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SENATE MEMORIAL 50

**51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

INTRODUCED BY

Cisco McSorley

A MEMORIAL

REQUESTING THE MID-REGION COUNCIL OF GOVERNMENTS TO CONVENE A TASK FORCE TO STUDY THE EFFECTIVENESS OF THE ALBUQUERQUE-BERNALILLO COUNTY WATER UTILITY AUTHORITY TO ACCOMPLISH ITS REQUIRED DUTIES AND RESPONSIBILITIES AND THE RESPONSIBILITY OF GOVERNANCE BY THE BOARD OF THE AUTHORITY.

WHEREAS, the Albuquerque-Bernalillo county water utility authority was created in 2003 pursuant to Section 72-1-10 NMSA 1978; and

WHEREAS, the membership of the board of directors of the authority is composed of the mayor of Albuquerque, three city councilors appointed by the Albuquerque city council and three county commissioners appointed by the Bernalillo county board of county commissioners; and

WHEREAS, the membership of the board of directors may

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1 change on an annual basis at the pleasure of the president of  
2 the Albuquerque city council and the chair of the Bernalillo  
3 county commission; and

4 WHEREAS, a member of the Albuquerque city council may  
5 designate another member of the city council to serve in the  
6 member's absence, a member of the Bernalillo county commission  
7 may designate another member to serve in the member's absence  
8 and the mayor of Albuquerque may designate the chief executive  
9 officer of Albuquerque, a member of the Albuquerque city  
10 council or a member of the Bernalillo county commission to  
11 serve in the mayor's absence; and

12 WHEREAS, the authority makes policy decisions about water  
13 and sewer usage, sets water and sewer rates and establishes  
14 drought restrictions and other water regulations and  
15 ordinances; and

16 WHEREAS, it is unclear whether the regulations and  
17 ordinances have the authority of law given that local elected  
18 governing councils have sole authority over land use and  
19 private property matters; and

20 WHEREAS, the authority may acquire, maintain, contract  
21 for, condemn or protect water and wastewater facilities; and

22 WHEREAS, the authority is empowered to approve major water  
23 utility projects and to issue bonds to finance those projects;  
24 and

25 WHEREAS, the duties of the authority are complex and time

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1 consuming and may exceed the abilities of and the time  
2 available to members of the Albuquerque city council and the  
3 Bernalillo county commission and may limit their effectiveness  
4 in accomplishing the other duties and responsibilities that are  
5 required of them; and

6 WHEREAS, because members of the Albuquerque city council  
7 serve one-year terms as members of the authority's board of  
8 directors at the city council president's discretion and  
9 members of the Bernalillo county commission serve one-year  
10 terms as members of the authority's board of directors at the  
11 county commission chair's discretion, there may be a lack of  
12 consistency of board members; and

13 WHEREAS, the result has been a board of directors that is  
14 not focused solely on the activities of the authority, which is  
15 a political subdivision of the state; and

16 WHEREAS, the regional water plan for the middle Rio  
17 Grande, developed by members of the mid-region council of  
18 governments and the middle Rio Grande water assembly,  
19 identified an existing gap between regional water supply and  
20 demand that is expected to grow without focused and intensive  
21 action to stop it; and

22 WHEREAS, concerns have been raised as to the testing and  
23 treating of drinking water, as well as the handling of the jet  
24 fuel spill originating at Kirtland air force base; and

25 WHEREAS, meeting the water needs of the city of

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1 Albuquerque and Bernalillo county is critically important to  
2 the future well-being of all residents of the city and the  
3 county; and

4 WHEREAS, considering the importance of conserving and  
5 preserving the state's precious water supplies, and with  
6 sufficient time having passed to enable a productive review of  
7 the authority, a review would be in order; and

8 WHEREAS, the mid-region council of governments is a multi-  
9 county governmental agency that works to identify and implement  
10 regional long-term policy to ensure healthy communities in New  
11 Mexico; and

12 WHEREAS, among the efforts in which the mid-region council  
13 of governments is involved is water planning to address the  
14 fundamental concern of cities and counties regarding how to  
15 meet current and future water needs in the region; and

16 WHEREAS, the mid-region council of governments was created  
17 to conduct and coordinate regional planning and to provide  
18 advice and recommendations to member governments to assist  
19 local governments to make informed decisions;

20 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE  
21 OF NEW MEXICO that the mid-region council of governments be  
22 requested to convene a task force to study the ability of the  
23 Albuquerque-Bernalillo county water utility authority to  
24 accomplish its required duties and responsibilities and to  
25 identify alternative approaches to the composition of the board

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1 or directors of the authority; and

2 BE IT FURTHER RESOLVED that the task force collect data,  
3 foster dialogue and identify and recommend strategies that will  
4 strengthen the ability of the Albuquerque-Bernalillo county  
5 water utility authority to meet the current and future water  
6 utility needs of the city of Albuquerque, Bernalillo county and  
7 associated local governments; and

8 BE IT FURTHER RESOLVED that the task force study the  
9 structure of the authority's board of directors and recommend  
10 any necessary changes in the appointment or election process  
11 for members of the board; and

12 BE IT FURTHER RESOLVED that the task force be composed of  
13 the following eight members: a Bernalillo county commission  
14 member of the authority's board of directors, a city of  
15 Albuquerque council member of the authority's board of  
16 directors, the chair or vice chair of the water resources board  
17 of the mid-region council of governments, a representative of  
18 the league of women voters, a representative from an  
19 environmental organization such as the sierra club, amigos  
20 bravos or conservation voters New Mexico, a representative of  
21 the southwest organizing project, a representative from the New  
22 Mexico chapter of NAIOP and a representative from the board of  
23 directors of the middle Rio Grande water assembly; and

24 BE IT FURTHER RESOLVED that the task force elect one of  
25 its members as chair and meet at the call of the chair, but no

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1 fewer than three times; and

2 BE IT FURTHER RESOLVED that the task force advertise its  
3 meetings in a newspaper of general circulation within the  
4 district and that its meetings be open to the public; and

5 BE IT FURTHER RESOLVED that meetings be held at times and  
6 places that shall encourage public participation; and

7 BE IT FURTHER RESOLVED that the task force report its  
8 findings and recommendations to the appropriate interim  
9 legislative committee by November 1, 2013; and

10 BE IT FURTHER RESOLVED that copies of this memorial be  
11 transmitted to the mid-region council of governments, the  
12 Albuquerque city council, the mayor of Albuquerque, the  
13 Bernalillo county commission and the Albuquerque-Bernalillo  
14 county water utility authority.