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Environment Secretary Intervenes in Water System Dispute to Ensure Community's Right to Fair Election

(Santa Fe, NM) –New Mexico Environment Department (NMED) Secretary Ron Curry has ordered that the Berino Mutual Domestic Water Consumers and Sewage Works Association (Association), located south of Las Cruces, adopt and implement written procedures to insure that future elections to the group's Board of Directors will be held fairly.

This issue came before the Department after 158 users of the water system delivered a petition to NMED alleging that the September 2002 board election was not held in the best interest of Association members or the community as a whole. State law empowers NMED to "intervene in the operation and management with full powers" if it determines that a sanitary project is not being operated or managed in the best interests of local citizens.

"The seemingly arbitrary qualifications enforced at Berino's last election, including requiring photo identification from voters, had a chilling effect on democracy in this small border town," said Secretary Curry. "Water association elections, like all elections, need to be open to all rightful participants."

In addition to requiring photo ID, NMED found other election improprieties including water system users who were wrongfully denied their right to vote and inconsistent application of membership requirements.

The Department has ordered that the Association have written election procedures in place by its next election in September. These procedures will include provisions for the notice of annual elections and a clearly stated mail-in ballot policy. The Association has also been ordered to take action to ensure that water users who are not currently Association members are informed of their right to apply. A training session on proper election procedures, led by the Rural Community Assistance Corporation, must also be held within 30 days.

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“Properly run mutual domestic water consumers associations ensure that residents of rural New Mexico have access to clean drinking water,” said Secretary Curry. “NMED will work with the people of Berino to ensure that future elections are held fairly and that the voice of the community is heard.”

NMED’s decision comes after the community’s concerns were voiced at a public hearing on the matter on May 14th in Berino. 82 people attended the seven-hour hearing. Simultaneous English/Spanish interpretation was provided.

For further information, please contact Jon Goldstein, NMED Communication Director at (505) 827-0314.

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