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**Special Meeting
Taos Town Council
Town Council Chambers
120 Civic Plaza Drive
Taos, New Mexico
February 19, 2009
2:00 p.m.**

MINUTES

1. **CALL TO ORDER:** The Special Meeting of the Taos Town Council was called to order by the Honorable Mayor Darren M. Cordova at 2:09 p.m.

2. **ROLL CALL:** Ms. Renee Lucero, Town Clerk, called roll and a quorum was present.

Those present were:

Mayor	Darren M. Cordova
Mayor Pro Tem	Rudy C. Abeyta
Councilmember	A. Eugene Sanchez
Councilmember	Amy J. Quintana
Councilmember	Michael A. Silva

Also present were:

Town Manager	Daniel Miera
Assistant Town Manager	Abigail Adame
Town Attorney	Allen Ferguson
Town Clerk	Renee Lucero

3. **PLEDGE OF ALLEGIANCE:** Councilmember Silva led the audience in the pledge of allegiance.

4. **APPROVAL OF AGENDA:** Mayor Pro Tem Abeyta made a motion to approve the Agenda as presented. Councilmember Quintana seconded the motion. The motion carried unanimously.

5. **MATTERS FROM STAFF**

A. **Matthew Foster, Long-Range Planner**

WORK SESSION WITH TOWN COUNCIL REGARDING:

1. Adoption of Ordinance 09-03 - the High Performance Building Ordinance. The ordinance establishes design and construction standards for energy efficiency and water conservation to be mandatory for Town-owned buildings and phased in with incentives for private sector buildings.

1 William Brown, with Sage West Consultants, gave a PowerPoint presentation to
2 Mayor and Council introducing the High Performance Building Program which
3 encourages planning and zoning practices resulting in significant energy and
4 water savings for residential and commercial buildings. He further stated the
5 program seeks economical and affordable approaches.
6

7 Matthew Foster, Long-Range Planner, stated legal issues will be addressed
8 including whether the Town of Taos has authority to adopt a High Performance
9 Building Ordinance.
10

11 Maija West, with Sage West Consultants, stated Construction Industries Division
12 has agreed the Town is within their power to adopt this ordinance to protect the
13 health, safety and welfare of the citizens. She also stated the Town has the
14 authority to adopt ordinances that are stricter than the State of New Mexico's
15 building code; however, local governments cannot regulate laws which have been
16 regulated by the federal government. Ms. West stated concerns were raised by
17 staff and Council during past council meetings regarding the lawsuit involving
18 the City of Albuquerque's High Performance Building Ordinance. She informed
19 Mayor and Council that Albuquerque's ordinance attempted to regulate the
20 efficiency of household appliances even though the federal government had
21 already regulated it. The Town's program is different than the City of
22 Albuquerque in that it regulates how well the walls, floors, and ceilings of a
23 building are built.
24

25 Allen Ferguson, Town Attorney, stated the Federal District Court Judge in
26 Albuquerque found the City of Albuquerque's High Performance Building
27 Ordinance violated the Federal Energy Policy & Conservation Act which sets
28 particular energy efficiency standards for a variety of different appliances. The
29 judge also found that the overall standards of the Albuquerque ordinance forced
30 the consumer to buy appliances that exceeded federal energy standards, which is
31 not the case in the Town's ordinance.
32

33 Mr. Foster stated one of the objectives of the ordinance is to provide incentives to
34 builders who would comply and meet the standards. He stated the ordinance
35 currently includes an expedited plan review and expedited inspections which
36 would be administered by the Buildings & Grounds Department. In addition, Mr.
37 Foster stated the financial incentives include 25% reduction in water and sewer
38 hook-up fees. He informed Mayor and Council the program becomes mandatory
39 in 2011.
40

41 Mr. Brown reviewed a cost scenario worksheet which was prepared at the
42 Council's request at a past meeting. Mr. Brown gave examples of additional
43 costs to builders to achieve a better HERS (Home Energy Rating System) rating,
44 therefore achieving additional annual energy savings. He stated that if a builder
45 constructed a home with a cost of \$120,000 without modifications and a HERS
46 rating of 86, the cost to achieve a better rating of 70 would be increased by 2%.
47

48 Matthew Spriggs, Community & Economic Development Director, stated by the
49 time this program becomes mandatory, our building code will more than likely

1 already require it because this is the direction that the International Code Council
2 is going and staff is trying to be proactive. He further stated the program has
3 certain economic advantages because a level of craftsmanship is necessary due to
4 the quality control requirements.

5
6 Councilmember Sanchez asked if there are risks involved with implementation of
7 the program. Mr. Spriggs stated there are always risks involved in new emerging
8 fields; however, the consultants and staff have spent countless hours to ensure
9 that the risks are minimal. Councilmember Sanchez stated one risk may be that
10 the inspectors must be very ethical and well trained. Mr. Brown stated
11 inspectors must be certified for HERS training.

12
13 Mayor Pro Tem Abeyta thanked the consultants and staff for their hard work in
14 preparing this ordinance and stated he is satisfied with the justification regarding
15 the Albuquerque lawsuit. He stated he supports the program; however, he would
16 like to see that it be implemented on a voluntary basis until it is mandated by the
17 building codes. He is concerned about additional costs to the average Taoseño;
18 therefore, he recommends not mandating the program in 2011.

19
20 Mr. Spriggs stated there are incentives that make this affordable to the citizens
21 such as lower mortgage interest rates and payments. Furthermore, members of the
22 community have expressed that they would like this program to be mandatory.

23
24 Mr. Brown stated the steering committee feels the ordinance should become
25 mandatory at some point because it is necessary to make the program workable.

26
27 Councilmember Silva asked whether modular homes will be affected by the
28 program. Alex Henry, with Sage West Consultants, stated the government has set
29 Energy Star Construction Specifications which are built into the home at their
30 expense. Additionally, Ms. Henry stated manufactured homes are not regulated
31 by the Town, but by the State.

32
33 Councilmember Silva asked if the consultants have supporting documentation
34 regarding the estimates on savings as discussed. Ms. Henry stated they have kept
35 all supporting documentation for research they have conducted.

36
37 Councilmember Sanchez stated he supports the program and feels it is very
38 important to mandate the program. He stated low income people of Taos will
39 benefit by these standards because the insulation installed will result in reduced
40 energy bills.

41
42 Mayor Cordova stated he supports President Obama's initiative toward energy
43 independence. He believes there are minimal costs to builders and home-owners
44 to be in compliance, and the costs are well worth it. Mayor Cordova feels the
45 Town will prove to be progressive by approving this ordinance and would like to
46 make the program mandatory immediately. He asked the Council to consider
47 passing the ordinance with no incentives and no voluntary time period as the
48 incentive will be incurred through reduced energy costs. He feels the Town
49 should mandate compliance this year for residential buildings which are 3,000

1 square feet and commercial buildings which are 6,000 square feet and in 2010, all
2 residential buildings should be in compliance.

3
4 Councilmember Quintana agreed with the Mayor.

5
6 Ms. West stated if the Town decides to mandate the program immediately they
7 could require a HERS rating of 85. Mr. Ferguson agreed with Ms. West and
8 stated a HERS rating of 85 is much easier to achieve and the Town will be less
9 likely to face a lawsuit. Council discussed setting the HERS rating at 80 in 2010,
10 75 in 2011 and 70 in 2012.

11
12 There was a lengthy discussion about how the funds received from the program
13 fees can possibly be spent on weatherization and efficiency modifications to
14 existing buildings for low to moderate income people.

- 15
16 2. Adoption of Resolution 09-14 - Adopting the 2030 Challenge - This resolution
17 establishes a goal for the Town to eliminate fossil fuel energy use from new
18 construction by the year 2030. This resolution furthers the recommendations and
19 commitments of previous resolutions passed by the Town Council, including the
20 endorsement of the US Mayor's Climate Protection Agreement (07-04), the
21 resolution on Sustainability (07-99), and the resolution adopting the EPA's
22 Energy Star Challenge (07-103).

23
24 Mr. Foster gave a PowerPoint presentation regarding Resolution 09-14.

25
26 Mayor and Council supported placing Resolution 09-14 for formal adoption on
27 the March 24, 2009 Regular Council Meeting Agenda.

- 28
29 **6. ADJOURNMENT:** A motion was made by **Mayor Pro Tem Abeyta** and seconded
30 by **Councilmember Silva** to adjourn the meeting. The motion carried unanimously
31 and the meeting adjourned at **4:05 p.m.**

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35 **APPROVED:**

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39 **Darren M. Cordova, Mayor**

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41 **ATTEST:**

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45 **Renee Lucero, Town Clerk**

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PLEASE NOTE: The Town of Taos records most Town Council Meetings via audio, however, only Regular Town Council Meetings and some Special Town Council Meetings, with controversial issues, are video recorded. Copies are available upon request at the Town Clerk's Office located at 400 Camino de la Placita (575-751-2005) at a fee of \$5.00 for audio recordings and \$25.00 for video recordings.