

City of Albuquerque Small Business Regulatory Advisory Commission



Chairman: Alex Romero
Vice Chairman: Don Kaufman
Ex-Officio Commissioner: John A. Garcia

Commissioners: Beverly Chavez
Larry Garcia
Larry Rainosek
Scott Throckmorton
Anthony Trujillo

MINUTES FROM JANUARY 17, 2012

ATTENDEES:

Beverly Chavez
Larry Garcia
Don Kaufman
Larry Rainosek
Alex Romero
Scott Throckmorton
Anthony Trujillo

STAFF:

Donna Griffin
Cheryl Rein- Borunda
Ramona Zamir-Gonzalez

GUEST:

Kelly Sanchez-Pare, Council Services

Attachments: Letter to businesses impacted by the new Fire Code Legislation and questionnaire seeking feedback; a list of the facilities that may be impacted, and the impact statement not voted on at the December meeting.

Meeting called to order by Chairman Alex Romero at 7:30 a.m.

- I. Meeting Agenda approved with addition of Section X: Letter to Fire Department.

MOTION BY COMMISSIONER CHAVEZ
SECOND BY COMMISSIONER RAINOSEK
MOTION CARRIED UNANIMOUSLY

- II. December 20, 2011 Minutes reviewed and approved by the Commission.

MOTION BY COMMISSIONER GARCIA
SECOND BY COMMISSIONER KAUFMAN
MOTION CARRIED UNANIMOUSLY

- III. Donna Griffin explained to the Commission how she obtained a list of business that could potentially be affected by the proposed New Fire Legislation: Fire Department database of businesses according to occupancy load, with sprinklers; Environmental Health database of business permits for bars not including restaurant permits. The list is not one hundred percent reliable, but it is a fair start.

Input from the Commissioners was given to Cheryl Rein-Borunda as to which businesses on the list already had sprinklers. Commissioner Chavez inquired about whether new restaurants and bars are impacted by the proposed Fire Code Legislation, and added the name of a new bar that may be affected. Donna Griffin advised that any establishments with three hundred or more occupancy would need to have sprinklers as current legislation requires this.

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- IV. Cheryl Rein-Borunda reviewed a letter and questionnaire that will be sent to the identified businesses.
- V. Commissioner Garcia inquired about the time limit for responses to the questionnaire. Cheryl Rein-Borunda suggested thirty days. Commission discussed the issue and determined that the responses and subsequent data should be compiled prior to the February 21 meeting.

Cheryl stated if recipients do not want to return the questionnaire by mail, they can respond on the Albuquerque Small Business Regulatory Advisory Commission website. The Questionnaire should be up by end of the day.

- VI. Cheryl Rein-Borunda advised that an Impact Statement will need to be prepared upon receipt of any and all questionnaire responses. Based on the February 17 due date to receive the responses, the Statement would not be finalized before March.

Commissioner Kaufman inquired about whom in the City Council was sponsoring the Bill. Kelly Sanchez-Pare advised that the Bill has not gone to Council no currently there is no sponsor.

Cheryl Rein-Borunda recommended that the Commission submit a brief letter (through Economic Development Department) of its intention to the Administration as well a letter to the Fire Department advising them of the Commissions review and vote on the proposed legislation.

Chairman Romero prompted a round-table discussion about the Commission's activity thus far with regard to the current and future small business issues. Commissioner Throckmorton expressed the idea of utilizing the press to solicit input and involvement from the business community.

The discussion returned to the Fire Code, and specifically how and when the Code is applied towards various building projects. Commissioner Throckmorton expressed concern and frustration over the timing by which the Fire Marshall inspects building projects at the end, rather than intermittently.

- VII. Donna Griffin advised the Commission that the existing Fire Code has a Board of Appeals, but it has not been assembled as of yet. Commissioner Kaufman added that the existing Board process petitions first the Fire Marshall, then the Fire Chief, and if no resolution, then a 3-member task force, one member of which is appointed by the Mayor. Referencing the concerns of Commissioner Throckmorton, the issue would require going through this process to stop the current methodology. Donna Griffin added that part of the Small Business Impact Statement is to review the existing regulations and request consideration for alternatives that would be less of a financial burden to small businesses.

Donna Griffin brought up the "Fire Watch" aspect of the Code, which currently faces concern over its consistency and accountability. Though the Fire Department issues a letter to those entities that they determine should have a Fire Watch, they do not provide the reasons for this requirement. Donna suggested that if the letter was more specific, listing what aspects require a Fire Watch and how many, then it could serve as a preliminary source of information.

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Donna Griffin met with the Fire Marshall assigned to Safe City and spoke to one of his Lieutenants about how the new legislation, he advised in his opinion it does two things: 1) Provides lower cost to the customer when Fire Watch is required because it allows for hiring through a private, Fire Watch certified company that charges less than the mandated amount for the Fire Department. 2) Allow for events that previously could not happen without fire watch.

VIII. A roundtable discussion ensued, again regarding the Fire Marshall inspection of buildings in the final stages of completion. There was some discussion about a proposal to adjust the Fire Code Legislation.

Donna Griffin agreed to do a written analysis of the current Fire Code Legislation Permitting process and interim inspections. She would provide a summary of what the Code essentially says, so that the Commission can then determine what, if any, recommendations they want to make.

Donna Griffin expressed that upon reviewing the SBRAC Legislation, the Commission is tasked for outreach and problem-solving so that there is not a greater situation that potentially reaches City Council.

- IX. It was proposed that letter be sent to the Fire Department to advise them the status of the Commission's review on the proposed legislation.
- a. Commissioner Kaufman stated that it should be a courtesy letter, informing them of where we are at today and our time table with regard to the Fire Code legislation.
 - b. Donna Griffin will draft the letter.
 - c. Chairman Romero requested a motion for the letter.
- MOTION BY COMMISSIONER THROCKMORTON
SECOND BY COMMISSIONER GARCIA
MOTION CARRIED UNANIMOUSLY

X. No additional legislation for review at this time.

Commissioner Throckmorton questioned whether it would be worthwhile to issue a press release in order to announce significant, upcoming legislation in the future, perhaps driving individuals to the website if they are impacted.

Cheryl Rein-Borunda suggested that we invite a representative from the press to come in and meet the Commission with an intention to introduce its members and its purpose. Cheryl Rein-Borunda will work with Dana Gardner, Director of Communications, and look into how we can contact and inform the various media.

XI. The meeting adjourned at 8:28 am.

Minutes submitted by _____ Date _____
Cheryl Rein-Borunda

Minutes approved by _____ Date _____
Alex Romero, Chairman of the Board

