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SENATE MEMORIAL 28

**51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014**

INTRODUCED BY

Cisco McSorley

A MEMORIAL

REQUESTING THE NEW MEXICO LEGISLATIVE COUNCIL 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

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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 the members'  
4 effectiveness in accomplishing the other duties and  
5 responsibilities that are 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 the gap; and

22 WHEREAS, concerns have been raised as to the testing and  
23 treating of drinking water, as well as to the handling of the  
24 jet 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;

4 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE  
5 OF NEW MEXICO that the New Mexico Legislative Council be  
6 requested to convene a task force to study the ability of the  
7 Albuquerque-Bernalillo county water utility authority to  
8 accomplish its required duties and responsibilities and to  
9 identify alternative approaches to the composition of the board  
10 of directors of the authority; and

11 BE IT FURTHER RESOLVED that the task force collect data,  
12 foster dialogue and identify and recommend strategies that will  
13 strengthen the ability of the Albuquerque-Bernalillo county  
14 water utility authority to meet the current and future water  
15 utility needs of the city of Albuquerque, Bernalillo county and  
16 associated local governments; and

17 BE IT FURTHER RESOLVED that the task force study the  
18 structure of the authority's board of directors and recommend  
19 any necessary changes in the appointment or election process  
20 for members of the board; and

21 BE IT FURTHER RESOLVED that the task force be composed of  
22 the following: a Bernalillo county Republican member of the  
23 house of representatives chosen by that party's floor leader, a  
24 Bernalillo county Democratic member of the house of  
25 representatives chosen by that party's floor leader, a

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1 Bernalillo county Republican member of the senate chosen by  
2 that party's floor leader, a Bernalillo county Democratic  
3 member of the senate chosen by that party's floor leader, a  
4 Bernalillo county commission member of the authority's board of  
5 directors, an Albuquerque city council member of the  
6 authority's board of directors, the chair or vice chair of the  
7 water resources board of the mid-region council of governments  
8 and representatives of the following entities:

- 9 A. one from the league of women voters;
- 10 B. one from an environmental organization;
- 11 C. one from the southwest organizing project;
- 12 D. one from the New Mexico chapter of NAIOP;
- 13 E. one from the board of directors of the middle  
14 Rio Grande water assembly;
- 15 F. one from the Ciudad soil and water conservation  
16 district;
- 17 G. one from the Bernalillo county farm bureau;
- 18 H. one from the Albuquerque metropolitan arroyo  
19 flood control authority;
- 20 I. one from the south valley regional association  
21 of acequias;
- 22 J. one from the middle Rio Grande conservancy  
23 district;
- 24 K. one from the home builders association of  
25 central New Mexico;

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- 1 L. one from the MS4 stormwater group;
- 2 M. one from the protect our aquifer coalition;
- 3 N. one from the middle Rio Grande Endangered
- 4 Species Act collaborative program;
- 5 O. one from the water resources program at the
- 6 university of New Mexico;
- 7 P. two representing the south valley coalition of
- 8 neighborhood associations, the west side coalition of
- 9 neighborhood associations, the southwest alliance of neighbors
- 10 and the north valley coalition;
- 11 Q. two representing the east gateway coalition of
- 12 neighborhood associations, the coalition of neighborhood
- 13 associations, district 4, the coalition of neighborhood
- 14 associations, district 6, the coalition of neighborhood
- 15 associations, district 7 and the coalition of neighborhood
- 16 associations, district 8; and
- 17 R. the executive director of the Albuquerque-
- 18 Bernalillo county water utility authority, who shall serve on
- 19 the task force ex officio; and

20 BE IT FURTHER RESOLVED that the task force elect one of

21 its members as chair and meet at the call of the chair, but no

22 fewer than three times; and

23 BE IT FURTHER RESOLVED that the task force advertise its

24 meetings in a newspaper of general circulation and that its

25 meetings be open to the public; and

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

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

6 BE IT FURTHER RESOLVED that copies of this memorial be  
7 transmitted to the Albuquerque city council, the mayor of  
8 Albuquerque, the board of county commissioners of Bernalillo  
9 county and the Albuquerque-Bernalillo county water utility  
10 authority.