



# City of Las Cruces®

PEOPLE HELPING PEOPLE

## Council Action and Executive Summary

Item # 10Ordinance/Resolution# 16-223For Meeting of \_\_\_\_\_  
(Ordinance First Reading Date)For Meeting of May 16, 2016  
(Adoption Date)

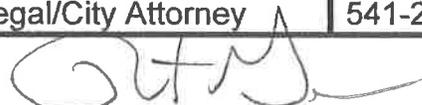
Please check box that applies to this item:

 QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

**TITLE:** A RESOLUTION REPEALING RESOLUTION NO. 09-170 ESTABLISHING AN AD HOC BOARD TO BE KNOWN AS THE RATEPAYER ADVISORY COMMITTEE, AND APPROVING THE APPELLATE PORTIONS OF THE UTILITY RATE MAKING PROCEDURES PREVIOUSLY APPROVED BY THE LAS CRUCES UTILITIES BOARD OF COMMISSIONERS.

**PURPOSE(S) OF ACTION:**

Repeal a resolution.

<b>COUNCIL DISTRICT:</b> N/A		
<b>Drafter/Staff Contact:</b> Grace Espinosa	<b>Department/Section:</b> Legal/City Attorney	<b>Phone:</b> 541-2128
<b>City Manager Signature:</b>		

**BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:**

Resolution No. 09-170 served the following two (2) purposes:

1. Established an ad hoc board known as the Ratepayer Advisory Committee ("RAC") to intervene on behalf of residential and small commercial utility customers in rate cases pending before the Las Cruces Utilities Board of Commissioners ("Utilities Board") under the former adversarial process; and
2. Approved the appellate portions of the former utility rate making procedures. City Council approval was necessary because the Utilities Board By-Laws provided that utility rates could be appealed to the City Council in accordance with an appeals procedure resolution approved by the City Council.

Staff recommends that Resolution No. 09-170 be repealed for the following reasons:

1. The RAC, which was an ad hoc committee, no longer exists having fully performed its duties with regard to the four (4) completed utility rate cases. If the new rate setting process is approved by the City Council, staff will be asking the City Council to establish

(Continue on additional sheets as required)

the Utility Customers Advisory Group as a new ad hoc committee with materially different duties under the new rate setting process than the RAC had under the former adversarial process.

- The appellate portions of the former utility rate making process are no longer required as the City Council will no longer have appellate responsibilities. Under the proposed new rate setting process, the City Council will be making the decisions to approve the rate adjustment recommendations of the Utilities Board or will be remanding those recommendations back to the Utilities Board with strategic guidance. The City Council will not be hearing rate appeals.

**SUPPORT INFORMATION:**

- Resolution.

**SOURCE OF FUNDING:**

Is this action already budgeted?  N/A	Yes	<input type="checkbox"/>	See fund summary below
	No	<input type="checkbox"/>	If No, then check one below:
	Budget Adjustment Attached	<input type="checkbox"/>	Expense reallocated from: _____
		<input type="checkbox"/>	Proposed funding is from a new revenue source (i.e. grant; see details below)
	<input type="checkbox"/>	Proposed funding is from fund balance in the _____ Fund.	
Does this action create any revenue?  N/A	Yes	<input type="checkbox"/>	Funds will be deposited into this fund: _____ in the amount of \$ _____ for FY _____.
	No	<input type="checkbox"/>	There is no new revenue generated by this action.

**BUDGET NARRATIVE**

N/A
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**FUND EXPENDITURE SUMMARY:**

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
N/A	N/A	N/A	N/A	N/A	N/A

**OPTIONS / ALTERNATIVES:**

- Vote "Yes"; this will repeal Resolution No. 09-170.

(Continue on additional sheets as required)

2. Vote "No"; this will not repeal Resolution No. 09-170 and will be inconsistent with the new rate setting process if approved by the City Council.
3. Vote to "Amend"; this could address City Council concerns.
4. Vote to "Table"; this could create inconsistencies if the new rate setting process is approved by the City Council.

**REFERENCE INFORMATION:**

The resolution(s) and/or ordinance(s) listed below are only for reference and are not included as attachments or exhibits.

1. Resolution No. 09-170.



# City of Las Cruces<sup>®</sup>

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## COUNCIL ACTION AND EXECUTIVE SUMMARY PACKET ROUTING SLIP

For Meeting of \_\_\_\_\_  
(Ordinance First Reading Date)

For Meeting of May 16, 2016  
(Adoption Date)

**TITLE:** A RESOLUTION REPEALING RESOLUTION NO. 09-170 ESTABLISHING AN AD HOC BOARD TO BE KNOWN AS THE RATEPAYER ADVISORY COMMITTEE, AND APPROVING THE APPELLATE PORTIONS OF THE UTILITY RATE MAKING PROCEDURES PREVIOUSLY APPROVED BY THE LAS CRUCES UTILITIES BOARD OF COMMISSIONERS.

Purchasing Manager's Request to Contract (PMRC) {Required?} Yes  No

DEPARTMENT	SIGNATURE	PHONE NO.	DATE
Drafter/Staff Contact	<i>Grace Espinoza</i>	541-2128	
Department Director	<i>WRB</i>	541-2128	
Other			
Assistant City Manager /CAO Management & Budget Manager	<i>Daniel Walker</i>	541-2100 541-2107	4-19-2016 4-18-2016
Assistant City Manager/COO	<i>Daniel Onda</i>	541-2271	4-20-16
City Attorney	<i>WRB</i>	541-2128	
City Clerk	<i>Diana Rojas</i>	541-2115	5-6-16

**RESOLUTION NO. 16-223**

**A RESOLUTION REPEALING RESOLUTION NO. 09-170 ESTABLISHING AN AD HOC BOARD TO BE KNOWN AS THE RATEPAYER ADVISORY COMMITTEE, AND APPROVING THE APPELLATE PORTIONS OF THE UTILITY RATE MAKING PROCEDURES PREVIOUSLY APPROVED BY THE LAS CRUCES UTILITIES BOARD OF COMMISSIONERS.**

The City Council is informed that:

**WHEREAS**, Resolution No. 09-170 served the following two (2) purposes:

1. Established an ad hoc board known as the Ratepayer Advisory Committee (“RAC”) to intervene on behalf of residential and small commercial utility customers in rate cases pending before the Las Cruces Utilities Board of Commissioners (“Utilities Board”) under the former adversarial process; and

2. Approved the appellate portions of the former utility rate making procedures. City Council approval was necessary because the Utilities Board By-Laws provided that utility rates could be appealed to the City Council in accordance with an appeals procedure resolution approved by the City Council; and

**WHEREAS**, staff recommends that Resolution No. 09-170 be repealed for the following reasons:

1. The RAC, which was an ad hoc committee, no longer exists having fully performed its duties with regard to the four (4) completed utility rate cases. If the new rate setting process is approved by the City Council, staff will be asking the City Council to establish the Utility Customers Advisory Group (“UCAG”) as a new ad hoc committee with materially different duties under the new rate setting process than the RAC had under the former adversarial process.

2. The appellate portions of the former utility rate making process are no longer required as the City Council will no longer have appellate responsibilities. Under

the proposed new rate setting process, the City Council will be making the decisions to approve the rate adjustment recommendations of the Utilities Board or will be remanding those recommendations back to the Utilities Board with strategic guidance. The City Council will not be hearing rate appeals.

**NOW, THEREFORE,** Be it resolved by the governing body of the City of Las Cruces:

**(I)**

**THAT** Resolution No. 09-170 establishing an ad hoc board to be known as the Ratepayer Advisory Committee and approving the appellate portions of the utility rate making procedures previously approved by the Utilities Board is hereby repealed.

**(II)**

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

**DONE AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

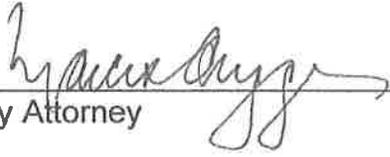
\_\_\_\_\_  
City Clerk

(SEAL)

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

VOTE:

Mayor Miyagishima: \_\_\_\_\_  
Councillor Gandara: \_\_\_\_\_  
Councillor Smith: \_\_\_\_\_  
Councillor Pedroza: \_\_\_\_\_  
Councillor Eakman: \_\_\_\_\_  
Councillor Sorg: \_\_\_\_\_  
Councillor Levatino: \_\_\_\_\_