

Council Meeting Staff Report

October 18, 2022

Agenda No.: C.

Indexes (Council Goals):

Presenters: Linda Matteson

Legislative File: RE0510-22

Title

Incorporated County of Los Alamos Resolution No. 22-18 in Support of NM Constitutional Amendment No. 2

Recommended Action

I move to adopt Incorporated County of Los Alamos Resolution No. 22-18, a Resolution in Support of New Mexico Constitutional Amendment No. 2, an Amendment to Article 9, Section 14 of the New Mexico Constitution, to Allow Public Investment to Provide Access to Essential Household Internet Services and Other Essential Infrastructure Services.

County Manager's Recommendation

The County Manager recommends that Council adopt Resolution No. 22-18.

Body

Constitutional Amendment 2 would amend Article 9, Section 14 (commonly referred to as the "anti-donation clause") of the Constitution of New Mexico to allow the legislature to enact statutes that authorize the state to spend money to assist in the construction of utility lines or other infrastructure for energy, internet, water, wastewater and similar services for primarily residential purposes. If enacted, these statutes would be required to include provisions to safeguard public money and resources used for the utility line projects. Any provisions specifying the criteria, limitations or scope for such projects would be left to the implementing legislation.

The proposed amendment therefore only refers to the ability of the State government to fund infrastructure for the public good to serve primarily residential purposes. This is unlike the amendment that modified the anti-donation clause allowing for the Local Economic Development Act (LEDA), which listed state, county, or municipalities as entities affected. Until such time as implementing legislation is put forward and passed by the State Legislators, the effects on County projects are unknown.

One of the arguments for this amendment would be that it removes a major obstacle for the State to provide funding to be used to build needed infrastructure for high-speed internet. Since broadband is a Council priority, this resolution was drafted and placed on the agenda on September 27, 2022. During that meeting, there were questions and Council directed that the resolution be moved to October 18, 2022 meeting. Adopting County of Los Alamos Resolution No. 22-18 (shown in Attachment A) is encouraging affirmative support of NM Constitutional Amendment No. 2 on the 2022 General Election ballot.

This proposed amendment resulted from the passage of House Joint Resolution 1 (Attachment C) during the 2022 NM State Legislature. This resolution also calls for the amendment to "be submitted to the people for their approval or rejection at the next general election. . ." It should be noted that the House Joint Resolution 1 was co-sponsored by Representation Christine Chandler.

Attachment D provides additional information about this amendment including arguments for and against its passage.

Alternatives

Council could choose not to adopt Resolution 22-18 as published.

Attachments

A - Resolution No. 22-18 Constitutional Amendment 2

B - Publication Notice

C - House Joint Resolution 1

D - Additional Information