RESOLUTION NO. R-20-33

A RESOLUTION DECLARING THE COUNTY’S OPPOSITION TO POSSIBLE LITIGATION BY THE NEW MEXICO CENTRAL ARIZONA PROJECT ENTITY

WHEREAS, Grant County is one of 14 voting members of the New Mexico Central Arizona Project Entity (CAP Entity); and

WHEREAS, the CAP Entity was established in 2015 to use federal funding provided by the Arizona Water Settlements Act of 2004 (AWSA) for the purposes of planning, designing, building, operating and maintaining one or more systems of diversion, conveyance, and storage of water from the Gila River and for the purpose of developing other water utilization alternatives to meet water supply demands in the Southwest Planning Region of New Mexico; and

WHEREAS, the AWSA requires a favorable Record of Decision from the Secretary of the Interior for any proposed Gila River diversion project to be built; and

WHEREAS, the New Mexico Interstate Stream Commission (ISC) has eliminated the funding needed by the CAP Entity to pursue a Record of Decision; and

WHEREAS, the CAP Entity has initiated a dispute resolution process with the ISC; and

WHEREAS, a failure to resolve the dispute between the CAP Entity and the ISC could potentially provoke some members of the CAP Entity to propose litigation against the ISC; and

WHEREAS, even though the executive director of the CAP Entity and Grant County’s representative to the CAP Entity have publicly stated that any proposed litigation is unlikely to be brought forth by the CAP against the ISC, still; and

WHEREAS, Grant County is likely to experience a decrease in revenues in fiscal year 2020-2021, and has already reduced its budget for county operations;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Grant County Commission opposes any litigation against the ISC; and declares its intention NOT to fund any activities related to litigation against the ISC.

[Signature Page Follows]
PASSED, ADOPTED, AND APPROVED this 20th day of August 2020
Board of County Commissioners:

Chris Ponce, Chairman
Alicia Edwards, Vice Chair
Javier Salas, Member
Gerald W. Billings Jr., Member

Harry Browne, Member

ATTEST:

Marisa Castrillo, County Clerk