chambers of said City, on Monday, November 4, 2013, starting at 5:30 P.M.

**PRESIDING OFFICER:** The meeting was called to order by John Mulcahy, Mayor, and Judy M. Harris acted as Secretary,

**ATTENDANCE:** Upon calling the roll, the following members were reported present:

Hon. John Mulcahy, Mayor  
Hon. Sandra Whitehead, Mayor Pro-tem  
Hon. Steve Green, Commissioner  
Hon, Jeff Richter, Commissioner  
Hon. Mike Kertesz, Commissioner

Also Present:

Juan Fuentes, City Manager  
Jay Rubin, City Attorney  
Judy M. Harris, City Clerk

**QUORUM:** There being a quorum present the Commission proceeded with the business at hand.

NEW BUSINESS: Mayor Mulcahy noted the next item was New Business, asking City Attorney Jay Rubin to explain the Proposed Ordinance for Publication.

City Attorney Jay Rubin explained the Proposed Ordinance, noting that the Commission had passed the Ordinance for the Extension of the Moratorium on Drilling, which would expire November 30<sup>th</sup>; noting that he recommended this Ordinance be Extended until February 28, 2014.

Commissioner Mike Kertesz questioned what could be accomplished with the 3 month extension.

City Manager Juan Fuentes noted that the Extension would be brought to the Commission on December 21<sup>st</sup> for the Final Adoption.

Commissioner Steve Green questioned if that was enough time, extending the extension to February, noting he didn't want to have to come back in February and ask for another Extension.

Mayor John Mulcahy noted the meeting with the State Engineer and stated that a new Ordinance was forthcoming.

City Manager Juan Fuentes explained the follow-up process for the Ordinance, noting it would give ample time for Staff, the Commission and the Public.

Commissioner Mike Kertesz requested that the State Engineer be brought in to the meeting for any questions they might have.

Commissioner Steve Green noted that he didn't want this falling by the way side, and would need follow through working with the Staff.

City Manager Juan Fuentes noted it would be brought back November 21st for the Public Hearing.

“Commissioner Steve Green moved to open the meeting to Public Input”.

Seconded by Commissioner Mike Kertesz

Motion Carried Unanimously.

Mayor Mulcahy asked for Comments from the Public:

Kathy Clark approached, made a comment on how the Commission was handling the Moratorium and asked who was crafting the 1<sup>st</sup> Draft of Ordinances, for new Domestic Well Permits and the Discharge of Hot Mineral Water.

City Manager Juan Fuentes answered that City Attorney John Appel would be working on the Ordinances with City Attorney Jay Rubin and Staff.

Klaus Wittern explained his concerns and a number of issues with Domestic verses Commercial, noting that there was no Moratorium

Commercial, he also noted a list of definitions, and his concern that the State Engineer needed to be more involved.

Ken Merritt questioned if there was time to do study on the Sewer Plant and enough space in the sewer system; he also questioned if the Environment Department knew of the information.

City Manager Juan Fuentes noted there was no study.

Commissioner Steve Green asked about after the Moratorium.

City Manager Juan Fuentes noted a study for the Waste Water Treatment Plant.

Mayor Mulcahy asked for further comments.

With no further Comments, *“Commissioner Steve Green moved to accept the Proposed Ordinance for Publication with the extension date to February 28, 2014.”*

Seconded by Commissioner Mike Kertesz and Mayor John Mulcahy.

Motion Carried Unanimously.

ADJOURNMENT: There being no further business to come before the Commission, “Commissioner Steve Green moved to adjourn the meeting.”

Seconded by Commissioner Mike Kertesz.

Motion Carried Unanimously.

CERTIFICATION: PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2013, on a motion duly made by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_ and carried.

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SANDRA WHITEHEAD,  
MAYOR PRO-TEM

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Judy M. Harris,  
City Clerk

