

1 SENATE MEMORIAL 100

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018**

3 INTRODUCED BY

4 Gerald Ortiz y Pino

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10 A MEMORIAL

11 REQUESTING THE APPROPRIATE INTERIM COMMITTEE TO RECEIVE
12 TESTIMONY ON THE EFFECTIVENESS OF THE ALBUQUERQUE-BERNALILLO
13 COUNTY WATER UTILITY AUTHORITY IN ACCOMPLISHING ITS DUTIES.
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15 WHEREAS, the Albuquerque-Bernalillo county water utility
16 authority was created in 2003 pursuant to Section 72-1-10 NMSA
17 1978 as a political subdivision of the state; and

18 WHEREAS, the authority's board of directors is composed of
19 the mayor of Albuquerque or a designee, three city councilors
20 appointed by the Albuquerque city council and three county
21 commissioners appointed by the Bernalillo county board of
22 county commissioners; and

23 WHEREAS, the membership of the authority's board of
24 directors may change on an annual basis at the pleasure of the
25 Albuquerque city council and the Bernalillo county board of

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1 county commissioners, as well as on a monthly basis, depending
2 on who is available to attend meetings, which creates a lack of
3 consistency of board members; and

4 WHEREAS, the authority makes policy decisions about water
5 and sewer usage, sets water and sewer rates and establishes
6 drought restrictions and other water regulations and
7 ordinances; and

8 WHEREAS, the authority may acquire, maintain, contract
9 for, condemn or protect water and wastewater facilities and is
10 empowered to approve major water utility projects and to issue
11 bonds without voter approval to finance those projects; and

12 WHEREAS, the duties of the authority are complex and time-
13 consuming and take more time than may be available to the mayor
14 and members of the Albuquerque city council and the Bernalillo
15 county board of county commissioners, potentially limiting the
16 members' effectiveness in accomplishing the other duties that
17 are required of them; and

18 WHEREAS, given the complexity of the authority's duties
19 and the time constraints of the board members, the board of
20 directors has not been focused solely on the activities of the
21 authority; and

22 WHEREAS, meeting the water needs of the city of
23 Albuquerque and Bernalillo county is critically important to
24 the future well-being of all residents of the city and the
25 county, and to the state as a whole; and

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1 WHEREAS, the 2004 regional water plan for the middle Rio
2 Grande, developed by members of the mid-region council of
3 governments and the middle Rio Grande water assembly,
4 identified an existing substantial gap between regional water
5 supply and demand; and

6 WHEREAS, the state is currently facing litigation from
7 Texas on the Rio Grande, in which permitted ground water
8 pumping is a significant issue, and the results of the
9 litigation could impact all New Mexicans, particularly those
10 upstream, should additional surface water deliveries be
11 required; and

12 WHEREAS, the authority is the largest single permitted
13 ground water user in New Mexico and its use impacts Rio Grande
14 flows and, thus, required deliveries; and

15 WHEREAS, the authority is tasked with providing water for
16 new users and uses, the effects of which are felt both inside
17 and outside of the authority's service area, and sometimes not
18 until years later; and

19 WHEREAS, despite the Albuquerque international support
20 having reported only seven-hundredths of an inch of
21 precipitation since October 1, 2017 and the snowpack to date
22 being dismal, no mention of this situation has been publicly
23 made by the authority's staff to the board of directors,
24 diminishing the opportunity for discussion and action; and

25 WHEREAS, the Rio Grande is the life blood for everyone and

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1 everything in its basin; and

2 WHEREAS, a review of the governance structure of the
3 Albuquerque-Bernalillo county water utility authority is
4 warranted;

5 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE
6 OF NEW MEXICO that the New Mexico legislative council be
7 requested to task the appropriate interim committee that
8 addresses water and natural resources issues to receive, by
9 October 1, 2018, testimony on the effectiveness of the
10 Albuquerque-Bernalillo county water utility authority and its
11 board of directors in accomplishing the authority's duties; and

12 BE IT FURTHER RESOLVED that the testimony to be received
13 include potential alternatives to the composition of the
14 authority's board of directors; recommendations to reform the
15 appointment or election process for board members; and
16 recommendations to strengthen the ability of the authority to
17 meet the current and future water needs of the city of
18 Albuquerque, Bernalillo county and associated local
19 governments; and

20 BE IT FURTHER RESOLVED that copies of this memorial be
21 transmitted to the Albuquerque city council, the mayor of
22 Albuquerque, the Bernalillo county board of county
23 commissioners, the Albuquerque-Bernalillo county water utility
24 authority board of directors and the co-chairs of the New
25 Mexico legislative council.

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