

INCORPORATED COUNTY OF LOS ALAMOS RESOLUTION NO. 22-18

A RESOLUTION IN SUPPORT OF NEW MEXICO CONSTITUTIONAL AMENDMENT NO. 2, AN AMENDMENT TO ARTICLE 9, SECTION 14 OF THE NEW MEXICO CONSTITUTION, TO ALLOW PUBLIC INVESTMENT TO PROVIDE ACCESS TO ESSENTIAL HOUSEHOLD SERVICES, INCLUDING INTERNET, ENERGY, WATER, WASTEWATER AND OTHER ESSENTIAL INFRASTRUCTURE SERVICES

WHEREAS, New Mexico, Article 9, Section 14, of the Constitution of New Mexico (“Constitution”) is commonly referred to as the “anti-donation clause” of the Constitution and prohibits the State of New Mexico (“State”), a county, a school district or a municipality from directly or indirectly lending or pledging its credit or making any donation to or in aid of any person, association or public or private corporation or in aid of any private enterprise for the construction of any railroad, unless a constitutional exception exists; and

WHEREAS, Article 9, Section 14, of the Constitution includes specific exceptions that allow the provision of public assistance to private entities under certain circumstances; and

WHEREAS, House Joint Resolution No. 1 proposed an Amendment to Article 9, Section 14 (“Amendment”), of the Constitution to allow public investment to provide access to essential household services, including internet, energy, water, wastewater and other essential infrastructure services; and

WHEREAS, The Amendment proposed by House Joint Resolution No. 1 will be on the 2022 General Election ballot for the voters’ approval or rejection; and

WHEREAS, The Amendment would establish an additional exemption to the anti-donation clause of the Constitution and allow the State, through the implementation of legislation, to provide State funds and other resources for the purpose of providing essential services primarily for residential purposes, including infrastructure for internet, energy, water, wastewater or other similar services; and

WHEREAS, The Amendment would increase access to essential utility services by authorizing direct State investment to ensure access to essential utility services by all New Mexicans, and allowing for the possibility of the creation of public-private partnerships to provide access for these services; and

WHEREAS, The Amendment may assist the State and the Incorporated County of Los Alamos (“County”) in leveraging federal funding to achieve the broadest access to internet service throughout the state and other essential household services; and

WHEREAS, The Amendment may assist with ensuring that all New Mexicans, including County residents, have access to the internet by allowing the State to invest in the broadband infrastructure.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE Incorporated County of Los Alamos, that the Los Alamos County Council by adopting this Resolution, does hereby support the Amendment to the Constitution of New Mexico, as provided

herein, and urges County residents and voters across New Mexico to vote Yes on Constitutional Amendment 2 on the back of the ballot.

Section 1. All acts and resolutions in conflict with this Resolution are hereby rescinded, annulled and repealed.

Section 2. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED this 27th day of September 2022.

**COUNCIL OF THE INCORPORATED
COUNTY OF LOS ALAMOS**

Randall T. Ryti,
Council Chair

ATTEST:

Naomi D. Maestas,
Los Alamos County Clerk