

**SANTA FE COUNTY
RESOLUTION NO. 2004-36**

**A RESOLUTION INSTRUCTING STAFF TO WORK TOWARDS CREATION
OF A SANTA FE WATER AND WASTEWATER AUTHORITY**

WHEREAS, sustained drought conditions continue to plague northern New Mexico and Santa Fe County and its environs, and as a result many communities lack a reliable, sustainable and safe source of water; and

WHEREAS, many northern New Mexico communities face threats to groundwater from contamination, including nitrate contamination from the liquid waste disposal systems (septic tanks) that have proliferated in recent decades, and contamination threatens existing groundwater sources that are so important during times of drought; and

WHEREAS, solutions to the pressing water and wastewater issues have been slow in coming, in part due to the fragmentation caused by existing jurisdictional boundaries (State, Federal, County, City, Pueblo) and various private and public efforts aimed at specific needs rather than the overall needs of the community; and

WHEREAS, members of the New Mexico State Legislature, government officials and New Mexico's Congressional delegation have consistently urged that regional solutions to water and wastewater issues be developed, and have indicated that future funding for water and wastewater projects will be contingent upon development of a regional approach; and

WHEREAS, the Board of County Commissioners of Santa Fe County (hereinafter referred to as "the Board") has been struggling with these issues for many years, and the issues, being very complex and far-reaching, not to mention the staggering cost involved in water and wastewater projects, consistently compete for the attention of the Board with multiple other issues and problems; and

WHEREAS, these concerns led to the drafting and introduction in the 2004 New Mexico Legislature bills calling for statutory authorization for creation of a water and wastewater authority in Santa Fe County, but those bills, known as House Bill 397 (sponsored by Representative Jim Trujillo) and Senate Bill 446 (sponsored by Senator Carlos Cisneros), were not enacted into law; and

WHEREAS, the water and wastewater authority of HB 397 and SB 446 would have functioned much like a Water and Sanitation District and would have had authority to (i) provide water and wastewater disposal within the County, (ii) purchase, acquire, establish and construct water supply systems for domestic, commercial and industrial applications, (iii) purchase, acquire or establish wastewater systems, (iv) engage in regional water and wastewater planning, (v) plan and develop regional water and

wastewater facilities, (vi) issue revenue bonds to support its work, (vii) receive revenue from any source such as the federal and state governments, counties, municipalities, grants, loans and other sources, (viii) engage in local water distribution, (ix) charge for providing water and wastewater to customers, (x) set rates for providing water and wastewater to customers, (xi) enter into agreements with other political subdivisions, tribes and pueblos to provide water and wastewater services to those entities, and (xii) to otherwise engage in regional projects; and

WHEREAS, the Board believes that the bills, had they been enacted into law, would have served a number of important objectives, including the creation of an entity whose sole focus would be water and wastewater and would serve as a focal point for regional projects and provide for an infusion of funds from federal and state sources; and

WHEREAS, the Board also believes that the bills, had they been enacted into law, would have also provided a voice that would speak for all the citizens of the relevant county, not just a narrow area defined by a subdivision, stream or area, and would provide a regional focus to water resource and wastewater resource planning and provide water and wastewater service through economies of scale; and

WHEREAS, in the opinion of the Board, the draft legislation should be improved and focused and introduced again in the 2005 Legislature; and

WHEREAS, in the interim, much can be done to further the goals set in the draft legislation without the need for specific legislative authority, including working with the State, the federal government and New Mexico's Congressional delegation, other counties, cities such as the cities of Espanola, Edgewood and Santa Fe, the Native American Pueblos within and without the County of Santa Fe, mutual domestic water systems, water and sanitation districts, and the private and quasi-public water and wastewater providers; and

WHEREAS, through collaboration with the aforementioned entities, many of the goals and objectives set by the legislation may be achieved without the need for specific enabling legislation.

NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS:

1. County Staff in close cooperation with the County Commission is to actively seek out and discuss the objectives of HB 397 and SB 446 with the State, the federal government and New Mexico's Congressional delegation, other counties, cities such as the cities of Espanola, Edgewood and Santa Fe, the Native American Pueblos within and without the County of Santa Fe, mutual domestic water systems, water and sanitation districts, the private and quasi-public water and wastewater providers and the residents of Santa Fe County in an attempt to achieve as many of the goals and objectives of HB 397 and SB 446 as possible within the next calendar year.

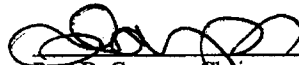
2. In particular, staff should evaluate the interest in the aforementioned entities in cooperative and regional water and wastewater planning, and participation in a regional water and wastewater system.

3. Staff should also investigate the possibility of forming a regional water and wastewater authority as contemplated by HB 397 and SB 446 without specific statutory authorization through Joint Powers Agreements, Memoranda of Understandings, or other appropriate means.

4. Staff should continue to refine HB 397 and SB 446 in hopes of introducing improved versions of the bills during the 2005 60-day legislative session.

APPROVED AND ADOPTED this 30 day of March 2004.

THE BOARD OF COUNTY
COMMISSIONERS OF SANTA FE COUNTY


Paul D. Campos, Chairman

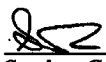
ATTEST:


Rebecca "Becky" Bustamante, County Clerk

APPROVED:


Susan Lucero, Finance Director

APPROVED AS TO FORM:

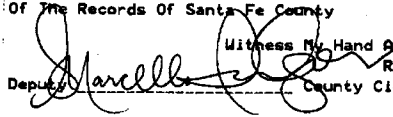
 3-20-04
Stephen C. Ross, County Attorney



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC RESOLUTIONS
PAGES: 3

I Hereby Certify That This Instrument Was Filed for
Record On The 1ST Day Of April, A.D., 2004 at 10:30
And Was Duly Recorded as Instrument # 1621014
Of The Records Of Santa Fe County


Witness My Hand And Seal Of Office
Rebecca Bustamante
Deputy County Clerk, Santa Fe, NM