

SENATE CONSERVATION COMMITTEE SUBSTITUTE FOR
SENATE MEMORIAL 50

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

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 board of county
commissioners of Bernalillo county; 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

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 of 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: a Bernalillo county Republican member of the
14 house of representatives chosen by that party's floor leader, a
15 Bernalillo county Democratic member of the house of
16 representatives chosen by that party's floor leader, a
17 Bernalillo county Republican member of the senate chosen by
18 that party's floor leader, a Bernalillo county Democratic
19 member of the senate chosen by that party's floor leader, a
20 Bernalillo county commission member of the authority's board of
21 directors, an Albuquerque city council member of the
22 authority's board of directors, the chair or vice chair of the
23 water resources board of the mid-region council of governments,
24 and representatives of the following entities:

25 A. one from the league of women voters;

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- 1 B. one from an environmental organization;
- 2 C. one from the southwest organizing project;
- 3 D. one from the New Mexico chapter of NAIOP;
- 4 E. one from the board of directors of the middle
- 5 Rio Grande water assembly;
- 6 F. one from the Ciudad soil and water conservation
- 7 district;
- 8 G. one from the Bernalillo county farm bureau;
- 9 H. one from the Albuquerque metropolitan arroyo
- 10 flood control authority;
- 11 I. one from the south valley acequia association;
- 12 J. one from the middle Rio Grande conservancy
- 13 district;
- 14 K. one from the home builders association of
- 15 central New Mexico;
- 16 L. one from the MS4 stormwater group;
- 17 M. one from the Albuquerque economic forum;
- 18 N. one from the middle Rio Grande Endangered
- 19 Species Act collaborative program;
- 20 O. one from the Albuquerque area office of the
- 21 upper Colorado region of the United States department of the
- 22 interior bureau of reclamation;
- 23 P. one from the water resources program at the
- 24 university of New Mexico;
- 25 Q. two representing the south valley coalition of

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1 neighborhood associations, the west side coalition of
2 neighborhood associations, the southwest alliance of neighbors
3 and the north valley coalition;

4 R. two representing the east gateway coalition of
5 neighborhood associations, the coalition of neighborhood
6 associations, district 4, the coalition of neighborhood
7 associations, district 6, the coalition of neighborhood
8 associations, district 7 and the coalition of neighborhood
9 associations, district 8; and

10 S. the executive director of the
11 Albuquerque-Bernalillo county water utility authority, who
12 shall serve on the task force ex officio; and

13 BE IT FURTHER RESOLVED that the task force elect one of
14 its members as chair and meet at the call of the chair, but no
15 fewer than three times; and

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

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

21 BE IT FURTHER RESOLVED that the task force report its
22 findings and recommendations to the appropriate interim
23 legislative committee by November 1, 2014; and

24 BE IT FURTHER RESOLVED that copies of this memorial be
25 transmitted to the mid-region council of governments, the

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1 Albuquerque city council, the mayor of Albuquerque, the board
2 of county commissioners of Bernalillo county and the
3 Albuquerque-Bernalillo county water utility authority.

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