



21-080

## City Council Action and Executive Summary

Type of Action:

☒ Resolution

☐ Ordinance

☐ TIDD Resolution

District:	<input checked="" type="checkbox"/> 1 <input checked="" type="checkbox"/> 2 <input checked="" type="checkbox"/> 3 <input checked="" type="checkbox"/> 4 <input checked="" type="checkbox"/> 5 <input checked="" type="checkbox"/> 6	Adopted:	December 7, 2020
1st Reading:		Department:	City Manager's Office
Drafter:	Lisa LaRocque	Line of Business:	Sustainaibiltiy
Program:	Sustainability		
Title:	A RESOLUTION TO SUPPORT NEW MEXICO LEGISLATIVE ACTIONS THAT ADVANCE SUSTAINABILITY AND CLIMATE ACTION.		

TYPE OF ACTION: ☒ Administrative ☐ Legislative ☐ Quasi-Judicial

### PURPOSE(S) OF ACTION:

To support 2021 New Mexico Legislative actions that advance sustainability and climate action.

### BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

In the upcoming New Mexico 2021 Legislative Session, at least 10 bills have the potential to advance sustainability and climate action work to create resilient, equitable, and prosperous communities for current and future generations.

These proposed bills work in many sectors: large scale solar generation, new construction, building retrofits, clean transportation, water reuse and planning, food and agricultural systems, broad climate action, and a sustainable economy. The bills create new market opportunities, tax credits, energy transition plans, databases, programs, water governance reforms, constitutional amendments, and institutions.

This collection of legislation awaits final details and formal language that come with filing. State legislators are urged to support the City's objective of creating resilient, equitable, and sustainable communities now and for the future.

### SUPPORT INFORMATION:

[Attachment A - Legislative Priorities Resolution report v1 for LC](#)

### PLAN(S):

Comprehensive Plan

### COMMITTEE/BOARD REVIEW:

TSI PRC

### ANNUAL BUDGET APPROVAL:

☐ Yes

☐ No

☒ N/A

**Does this action amend the Capital Improvement Plan (CIP)?**

- ☐ Yes
- ☐ No
- ☒ N/A

**OPTIONS / ALTERNATIVES:**

1. Vote "Yes", this will approve supporting NM State Legislation actions for sustainability and climate actions.
2. Vote "No", this will not approve supporting NM State Legislation actions for sustainability and climate actions.
3. Vote to "Amend", this could change the content of the Resolution.
4. Vote to "Table", this could be brought back to City Council for further discussion.

## RESOLUTION 21-080

### A RESOLUTION TO SUPPORT NEW MEXICO LEGISLATIVE ACTIONS THAT ADVANCE SUSTAINABILITY AND CLIMATE ACTION.

The City Council is informed that:

**WHEREAS**, the City recognizes that sustainability and climate action work to create resilient, equitable and prosperous communities for current and future generations; and

**WHEREAS**, the City seeks to increase its knowledge of and influence in resource conservation, renewable energy, social equity and engagement, and sustainable practices in New Mexico; and

**WHEREAS**, the City supports collaborative opportunities with New Mexico's cities, counties, and Native American Pueblos, Nations and Tribes, and organizations such as the Coalition of Sustainable Communities New Mexico that provides a structure to support the aforementioned goals; and

**WHEREAS**, the 60-day Legislative Session of the 2021 New Mexico State Legislature is bringing forward many important sustainability and climate action legislation.

**NOW, THEREFORE**, Be it Resolved by the Governing Body of the City of Las Cruces:

(I)

**THAT** the City of Las Cruces supports legislation that would authorize the development of a community solar program that provides customers with the voluntary option of accessing solar energy produced by a community solar facility through a subscription process.

(II)

**THAT** the City of Las Cruces supports legislation that increases options for consumers to choose cleaner sources of energy by opening electricity markets to competition.

(III)

**THAT** the City of Las Cruces supports legislation that accelerates the adoption of technology and practices that will result in one or more of the following: decrease emissions from transportation, increase access to low/no carbon transportation options, especially for lower income households, decrease reliance on vehicle ownership, and decrease vehicle miles travelled.

(IV)

**THAT** the City of Las Cruces supports legislation that incentivizes the adoption of technology and practices that decrease energy consumption in new buildings.

(V)

**THAT** the City of Las Cruces support legislations that incentivizes the adoption and retrofitting of existing buildings with technology that decrease energy consumption and provide economic benefits for occupants and/or owners, especially low-income households.

(VI)

**THAT** the City of Las Cruces supports legislation that will provide for transparency, agency cooperation and information sharing, and access to current scientific data to protect and enhance New Mexico's precious natural resources.

**(VII)**

**THAT** the City of Las Cruces supports legislation that focused on improving local food systems and resilient agriculture, strengthening food and water relief and recovery, and addressing root causes of food insecurity.

**(VIII)**

**THAT** the City of Las Cruces supports legislation that promotes water reuse, water planning and other legislation designed to improve overall sustainability at the state and local level.

**(IX)**

**THAT** the City of Las Cruces supports legislation that advances the environmental sustainability goals of the City of Las Cruces including carbon neutrality, ecological resilience, economic vitality, and quality of life and social equity.

**(X)**

**THAT** the City Manager send a letter to each member of our state legislative delegation with this request and a copy of this Resolution as ultimately approved by the City Council of Las Cruces.

**(XI)**

**THAT** the City Manager ensure that this request is included in our legislative requests for the 2021 Legislative Session.

**(XII)**

**THAT** City staff is hereby authorized to do all deeds as necessary in the accomplishment of the herein above.

**DONE AND APPROVED this 07 day of December 2020**

APPROVED

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Mayor

ATTEST:

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City Clerk

**Moved by: Kasandra Gandara**

**Seconded by: Yvonne Flores**

**AYES** Kasandra Gandara, Gabe Vasquez, Gill Sorg, Ken Miyagishima, Yvonne Flores, Tessa Abeyta-Stuve, Johana Bencomo

**NAYS**

## 2021 New Mexico Legislative Actions that Advance Sustainability and Climate Action

As of November 1, 2020, none of the proposed bills in this appendix have been filed. Final details and formal language will not be known until filing. Prefiling dates for the upcoming legislative session are January 4-15, 2021. The summaries below have been developed from legislators' interviews, statements, and communications; from NGO leaders working with legislators; and from references to past bills being updated for refiling by staff from the Coalition of Sustainable Communities New Mexico.

### Energy

#### Community Solar Act

- Sponsors: Senator Liz Stefanics and Representative Patricia Roybal Caballero

- Key Points:

- Community solar refers to local solar arrays shared by individual community members who receive credits on their electricity bills for their portion of the power produced.
- The Act authorizes development of Community Solar Facilities by cities, counties, pueblos, tribes, and solar developers, as well as NGOs supporting low income housing and neighborhoods.
- By aggregating demand, communities gain leverage to negotiate better rates with competitive suppliers and choose greener power sources.
- Expands solar access to renters, not just individual property owners.
- Provides community choice for renewable energy.
- Stimulates New Mexico's economy with new high-tech jobs.
- Stimulates rural economic development with land leases and sales for community solar.
- Can create a more resilient electric grid.

- Additional Information: <https://www.sol-utionnm.org/>

#### Local Choice Energy Act

- Sponsors: Senator Jeff Steinborn and Senator Benny Shendo

- Key Points:

- Local Choice Energy is also known as Community Choice Aggregation.
- The Act authorizes a municipality, county, Indian nation, tribe or pueblo to pool the electricity demand of multiple customers and procure power from an alternative supplier while still receiving transmission and distribution service from the existing utility.
- The Act would open electricity markets to competition and give communities control over which entity supplies their energy.
- Such competition is unlawful today with electricity supply residing within investor-owned monopoly utilities.
- Shifting to greater local control, residents have an increased voice in choice of power generation, energy conservation, and sustainability.

- Stimulates New Mexico's economy with new high-tech jobs.
- Local Choice now authorized in eight states: CA, IL, OH, NY, NJ, MA, RI, and VI. .
- The 2021 bill will be modeled after [SB374](#) from the 2019 session.
- Additional Information: Details provided by the [US EPA](#).

### **Electric Vehicle Tax Credit**

- Sponsor: Senator Bill Tallman
- Key Points:
  - A bill proposing a pair of personal income tax credits to incentivize purchase or lease of electric or plug-in hybrid vehicles and the purchase and installation of an EV charging unit.
  - EV vehicle credit of \$2,500 with an increase to \$5,000 for single taxpayers (income less than \$50,000), married filing separately (income less than \$37,000), and married filing jointly or head of households (income less than \$75,000).
  - EV charging unit credit set at maximum of \$300.
  - Annual vehicle registration fee of \$100 (EVs) and \$50 (plug-in hybrids).
  - The 2021 bill will be modeled after the [HB 217](#) from the 2020 session (details above).
  - The 2020 bill passed the House in a vote of 40 to 27. An amended bill passed the Senate in a vote of 23 to 13. Bill died on the final day of the session following a Republican filibuster.
- Additional Information: New Mexico In Depth [article](#).

### **Potential Bills:**

#### **Sustainable Building Tax Credit**

- Sponsors: TBD
- Key Points:
  - Goal to create incentives for more efficient new residential and commercial buildings
  - Will likely have a tiered system of tax credits for new residential and commercial buildings. The size of the tax credit will depend on the potential energy/emission savings of construction choices (e.g., a certain Energy Rating Index, or all electric appliances, etc.)

#### **Residential Building Retrofit Tax Credit**

- Sponsors: TBD
- Key Points:
  - Goal to create incentives for residential homeowners to increase the energy efficiency of their homes.
  - Will likely have a suite of prescriptive measures that can be taken to update/replace appliances and improve overall energy efficiency in existing residential buildings. There will likely be a corresponding tax

credit for different measures taken (e.g., if you replace appliance A, then you can claim B amount of tax credit).

### **Expanded Electrification**

- Sponsors: Senator Bill Soules
- Key Points:
  - While no details are currently available, Senator Soules has forecast two bills expanding electrification of new school buildings and state vehicle fleets.
  - The Senator has stated:
    - “...I will introduce legislation in January that all new school buildings will be required to have solar generation in order to receive state PSCOC [Public School Capital Outlay Council] funding.”
    - “In January I will be introducing legislation to require all state purchased cars and light trucks to be all electric by 2030. This will drive installation of charging stations and save maintenance costs.”

## **Environment**

### **Environmental Data Base Act**

- Sponsors: Senator Mimi Stewart and Representative Gail Chasey
- Key Points:
  - Establishes a single web-based information portal for city, county, and public access to state environmental data.
  - Provides for governmental transparency, agency cooperation and information sharing, and access to current scientific data.
  - Data from NM EMNRD may include oil and gas wells and pipelines, active mines, utility scale solar and wind projects on state land, rare plant data, etc.
  - Data from NM ED may include locations of permits for sources of air pollution, surface waters, state superfund sites, etc.
  - Data from NM SLO may include locations of state trust land leases and active Rights of Way across state trust land, etc.
  - Data from NM Dept of Health may include health impact assessments, poverty levels by zip code, child asthma rates by zip code, etc.
  - Data from NM Dept of Game and Fish may include critical habitat for threatened and endangered species, wildlife corridors, important bird/plant areas, fish management waters, etc.
  - Data from State Historic Preservation Office may include links to archeological and cultural sites, and information on avoidance areas.



## **Comprehensive Climate Bill**

- Sponsor: Speaker Brian Egolf
- Key Points:
  - While no details are currently available, The Speaker has indicated he will introduce a “comprehensive climate package” which “will set emissions limits.”
  - The Speaker describes this as “a priority for the 2021 session.

## **Governance**

### **Green Amendment**

- Sponsor: Senator Antoinette Sedillo Lopez
- Key Points:
  - A proposed Amendment to the New Mexico Constitution adding a new section to Article II, the Bill of Rights.
  - Language would include, but not be limited to, “All the people of New Mexico have an inalienable, inherent, and inalienable right to a clean and healthy environment, including pure water, clean air, healthy ecosystems, and a stable climate, and to the preservation of the natural, scenic, and healthful qualities of the environment,” and “New Mexico’s government and every government official must be constitutionally, legally, and morally bound to conserve, protect, and maintain these resources for the benefit of all the people, including future generations.”
  - The Amendment would establish a constitutional mandate recognizing a healthy environment as an inherent and generational right of all New Mexico citizens.
  - If passed by the Legislature and approved by voters in the state, government officials would be required to prioritize environmental protection when advancing energy policy, considering development, and crafting and implementing legislation and regulations.
  - Supports the avoidance of unfair targeting of indigenous communities, communities of color, and low-income communities.
  - Communities would be able to hold officials accountable for decisions causing environmental harm violating the constitutional rights of both present and future generations.
- Additional Information: <https://www.ncel.net/green-amendment/>

### **Water Governance Reform Act**

- Sponsor: Representative Melanie Stansbury
- Key points:
  - A comprehensive bill advancing steps to reform and modernize water governance in New Mexico updating practices and approaches adopted in 1912 at the time of statehood.
  - Advances steps to modernize the current water grid taking advantage of new technologies and scientific research.

- Seeks to streamline the process by which water managers at multiple levels can access available funding.
- Addresses steps needed to redress the EPA's 2020 roll back of water quality standards in the Clean Water Act as the changes impact New Mexico's water, public health, and the environment.
- With a focus on restorative justice, seeks to improve the relationship of the state with tribal leaders around the issue of water management and access.
- Additional Information: KSFR interview with Rep Stansbury. Begin listening at [10:15](#).

### **Strategic Plan for a Sustainable Economy**

- Sponsor: Senator Mimi Stewart
- Key points:
  - A bill requiring the state to create a strategic plan for a sustainable economy that transitions New Mexico from reliance on fossil fuel revenue and jobs and achieves carbon neutrality.
  - Specifies cabinet departments and state agencies whose representatives must convene a planning team to create and implement the strategic plan, chaired by the Office of the Governor.
  - Requires stakeholder consultation with all affected communities including tribes and pueblos.
  - Goals of the strategic plan include replacing both the fossil fuel sector jobs and the roughly \$2B per year in state tax revenue that will decline as the state economy moves to a sustainable economy not based on fossil fuel extraction.
  - The plan must specify actions needed for economic development, investments, and infrastructure development; how to replace the state's funding source for education and hospitals, plus any required tax increases.
  - The plan must list actions needed to bolster the state's economic foundation, including improving our educational system from early childhood, K-12 and college; improving our health care system - fixing doctor shortages and improving hospitals; improving public safety and community well-being; building rural broadband, upgrading transportation infrastructure and water infrastructure.
  - Requires the task force to survey recommendations from current and future economic studies and economic development efforts, from the New Mexico universities, the labs, state agencies, economic incubators, etc.
  - Requires a yearly report to the Governor and the Legislature from Nov 2021-2026, documenting the plan and progress toward achieving the goals.

### **Food and Ag Omnibus Bill**

- Sponsor: Representative Melanie Stansbury

- Key Points:

- A major bill focused on improving local food systems and resilient agriculture, strengthening food and water relief and recovery, and addressing root causes of food insecurity.
- Will direct NMSU to develop a roadmap for modernizing the food system including agricultural production, distribution, and the value chain infrastructure.
- Seeks to maintain and expand investments in bilingual agricultural education, tribal farm boards, food hubs (cold storage, loading docks, etc).
- Seeks to maintain investments in the Healthy Soil program and Soil and Water Conservation Districts.
- Advances the transition to regenerative agriculture with a focus on water retention, carbon sequestration, and reduced use of pesticides, herbicides, and fertilizers.
- Funds Farmer Rancher Resource Centers to enhance support to small and mid-size farms recognizing their contribution to New Mexico's economy.

**THE BOARD OF COUNTY COMMISSIONERS  
OF SANTA FE COUNTY**

**RESOLUTION NO. 2021 - 005**

Introduced by:  
Commissioner Anna Hansen

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**A RESOLUTION IN SUPPORT OF LEGISLATION  
IN THE 2021 NEW MEXICO LEGISLATIVE SESSION RELATED TO THE  
ADVANCEMENT OF ENVIRONMENTAL SUSTAINABILITY AND CLIMATE  
ACTION**

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**WHEREAS**, consensus exists among the world's leading climate scientists that climate change caused by emissions of greenhouse gases from human activities is among the most significant problems threatening ecological stability and human well-being today; and

**WHEREAS**, the Santa Fe County Board of County Commissioners ("the Board") passed Resolution No. 2017-68 which adopted and supported the goals set in the Paris Agreement and expressed the Board's intention to support greenhouse gas emission reduction within the County and the community; and

**WHEREAS**, the Board adopted Resolution 2013-7 which established sustainable resource management principles and directed staff to "lead by example" with respect to implementing cost-effective waste reduction, recycling, and clean energy strategies in County operations; and

**WHEREAS**, many state and local governments in New Mexico, including Santa Fe County, have already begun reducing their greenhouse gas emissions through implementing energy efficiency, waste reduction, recycling, water conservation, fleet efficiency and renewable energy production in County facilities and operations; and

**WHEREAS**, the Board wishes to encourage and work with the State of New Mexico, other counties, Native American Pueblos, Tribes, and Nations, and local governments to continue to prioritize the reduction of greenhouse gas emissions; and

**WHEREAS**, the New Mexico State Legislature, New Mexican counties, Native American Pueblos, Tribes, and Nations, and local governments have significant opportunities to provide incentives and resources to reduce greenhouse gas emissions.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of County Commissioners of Santa Fe County, hereby supports legislation in the 2021 Legislative Session that:

1. Relates to the advancement of environmental sustainability, resiliency, and climate action;

2. Will authorize the development of a community solar program that provides customers with the voluntary option of accessing solar energy produced by a community solar facility through a subscription process;
3. Increases options for consumers to choose cleaner sources of energy by opening electricity markets to competition;
4. Accelerates the adoption of technology and practices that will result in one or more of the following: decrease emissions from transportation, increase access to low/no carbon transportation options, especially for lower income households, decrease reliance on vehicle ownership, and decrease vehicle miles traveled;
5. Creates a tax credit for the purchase or lease of an electric vehicle and for the installation of at-home charging infrastructure, enabling more New Mexicans to purchase electric vehicles and utilize the charging station network which is being expanded across the state;
6. Incentivizes energy efficiency related technology and practices that decrease energy consumption in new buildings;
7. Incentivizes the adoption and retrofitting of existing buildings with technology that decreases energy consumption and provides economic benefits for occupants and/or owners, especially low-income households;
8. Will provide for transparency, agency cooperation, information sharing, and access to current scientific data to protect and enhance New Mexico's precious natural resources;
9. Will increase funding for the New Mexico Environment Department;
10. Focuses on improving local food systems and resilient agriculture, healthy soils, strengthening food and water relief and recovery, and addressing root causes of food insecurity;
11. Promotes water reuse, water planning and other legislation designed to improve overall sustainability at the state and local level;
12. Will codify New Mexico state targets for greenhouse gas emission reductions and accelerates our progress in helping meet the goals of the Paris Agreement at the international level and our own sustainability programs at the local level;
13. Advances the environmental sustainability goals of Santa Fe County including carbon neutrality, ecological resilience, economic vitality, and quality of life and social equity.

**BE IT FURTHER RESOLVED** that Santa Fe County supports a comprehensive climate bill that will codify greenhouse gas emission targets at the state level for 2030.

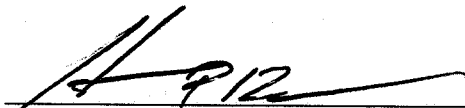
**BE IT FURTHER RESOLVED** that Santa Fe County supports a Green Amendment to the New Mexico Constitution, adding a new section to Article II, the Bill of Rights, that establishes, among other things, a constitutional mandate recognizing a healthy environment as an inherent and generational right of all New Mexico citizens.

**BE IT FURTHER RESOLVED** that, while this Resolution represents a majority of the intent of the Board as to 2021 New Mexico legislative priorities related to sustainability, other timely priorities may be approved by the Board, incorporated into the County's 2021 state legislative agenda, and forwarded to the County's lobbying team for action.

**BE IT FURTHER RESOLVED** that the County Manager is directed to forward this Resolution to Governor Michelle Lujan Grisham, the leadership of the New Mexico Senate and House, Senators and Representatives in the New Mexico Legislature representing Santa Fe County, and New Mexico Counties' Board of Directors and Executive Director.

**PASSED, APPROVED, AND ADOPTED ON THIS 12<sup>th</sup> DAY OF JANUARY 2021.**

**BOARD OF COUNTY COMMISSIONERS  
OF SANTA FE COUNTY**



Henry P. Roybal, Chair

**ATTEST:**



Katharine E. Clark  
Santa Fe County Clerk



Date: 1/13/21

**APPROVED AS TO FORM:**

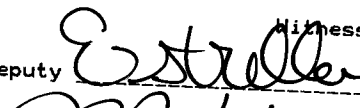


Gregory S. Shaffer  
Santa Fe County Attorney

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 14TH Day Of January, 2021 at 03:32:53 PM  
And Was Duly Recorded as Instrument # 1940395  
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office  
Deputy  Katharine E. Clark  
County Clerk, Santa Fe, NM

