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 April 16, 2013**

**ATTENDEES: STAFF:**

Don Kaufman Cheryl Rein- Borunda

Anthony Trujillo Donna Griffin

Alex Romero John A. Garcia

Beverly Chavez Ramona Zamir-Gonzalez

Larry Garcia

Larry Rainosek

Scott Throckmorton

**Presenters:** Lt. John Thies, APD, Central Investigations

Cdr. William Roseman, APD, Property Crime

Joe Martinez, Safe City Strike Force

**Guests:** Mary Lou Leonard, Director, Environmental Health Department

Mark DiMenna, Deputy Director, Environmental Health Department

Theresa Alling, Environmental Health Department

Meeting called to order by Chairman Don Kaufman at 7:44 a.m.

1. There was a small change to the Agenda - moving Item V ahead of Item IV and moving Item III.B. (SBRAC 2013 schedule) to the end; there were no additions or deletions to the Agenda.
2. March 19, 2013 Minutes reviewed and approved by the Commission.

MOTION BY COMMISSIONER THROCKMORTON

SECOND BY COMMISSIONER RAINOSEK

MOTION CARRIED UNANIMOUSLY

1. Cheryl Rein-Borunda advised that the State passed a requirement that all open meetings must post their agendas 72 hours in advance, although it does not go into effect until June. The SBRAC Agenda was posted early on the City/EDD website and will continue to get posted there accordingly.

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1. The Commissioners introduced themselves to the APD staff, expressing their personal business experience with copper theft. Commander Roseman discussed the statistics and analysis of copper theft in Albuquerque and its impact on business. Key issues that were addressed include: initiatives that have been successful in other states did not pass in NM legislation due to push back from the recycling industry special interest groups; APD is working with Albuquerque Mayor to eliminate cash paid (instant gratification) for recycling transactions; even when restrictions are imposed in the city, violators will pay the fines and return to business the next day; the problem is compounded by few to no regulations in neighboring counties and throughout the state; APD is working with Centurylink, Qwest, PNM, and the alarm industry, but not without internal issues; APD is advising business owners who have suffered copper theft to replace materials with aluminum and indicate this with a sticker because likelihood of repeat theft is high; there has been better success with motion/security cameras.

There was further roundtable discussion. Joe Martinez, Safe City Strike Force, shared several photos and narrative of local copper theft incidents. John Garcia suggested that the Commission determine its position and prepare a statement to the Council and State legislation in support of small businesses that are impacted by this crime. Donna Griffin added that if an ordinance is written, it will come up for review by this Commission.

1. Mary Lou Leonard provided the Commission with a follow-up letter advising concerns discussed at the previous meeting which are being addressed or resolved by Environmental Health Department. She added that individual challenges held by a food establishment related to the food code could best be handled one on one between the owner and EHD staff, rather than making a change to the regulations which may not best serve the public. EHD will provide a copy of the amended inspection form to the Commission.

Mark DiMenna reviewed the follow-up letter noting key points: there is a link to access the food code on EHD website; the electronic inspection form will indicate details of any food code violations (as currently does the hard copy form), and both forms will now include information and instructions for the appeal process – EHD will provide a copy of the written procedures to the Commission.

There was a discussion about the recent scoring error by EHD on businesses that were downgraded incorrectly. Cheryl Rein-Borunda inquired about the wiping cloth regulation that was discussed at the previous meeting. Teresa Alling quoted the Federal Food Code and will advise the Commisison with the reference from the 2009 Food Code. There was further discussion, specifically about red tag issuance and the regulation process. Mary Lou Leonard expressed that the current process is more business friendly than in the past; inspectors have received standardization testing through FDA, and EHD strives for a more ‘educational’ versus regulatory approach.

Cheryl Rein-Borunda advised that the NM Restaurant Association requested an opportunity to come speak to the Commission about some concerns it has regarding EHD inspections. She added that the SBRAC meetings are open to the public, and the present guests are welcome to attend any meetings in the future.

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There was further discussion about the topics heard in the meeting, the Commissions’ next steps and future meeting intentions. John Garcia requested a vote by the Commission to enter into an Executive Session to discuss legal issues.

COMMISSION VOTED IN FAVOR UNANIMOUSLY

[Executive Session]

The Commission announced it was back in Full Session, and there were no votes or action taken in Executive Session. In discussing next steps, Commissioner Romero suggested the Commission further explore all sides of the copper theft issue before taking any action, with the understanding that any proposed ordinance in this regard will become available for review by the Commission. In the interim, Donna Griffin suggested that she obtain any related legislative council analyses of recent State legislation for the Commission to examine at the next meeting. Cheryl Rein-Borunda announced that there may be some legislation coming up regarding air quality regulations, and she advised she will follow up with Commissioner Throckmorton on the status of the UNM Anderson School project for discussion at the next meeting.

1. There being no further business to discuss, the meeting adjourned at 9:27 am.