Small Business Regulatory Advisory Commission



**CITY OF ALBUQUERQUE**

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| Chairman: Don Kaufman  Vice Chairman: Anthony Trujillo  Ex-Officio Commissioner: John A. Garcia | Commissioners: Alex Romero  Beverly Chavez  Larry Garcia  Larry Rainosek  Scott Throckmorton |

**MINUTES from June 18, 2013**

**ATTENDEES: EXCUSED: STAFF:**

Don Kaufman Scott Throckmorton Cheryl Rein- Borunda

Anthony Trujillo Donna Griffin

Alex Romero John A. Garcia

Beverly Chavez Ramona Zamir-Gonzalez

Larry Garcia

Larry Rainosek

**Presenters:** Israel Tavarez, Air Quality Manager, Environmental Health Department

**Guests:** Danny Nevarez, Deputy Director, Environmental Health Department

Attachments: Draft - Food Sanitation Ordinance summary (Donna Griffin); Draft – Recommendation to Mayor for Food Code Enforcement; Highlights of Proposed Replacement Air Quality Permitting Regulation

Meeting called to order by Chairman Don Kaufman at 7:32 a.m.

1. Changes to the Agenda were as follows: Cheryl Rein-Borunda noted that Item V was revised after the email distribution to include the Air Quality Regulation number and description. She also advised that she is still in the process of obtaining a list of divisions within the Planning Department, and will have it by the next meeting.
2. In reference to the May 21, 2013 Minutes, Commissioner Romero inquired about the UNM project Executive Summary. Cheryl Rein-Borunda noted that it was emailed to the Commissioners but she did not print it for the present meeting because it is incomplete. [Copies were made and distributed to those who requested them].

May 21, 2013 Minutes were reviewed and motion to approve requested by Chairman Kaufman.

MOTION BY VICE CHAIRMAN TRUJILLO

SECOND BY COMMISSIONER ROMERO

MOTION CARRIED UNANIMOUSLY

III. See Item I above.

**SBRAC Minutes**

**June 18, 2013**

**Page two**

IV. Cheryl reviewed the attachments, noting that the summary from Donna Griffin highlights the interaction of the City Ordinance and the Food Code, and points out the areas that the Commission can address upon expressing concerns and/or recommendations to the Mayor. The second handout lists the suggestions that were discussed following the presentation by the NM Restaurant Association at the prior meeting.

There was a roundtable discussion; Donna Griffin answered questions and elaborated on the summary report. She explained the regulatory versus administrative protocols involved with the different recommendation options.

The Commission agreed to prepare a letter to the Mayor with proposed recommendations (see Attachments), and route it for initial review and feedback to the Environmental Health Department and the NM Restaurant Assn. The letter would also include an explanation of the Commission’s investigation, and reference to its ordinance. The Commission also determined to change the wording from ‘2nd inspector’ to ‘supervisor’ in Item 3 of the ‘Recommendations’ draft.

MOTION BY VICE CHAIRMAN TRUJILLO

SECOND BY COMMISSIONER CHAVEZ

MOTION CARRIED UNANIMOUSLY

Donna Griffin will email the draft to the Commission prior to its next meeting.

V. Israel Tavarez gave an introduction of the Air Quality Division and reviewed the proposed replacement to an Air Quality regulation (see handout). The Air Quality Division is a federal agency for the City of Albuquerque which includes Bernalillo County. Regulations stem from the Federal Clean Air Act, the State Air Quality Control Act, and enabling ordinances through which authority is given to both the City and County. The City entity staffs and operates the programs.

He indicated the main purpose for the replacement is that the existing regulation (Air Quality Permitting) is outdated. Impacted businesses will include manufacturing, aggregate processing (such as for general/road construction utilizing cement and cement plants), gasoline stations, dry cleaners, and businesses that use back-up emergency generators.

He explained that there is a process that must be followed when a business requires an Air Quality permit. He added that the EHD Air Quality Division has a Small Business Assistance Program to provide guidance and answer questions. Cheryl Rein-Borunda asked whether a current listing of neighborhood associations is provided to businesses for notification contacts. Israel Tavarez agreed that this is something that will have to take place most likely in the pre-application meeting.

Chairman Kaufman inquired about the amount of time to process a permit. Israel Tavarez responded that, with the current requirements, it takes approximately forty-five days; however, with the proposed regulation, it will reduce the time to about thirty days. Nevertheless, the best case scenario takes about 3 to 3 ½ months from the time the application is submitted; the biggest part of the process involves a mandated public comment period. As it stands, the community can then request a public hearing for any open-ended reason to appeal the permit. But in the proposed replacement, a request for a public hearing would be contingent upon the issue being air quality related.

**SBRAC Minutes**

**June 18, 2013**

**Page three**

John Garcia inquired about air quality permitting related to manufacturing; Israel Tavarez responded that Air Quality Division works with Economic Development Department to help streamline the process; the public meetings have been successful and companies are working with neighborhood associations early on to engage and educate the community. Vice Chairman Trujillo inquired about the denial of an application after three attempts. Israel Tavarez explained that this would take place only in extreme circumstances, and is designed to speed up the process when applicants do not provide the information in a timely manner. He added that Air Quality Division acknowledges the role of small business in the economy, and takes customer service seriously; the goal is to help the small business to move forward.

Cheryl Rein-Borunda advised the Air Quality Control Board hearing will be held on July 10, 2013. She encouraged the Commission to draft a response in writing prior to the hearing indicating its position on the proposed revision. Response options include: support of the revision; support of the revision with suggestions (e.g. list of neighborhood associations should be provided to the applicants); or do nothing. She added that the Small Business Division of Air Quality has an excellent website for referrals.

There were further questions and discussion regarding Air Quality permitting. There was a motion to draft a brief letter to the Air Quality Division requesting that it provide a list of the current Neighborhood Associations to permit applicants and provide to the Neighborhood Associations placards for public notice of an application for permit.

MOTION BY COMMISSIONER CHAVEZ

SECOND BY VICE CHAIRMAN TRUJILLO

MOTION CARRIED UNANIMOUSLY

VI. There was a motion to invite the copper recycling industry representatives to the next meeting.

MOTION BY VICE CHAIRMAN TRUJILLO

SECOND BY COMMISSIONER GARCIA

MOTION CARRIED UNANIMOUSLY

John Garcia indicated he would inform Minda McGonagle who represents the metal recycling industry.

Chairman Kaufman, referencing the Commission’s decision in the May meeting, expressed that the director of Planning, Suzie Lubar, should be invited to the July meeting to provide an overview of the department, including current issues and updates.

VII.There being no further business, there was a motion to adjourn.

MOTION BY VICE CHAIRMAN TRUJILLO

SECOND BY COMMISSIONER GARCIA

MOTION CARRIED UNANIMOUSLY