City of Santa Fe, New Mexico

LEGISLATIVE SUMMARY

Resolution No. 2015-___

Standing of Protestants

SPONSOR(S): Councilor Maestas

SUMMARY: The proposed resolution supports legislation amending NMSA 1978, § 72-12-3(D) and NMSA 1978, § 72-5-5(B), to define the standing of protestants.

PREPARED BY: Rebecca Seligman, Legislative Liaison Assistant

FISCAL IMPACT: No

DATE: August 12, 2015

ATTACHMENTS: Resolution
FIR

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2015-__

INTRODUCED BY:

Councilor Joseph M. Maestas

A RESOLUTION

SUPPORTING LEGISLATION AMENDING NMSA 1978, § 72-12-3(D) AND 72-5-5(B), TO DEFINE THE STANDING OF PROTESTANTS.

WHEREAS, the Office of the State Engineer (OSE) applies inconsistent criteria to determine whether persons have standing to protest an application to change the purpose, place, or use of a water right;

WHEREAS, some persons who protest a water right application will suffer no harm based on the proposed application.

WHEREAS, a protested application to change the purpose, place, or use of a water right is far more costly and takes many more years to complete than an unprotested application;

WHEREAS, in the 2015 Regular Session of the Legislature, Senator Griggs introduced Senate Bill 665;

WHEREAS, SB 665 imposed clearer criteria on persons who seek to protest applications to change the purpose, place, or use of a water right.

WHEREAS, the City of Santa Fe supported the legislature's effort to address standing

issues in Resolution 2015-26; and

WHEREAS, the City continues to support legislation, which reduces the administrative burden on water right applicants and imposes clearer standards on protestants objecting to water-right applications.

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SANTA FE that the Governing Body supports legislation relating to amending NMSA 1978, § 72-12-3(D) and NMSA 1978, § 72-5-5(B) to reduce the administrative burdens on water right applicants who face persons who protest while suffering no harm.

BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to the State legislative delegation serving the City of Santa Fe.

PASSED, APPROVED AND ADOPTED this _____day of _____, 2015.

_____

JAVIER M. GONZALES, MAYOR

ATTEST:

_____

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

Kelley A. Brennan

KELLEY A. BRENNAN, CITY ATTORNEY

M/Legislation/Resolutions 2015/Standing of Protestants

FIR No. 2701

City of Santa Fe
Fiscal Impact Report (FIR)

This Fiscal Impact Report (FIR) shall be completed for each proposed bill or resolution as to its direct impact upon the City's operating budget and is intended for use by any of the standing committees of and the Governing Body of the City of Santa Fe. Bills or resolutions with no fiscal impact still require a completed FIR. Bills or resolutions with a fiscal impact must be reviewed by the Finance Committee. Bills or resolutions without a fiscal impact generally do not require review by the Finance Committee unless the subject of the bill or resolution is financial in nature.

Section A. **General Information**

(Check) Bill: _____ Resolution: ___X___
(A single FIR may be used for related bills and/or resolutions)
Short Title(s): **A RESOLUTION SUPPORTING LEGISLATION AMENDING NMSA 1978, § 72-12-3(D) AND 72-5-5(B), TO DEFINE THE STANDING OF PROTESTANTS.**

Sponsor(s): Councilor Maestas

Reviewing Department(s): City Attorney's Office

Persons Completing FIR: Rebecca Seligman Date: 08/12/15 Phone: 955-6501

Reviewed by City Attorney: Kelly A. Brennan (Signature) Date: 8/13/15

Reviewed by Finance Director: (Signature) Date: 8-14-2015

Section B. **Summary**
Briefly explain the purpose and major provisions of the bill/resolution:
The proposed resolution supports legislation amending NMSA 1978, § 72-12-3(D) and NMSA 1978, § 72-5-5(B), to define the standing of protestants.

Section C. **Fiscal Impact**
Note: Financial information on this FIR does not directly translate into a City of Santa Fe budget increase. For a budget increase, the following are required:

a. The item must be on the agenda at the Finance Committee and City Council as a "Request for Approval of a City of Santa Fe Budget Increase" with a definitive funding source (could be same item and same time as bill/resolution)
b. Detailed budget information must be attached as to fund, business units, and line item, amounts, and explanations (similar to annual requests for budget)
c. Detailed personnel forms must be attached as to range, salary, and benefit allocation and signed by Human Resource Department for each new position(s) requested (prorated for period to be employed by fiscal year)*

1. Projected Expenditures:
a. Indicate Fiscal Year(s) affected – usually current fiscal year and following fiscal year (i.e., FY 03/04 and FY 04/05)
b. Indicate: "A" if current budget and level of staffing will absorb the costs
"N" if new, additional, or increased budget or staffing will be required
c. Indicate: "R" – if recurring annual costs
"NR" if one-time, non-recurring costs, such as start-up, contract or equipment costs
d. Attach additional projection schedules if two years does not adequately project revenue and cost patterns
e. Costs may be netted or shown as an offset if some cost savings are projected (explain in Section 3 Narrative)

Finance Director: _____

____X____ Check here if no fiscal impact

Column #: 1	2	3	4	5	6	7	8
Expenditure Classification	FY _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs Recurring or "NR" Non-recurring	FY _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs – Recurring or "NR" Non-recurring	Fund Affected
Personnel*	$_____	_____	_____	$_____	_____	_____	_____
Fringe**	$_____	_____	_____	$_____	_____	_____	_____
Capital Outlay	$_____	_____	_____	$_____	_____	_____	_____
Land/ Building	$_____	_____	_____	$_____	_____	_____	_____
Professional Services	$_____	_____	_____	$_____	_____	_____	_____
All Other Operating Costs	$_____	_____	_____	$_____	_____	_____	_____
Total:	$_____			$_____			

* Any indication that additional staffing would be required must be reviewed and approved in advance by the City Manager by attached memo before release of FIR to committees. **For fringe benefits contact the Finance Dept.

2. Revenue Sources:

a. To indicate new revenues and/or

b. Required for costs for which new expenditure budget is proposed above in item 1.

Column #: 1	2	3	4	5	6
Type of Revenue	FY _____	"R" Costs Recurring or "NR" Non-recurring	FY _____	"R" Costs – Recurring or "NR" Non-recurring	Fund Affected
_____	$_____	_____	$_____	_____	_____
_____	$_____	_____	$_____	_____	_____
_____	$_____	_____	$_____	_____	_____
Total:	$_____		$_____		

3. Expenditure/Revenue Narrative:

Explain revenue source(s). Include revenue calculations, grant(s) available, anticipated date of receipt of revenues/grants, etc. Explain expenditures, grant match(s), justify personnel increase(s), detail capital and operating uses, etc. (Attach supplemental page, if necessary.)

N/A

Section D. **General Narrative**

1. Conflicts: Does this proposed bill/resolution duplicate/conflict with/companion to/relate to any City code, approved ordinance or resolution, other adopted policies or proposed legislation? Include details of city adopted laws/ordinance/resolutions and dates. Summarize the relationships, conflicts or overlaps.

None identified

2. Consequences of Not Enacting This Bill/Resolution:

Are there consequences of not enacting this bill/resolution? If so, describe.

None identified

3. Technical Issues:

Are there incorrect citations of law, drafting errors or other problems? Are there any amendments that should be considered? Are there any other alternatives which should be considered? If so, describe.

No

4. Community Impact:

Briefly describe the major positive or negative effects the Bill/Resolution might have on the community including, but not limited to, businesses, neighborhoods, families, children and youth, social service providers and other institutions such as schools, churches, etc.

Through the adoption of this resolution, the City would continue to support legislation, which reduces the administrative burden on water right applicants and imposes clearer standards on protestants objecting to water-right applications.

Form adopted: 01/12/05; revised 8/24/05; revised 4/17/08