

HOUSE MEMORIAL 102

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

INTRODUCED BY

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Pursuant to House Rule 24-1, this document incorporates amendments that have been adopted prior to consideration of this measure by the House. It is a tool to show the amendments in context and is not to be used for the purpose of amendments.

A MEMORIAL

REQUESTING THE APPROPRIATE INTERIM COMMITTEE TO RECEIVE TESTIMONY ON THE EFFECTIVENESS OF THE ALBUQUERQUE-BERNALILLO COUNTY WATER UTILITY AUTHORITY IN ACCOMPLISHING ITS DUTIES.

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

WHEREAS, the authority's board of directors is composed of the mayor of Albuquerque or a designee, three city councilors appointed by the Albuquerque city council and three county

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commissioners appointed by the Bernalillo county board of county commissioners; and

WHEREAS, the membership of the authority's board of directors may change on an annual basis at the pleasure of the Albuquerque city council and the Bernalillo county board of county commissioners, as well as on a monthly basis, depending on who is available to attend meetings, which creates a lack of consistency of board members; and

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

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

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

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

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authority; and

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

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

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

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

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

WHEREAS, despite the Albuquerque international sunport having reported only seven-hundredths of an inch of

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precipitation since October 1, 2017 and the snowpack to date being dismal, no mention of this situation has been publicly made by the authority's staff to the board of directors, diminishing the opportunity for discussion and action; and

WHEREAS, the Rio Grande is the life blood for everyone and everything in its basin; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NEW MEXICO that the New Mexico legislative council be requested to task the appropriate interim committee that addresses water and natural resources issues to receive, by October 1, 2018, testimony on HLELC→
it's governance and on ←HLELC the effectiveness of the Albuquerque-Bernalillo county water utility authority and its board of directors in accomplishing the authority's duties; and

HLELC→~~BE IT FURTHER RESOLVED that the testimony to be received include potential alternatives to the composition of the authority's board of directors; recommendations to reform the appointment or election process for board members; and recommendations to strengthen the ability of the authority to meet the current and future water needs of the city of Albuquerque, Bernalillo county and associated local governments; and~~←HLELC

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

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