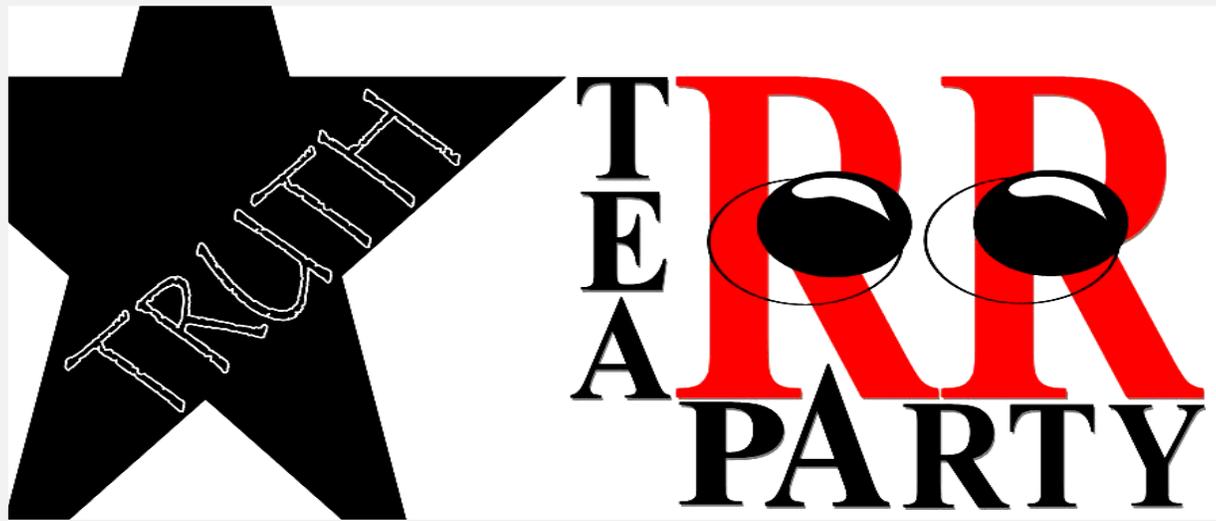


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# The Mystery of the Memorandum

Are shenanigans afoot at City Hall? In this episode of the rubber-stampers meet the monkey-wrenchers, we investigate the "mystery of the memorandum" following disturbing clues in the rejection and approval of city water and sewer hook-ups outside of city limits. It all began last fall.

The new Chili's restaurant in Enchanted Hills requested to connect to Rio Rancho water and sewer lines. The Rio Rancho water lines run right across their property, making it the most logical and cost-effective plan. Oddly, this area on the west side of Hwy 528 is technically in Bernalillo town limits. They were denied Rio Rancho water service, and had to trench south to burrow under Hwy 528 to Bernalillo services at great expense. And there were others in similar predicaments. High Knoll Development spoke before the Utilities Commission requesting connection, citing that they had previously been granted city water and had installed water lines, meter boxes and fire hydrants at their 100+ lots along the western edge of city limits. City staff takes the position that if you don't have city services, you don't have the right to appeal staff's decisions to the Governing Body.

In light of this, Councilor Wilkins sponsored a resolution last December which would task city staff with setting parameters for allowing city water and sewer hook-ups outside city limits. City staff was adamantly opposed to it. The Utilities Commission and the Governing Body voted against it. The Public Works Director stated "The Public Works staff's recommendation is that the extension of water lines not



be allowed to any locations outside the city limits that don't exist today." Several councilors chimed in during the Governing Body vote. Everett stated, "The Utilities Commission set out a single parameter to not provide water/wastewater outside the city limits and gave clear reasons of why not to do it." Councilor Smith stated he believes "it is enough to trust the Utilities Commission as well as staff". Councilor Clayton concurred.

It was dead and given last rights... or so we thought.

Mysteriously, in June 2015 City Manager Keith Riesberg initiated a Memorandum of Understanding with the town of Bernalillo to allow landowners exclusively along the small Hwy 528/Bernalillo corridor to connect to City of Rio Rancho water and sewer. This is the same

location where Chili's was denied hook up. When details emerged that there are (generously) only a few developers that benefit from this Memorandum, Councilors Wilkins and Scott asked the City Manager to stop the Memorandum and have staff bring it back through proper procedures to the Governing Body to ensure an equitable policy for everyone. After all, the City Manager and his staff do not set policy.

When Riesberg's authority to enact this Memorandum was challenged, he wrote - "The work being assigned to staff is logical in that Rio Rancho's and Bernalillo's municipal boundaries and utilities are intertwined.. That may well be true, and we're not disputing the logic of allowing hook-ups. The problem is twofold; 1. He is acting in conflict with the decision of the Governing Body, as well as the recommendation of the Utilities Commission and his own staff; 2. The appearance is that a special favor is being done for one land owner, where other landowners have been denied. This Memorandum appears to be in effect while the Governing Body majority turns a blind eye to a blatant disregard of its own decision.

We scratch our heads over who actually works for whom at city hall, but continue to keep a pragmatic attitude, understanding that we can't solve every problem or reveal all political mischief. Then again, there will be those who say at the end of a long day, "And we would have gotten away with it if it weren't for those meddling Tea Party people."

## Gelding the Guardians



After months of city staff and Governing Body power plays to gain complete control over the city's cash cow utilities fund, Councilor Lonnie Clayton has sponsored an ordinance change that would spell the death blow to the Utilities Commission, or at the very least will remove all its authority.

In recent months we've seen city officials struggle to vali-

date their desire to continue raising water rates to feed the monster utilities fund. They also want more debt to realize city staff's dream of a state-of-the-art waste treatment system. And they want to continue to find creative ways to raid the utilities fund when they overspend in the general fund.

What they don't want is a Utilities Commission that has any authority to stop any of this from happening, nor do they want one that contradicts them in their recommendations.

Councilor Clayton has proposed ordinance changes that should fix this neatly.

**If passed, this ordinance will:**

- Stop the Utilities Commission from making any recommendations for changes to a budget completed by the City Manager and approved by the Governing Body.
- Stop the Utilities Commission from developing any recommendations on anything, unless it is requested by the Governing Body.
- Allow the removal of any Utilities Commissioner for any reason with a simple majority Governing Body vote. (Currently, you have to at least have good cause for removal.)
- Provide a loophole so that not all districts have to be represented on the Commission.
- Eliminate the \$50/month pay for each Utilities Commissioner.

It sounds punitive, doesn't it? These changes come on the heels of the Mayor's decree in June that he is exercising his right to appoint all Utilities Commissioners, pronouncing that only those with water experience need apply. This power grab came just a month after Utilities Chairman Ron Hensley spoke out about

some questionable practices that were siphoning money from the Utilities Fund into the General Fund. Chairman Hensley lost his position on the Commission in July. Remember Councilor Shelby Smith's comment in March after the Utilities Commission supported the water rate freeze? He said he didn't even know why we have a Utilities Commission. Can he spell OVERSIGHT?

In one year this Governing Body, encouraged by city staff, has made more power grabs through ordinance changes and altering rules of procedure than the predecessors they used to criticize. We keep waiting for them to wake from this rabid power feeding frenzy to stand dazed and confused and say "Oh my gosh! What have we done?"

In 2012 the voters unknowingly gave the Governing Body the power to eliminate the Utilities Commission under city ordinance. This Governing Body would never do that, of course - It would be too straight forward. To render the Utilities Commission impotent in this way is cowardly.

The Governing Body will vote on this Wednesday, October 14<sup>th</sup>. Let's hope they come to their senses and stop abusing their power.



# Virgil Pease

*This is how you do it!*

*Through wind and rain and dust storms, one man has remained constant in his service to his community, quietly serving and volunteering without fanfare. His humble nature and self-effacing humor endear him to those who know him. If you live in the area west of Unser and Southern, you have probably passed him by on the roadside hundreds*

*of times. Forever and a day, Virgil has taken up the responsibility of keeping the right-of-way clean of litter, spending hours at a time in the sweltering summer sun. Even at 85 years, he rarely misses his beat. The Rio Rancho Tea Party is proud to call Virgil one of its own. Give him a thankful honk the next time you see him out there keeping our community clean or helping those in need!*