

2009-2010



ANNUAL RESOLUTIONS

Adopted By:

NMML Membership

September 3, 2009

Albuquerque, NM

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RESOLUTION 2009-1

CONCERNING INCREASING THE JURISDICTIONAL AMOUNT OF PETTY MISDEMEANOR OFFENSES

Whereas, municipal courts currently have jurisdiction over violations of several petty misdemeanors involving monetary limits, including worthless checks; and

Whereas, the maximum monetary values associated with issuing worthless checks has not been evaluated in many years; and

Whereas, readjustment upward of the maximum monetary values associated with the offense of issuing worthless checks would give municipal courts more latitude in dealing with this offense.

Now, Therefore, Be It Resolved that the New Mexico Municipal League supports legislation to increase the dollar value of the crime of issuing worthless checks to \$100.00.

Passed, Approved and Adopted this 3rd day of September at the City of Albuquerque, New Mexico.

RESOLUTION 2009-2

CONCERNING INSPECTIONS BY STATE CERTIFIED MUNICIPAL BUILDING INSPECTORS

Whereas, New Mexico law currently requires the State of New Mexico Construction Industries Division to conduct inspections on all public buildings, whether they lie within the boundaries of a municipality or outside the municipal boundaries; and

Whereas, municipalities employ building officials, certified by the State of New Mexico, who are not permitted to conduct inspections on municipally-owned properties; and

Whereas, municipalities find that such restriction is unreasonable and causes unnecessary delays; and

Whereas, municipalities are requesting New Mexico law be changed to allow certified building inspectors to conduct inspections on all properties within the municipal boundaries, including municipally-owned properties outside the municipal boundaries.

Now, Therefore, Be It Resolved that the New Mexico Municipal League propose legislation for the next New Mexico legislative session allowing state certified building officials, employed by a municipality or a county, to conduct inspections on all buildings, public and private within the jurisdiction of the municipality, provided a certified building inspector of another municipality or county shall inspect municipally-owned properties.

Passed, Approved and Adopted this 3rd day of September at the City of Albuquerque, New Mexico.

RESOLUTION 2009-3

CONCERNING LEGISLATION REQUIRING THE STATE OF NEW MEXICO TO ADD MUNICIPAL JUDGES TO THE LANGUAGE IN SECTION 34-10-1; PROVIDING FOR A MUNICIPAL JUDGE TO SIT ON THE JUDICIAL STANDARDS COMMISSION

Whereas, there are 85 Municipal Judges in the State of New Mexico; and

Whereas, complaints are filed against Municipal Judges; and

Whereas, Judicial Standards Commission reviews those complaints; and

Whereas, the State law does not allow for a Municipal Judge to sit on the Commission.

Now, Therefore, Be It Resolved that the New Mexico Municipal League shall introduce a Constitutional Amendment to allow for a Municipal Judge to be appointed to the Judicial Standards Commission.

Passed, Approved and Adopted this 3rd day of September at the City of Albuquerque, New Mexico.

RESOLUTION 2009-4

CONCERNING AMENDMENT TO SECTION 3-11-5, NMSA 1978 HAVING TO CONFIRM PERSONS WHO SHALL BE EMPLOYED BY THE MUNICIPALITY AT EVERY ORGANIZATIONAL MEETING

Whereas, Section 3-11-5, NMSA 1978, requires a municipality to in essence re-hire its employees after every election; and

Whereas, at every “organizational meeting” of the municipal governing body, having to confirm all employees is burdensome and impracticable; and

Whereas, municipalities have enacted ordinances that protect the rank and file employees and the requirement of having to re-hire and confirm each employee at every organizational meeting is not an economical use of resources.

Now, Therefore, Be It Resolved that the New Mexico Municipal League supports legislation to amend Section 3-11-5, NMSA 1978 as follows:

3-11-5. Mayor; appointment of officers after election.

- A. Any person holding an appointed office at the time of the municipal election shall continue in that office until his/her successor has been appointed and qualified.

Passed, Approved and Adopted this 3rd day of September at the City of Albuquerque, New Mexico.

RESOLUTION 2009-5

CONCERNING BUILDING INSPECTORS

Whereas, the enormous growth in the construction industry has placed a burden on municipalities to perform building inspections (general construction, plumbing, mechanical, and electrical) in a timely and more cost-effective manner; and

Whereas, the cities of Clovis, Rio Rancho, and others have immediate need for multiple certified residential and commercial, and ICC “Residential Combination” and “Commercial Combination” inspectors; and

Whereas, many municipalities across the United States utilize the ICC certification of “Combination Dwelling Inspector” for all of their residential construction inspectors and “Commercial Combination Inspectors” for all of their commercial construction inspectors; and

Whereas, ICC “Residential Combination” and “Commercial Combination” inspectors would allow small communities to gain efficiencies in building departments in rural areas of the state, and create career paths within municipal inspection departments; and

Whereas, SB 657 was introduced during the 2005 Legislative Session and was withdrawn on the promise by CID to allow the cities of Clovis and Rio Rancho to participate in pilot programs for multiple-certification of residential inspectors; and

Whereas, CID has restated its interpretations for qualifying multiple residential inspectors; and

Whereas, the cities of Rio Rancho and Clovis are still not able to fully implement the multiple certification of residential inspectors or ICC “Residential Combination” inspector options; and

Whereas, CID has allowed CID inspectors to acquire certification in multiple disciplines; and

Whereas, CID has interpreted NMSA 60-13-43 A “No person shall be employed by any municipality or county as an inspector unless he has first secured approval from the division of his competence as an inspector” as giving CID Trade Bureau Chiefs the authority to approve or reject a municipal inspector’s qualifications by denying testing opportunities for additional multiple disciplines; and

Whereas, CID has stated it is in favor of municipalities “sharing” inspection resources through Joint Powers Agreements with other local governments; and

Whereas, CID has stated Joint Powers Agreements between local governments for the “sharing” of code compliance resources must be approved by CID, when no statute or regulation has been found that gives CID this authority.

Now, Therefore, Be It Resolved that the New Mexico Municipal League supports “multiple-disciplined”, ICC “Residential Combination”, and “Commercial Combination” inspectors to allow all New Mexico municipalities the same flexibility in building inspections that the rest of the nation enjoys; and

Be It Further Resolved that the New Mexico Municipal League should take the lead on behalf of all municipalities in the state to encourage CID to cooperate in the implementation of all New Mexico municipalities employing multiple disciplined residential, ICC “Residential Combination”, and “Commercial Combination” inspectors, and employing Joint Powers Agreements allowing “sharing” of code compliance resources between local governments; and

Be It Further Resolved that applicable statutes and all CID rules should be reviewed and revised to allow cooperation and implementation of Policies by which municipalities may utilize multiple disciplined residential, ICC “Residential Combination”, and “Commercial Combination” inspectors, and Joint Powers Agreements for the “sharing” of code compliance resources among local governments; and

Be It Further Resolved that CID rules should be amended to allow residential and/or commercial multiple disciplined or “ICC Combination” inspector candidates to qualify for additional inspection certifications with field experience in only one trade discipline as the rest of the nation allows; and

Be It Further Resolved that the Municipal League recommend to CID that it defer implementation of any policy or rule changes based on NMSA section 3-17-6 from July 1, 2009 to July 1, 2010 to permit further discussion leading to consensus.

Passed, Approved and Adopted this 3rd day of September at the City of Albuquerque, New Mexico.

RESOLUTION 2009-6

CONCERNING INTERNATIONAL BUILDING CODE ON AIRPORTS

Whereas, municipal airport infrastructure varies greatly with that of other private commercial buildings; and

Whereas, the storage of aircraft is done in two forms, one in banks of individual structures back to back known as T-Hangars, and the second in larger buildings that are able to house a number of aircraft in the same area; and

Whereas, airports are limited in the amount of space available with access to ramp and taxiways and therefore, requires buildings to be in closer proximity; and

Whereas, the 2003 International Building Code (IBC) requires that aircraft hangar exterior walls less than 30 feet from property lines, lot lines or public way shall have a fire-resistant rating of not less than two hours or a sprinkler system; and

Whereas, the 2006 IBC was amended to exempt T-Hangars banks but it did not give any relief to the interpretation by the Construction Industries Division (CID) of "public way" thereby allowing the more restrictive and costly enforcement for hangars over 2000 square feet; and

Whereas, the majority of economic growth on airports consists of hangars of this size and the enforcement has caused a slow down or stoppage of development due to the extreme construction costs and land use requirement; and

Whereas, previously adopted Uniform Building Code was less stringent requiring only 15 feet separation; and

Whereas, this is a national problem and other states have amended the code to exempt or clarify the definition of public ways on airports to continue to attract industrial development on airports; and

Now, Therefore, Be It Resolved that the New Mexico Municipal League urges the State Construction Industries Division to exempt internal airport properties from the definition of "public way" or to seek appropriate legislation.

Passed, Approved and Adopted this 3rd day of September at the City of Albuquerque, New Mexico.

RESOLUTION 2009-7

CONCERNING THE ESTABLISHMENT OF A METROPOLITAN COURT IN DONA ANA COUNTY

Whereas, the New Mexico Statutes (NMSA 1978, Section 34-8A-1, et seq. (1979)) provides for the establishment of a Metropolitan Court in a Class A county with a population of more than 200,000; and

Whereas, Dona Ana County, a Class A county, is rapidly approaching a population of 200,000; and

Whereas, a Metropolitan Court, among other things, hears cases involving misdemeanors, preliminary hearings regarding felony charges, cases involving violations of city ordinances, jury trials, and civil cases involving amounts under \$10,000; and

Whereas, a Metropolitan Court is a court of record for domestic violence and driving while intoxicated cases; and

Whereas, it is in the best interests of planning for the future of Dona Ana County that support be given to the establishment of a Metropolitan Court in Dona Ana County.

Now Therefore Be It Resolved, that the New Mexico Municipal League supports legislation establishing a Metropolitan Court in Dona Ana County, provided that incorporated municipalities within Dona Ana County be permitted to “opt out” and retain their Municipal Courts.

Passed, Approved and Adopted this 3rd day of September at the City of Albuquerque, New Mexico.

RESOLUTION 2009-8

CONCERNING 2010 BOND ISSUE FOR LIBRARIES

Whereas, New Mexico public libraries provide books and other materials to meet the informational, educational, cultural and recreational needs of all New Mexicans; and

Whereas, the effectiveness of a library is determined by its ability to deliver current, accurate information in a timely manner through books and materials answering community needs; and

Whereas, advances in technology have made information resources increasingly accessible electronically; and

Whereas, the demand for library resources continues to rise while the cost of providing the resources is beyond local funding capacity; and

Whereas, publicly funded libraries have increased their effectiveness by sharing their resources electronically, enabling public, tribal, school and college libraries to coordinate the use of scarce library funds within the community and statewide; and

Whereas, a bill will be presented to the Legislature during the 2010 Legislative Session to place a general obligation bond issue on the November 2010 ballot to raise \$18 million for libraries statewide; and

Whereas, public libraries have experienced a substantial growth in usage, yet many municipalities lack resources to support adequate funding for library book collections.

Now, Therefore, Be It Resolved that the New Mexico Municipal League endorses legislative passage of a General Obligation bond bill for \$18 million for libraries on the November 2010 general election ballot.

Passed, Approved and Adopted this 3rd day of September at the City of Albuquerque, New Mexico.

RESOLUTION 2009-9

CONCERNING THE DEFINITION OF AFFORDABLE HOUSING UNDER THE DEVELOPMENT FEES ACT

Whereas, Section 5-8-3 NMSA, 1978, as amended, authorizes cities and counties to waive impact fees for affordable housing projects and Section 5-8-2 defines affordable housing as any housing development built to benefit those whose income is at or below eighty percent of the area median income; and who will pay no more than thirty percent of their gross monthly income towards such housing; and

Whereas, Section 6-27-1 NMSA, 1978, as amended, which is the Affordable Housing Act defines affordable housing as residential housing primarily for persons or households of low or moderate income; and

Whereas, the Affordable Housing Act (Section 6-27, et. seq.) was made part of the statutes after the Land Development Fees and Rights Act (Section 5-8, et. seq.); and

Whereas, the Affordable Housing Act Rules, as promulgated by the NM Mortgage Finance Authority, as required by the Affordable Housing Act, defines the benefit of affordable housing to the same as the Act and further defines "Persons of Low or Moderate Income" to mean persons and families within the state who are determined by the MFA to lack sufficient income to pay enough to cause private enterprise to build an adequate supply of decent, safe and sanitary residential housing in their locality or in an area reasonably accessible to their locality and whose incomes are below the income levels established by the MFA to be in need of the assistance made available by the Act, taking into consideration, without limitation, such factors as defined under the Act. For purposes of this definition, the word "families" shall mean a group of persons consisting of, but not limited to, the head of a household; his or her spouse, if any; and children, if any, who are allowable as personal exemptions for Federal income tax purposes; and

Whereas, the Affordable Housing Act and Rules provides cities with flexibility in addressing their affordable housing needs, including opportunities to provide development fee waivers for qualified affordable housing projects; and

Whereas, to ensure consistency within the statutes and to provide the most opportunity to assist low-income persons, the definition of affordable housing needs to be changed within the Land Development Fees and Rights Act of Section 6-27, et. seq.

Now, Therefore, Be it Resolved, that the New Mexico Municipal League supports an amendment to Section 5-8-2 to define affordable housing as residential housing primarily for persons or households of low or moderate income.

Passed, Approved and Adopted this 3rd day of September at the City of Albuquerque, New Mexico.

RESOLUTION 2009-10

CONCERNING THE WATER CONSERVATION FEE

Whereas, 74-1-13 of the Environmental Improvement Act imposed a water conservation fee of three cents (\$.03) per thousand gallons of water produced on every public water supply system; and

Whereas, the water conservation fund is created in the state treasury; and

Whereas, money in the water conservation fund is appropriated to the department of environment for administration of a public water supply program to:

- (1) test public water supplies for the contaminants required to be tested pursuant to the provisions of Section 1412 of the federal Safe Drinking Water Act, as finalized through July 1, 1992, and collect chemical compliance samples as required by those provisions of the federal act;
- (2) perform vulnerability assessments which will be used to assess a public water supply's susceptibility to those contaminants; and
- (3) implement new requirements of the Utility Operators Certification Act [Chapter 61, Article 33 NMSA 1978] and provide training for all public water supply operators; and

Whereas, monitoring requirements of Section 1412 of the federal Safe Drinking Water Act have been subsequently modified since July 1, 1992 so that annual and triennial monitoring for synthetic and volatile organic contaminants, inorganic contaminants, and radiological contaminants is no longer required at individual water sources, but rather at Entry Points to the Distribution System at which individual sources are effectively blended to a single source; and

Whereas, the Environment Department has issued waivers to reduce or eliminate monitoring requirements for many contaminants; and

Whereas, the NMED has completed a source water vulnerability assessment for each PWS as required by U. S. Environment Protection Agency; and

Whereas, implementation of two key provisions of the water conservation fee statute; vulnerability assessments and utility operator certification, are no longer funded by the water conservation fee and new federal funding is available to address these issues; and

Whereas, there is concern among New Mexico municipalities that while the water conservation fee fund appropriately provides services to the regulated community, demands on the water conservation fee have effectively been reduced since inception of the fee.

Now, Therefore, Be It Resolved that the water conservation fee remain unchanged from the original legislation; and

Be It Further Resolved that should NMED intend to further increase the fee, NMED should first evaluate the impacts of decreased monitoring, lack of full implementation of the current statute and increases in federal funding; and share the enabling legislation with the affected regulated community to reach a consensus prior to the legislation being introduced.

Passed, Approved and Adopted this 3rd day of September at the City of Albuquerque, New Mexico.

RESOLUTION 2009-11

CONCERNING THE ADOPTION OF ENFORCEABLE WATER QUALITY PROTECTION REQUIREMENTS WITHOUT PUBLIC HEARING

Whereas, the New Mexico Environment Department (NMED) Ground Water Quality Bureau has developed a “Policy for Above Ground Use of Reclaimed Domestic Wastewater” (August 7, 2003), including definitions, standards, conditions and monitoring requirements; and

Whereas, the NMED “Policy for Above Ground Use of Reclaimed Domestic Wastewater” has never been presented to the New Mexico Water Quality Control Commission (NMWQCC) for public hearing and formal adoption; and

Whereas, the NMED “Policy for Above Ground Use of Reclaimed Domestic Wastewater” is incorporated by reference into enforceable Ground Water Discharge Permits issued by NMED under the NMWQCC Regulations; and

Whereas, the NMED Drinking Water Bureau has drafted a “Policy for Wastewater Reuse for Potable Water” (May 27, 2005), including restrictions, standards and monitoring requirements; and

Whereas, the NMED “Policy for Wastewater Reuse for Potable Water” has never been presented to the NM Environmental Improvement Board (NMEIB) for public hearing and formal adoption; and

Whereas, the NMED “Policy for Wastewater Reuse for Potable Water” is intended to provide enforceable requirements for municipalities deciding to recycle purified wastewater for potable reuse; and

Whereas, the NMED practice of imposing enforceable requirements through policies that are not subjected to public hearing violates the New Mexico Water Quality Act [74-6-6(A) NMSA 1978] and the New Mexico Environmental Compliance Act [74-7-5(A) NMSA 1978].

Now, Therefore, Be It Resolved that the New Mexico Municipal League objects to the NMED practice of imposing enforceable requirements through policies not subjected to public hearing and urges the NMED Cabinet Secretary, the Governor of New Mexico and the New Mexico Legislature to implement measures to halt the practice and ensure NMED compliance with New Mexico law (New Mexico Water Quality Act [74-6-6(A) NMSA 1978] and New Mexico Environmental Compliance Act [74-7-5(A) NMSA 1978]) and New Mexico regulations (Rulemaking Procedures – Environmental Improvement Board [20.1.1 NMAC] and Surface and Groundwater Protection [20.6.2 NMAC]) when adopting environmental protection requirements.

Passed, Approved and Adopted this 3rd day of September at the City of Albuquerque, New Mexico.

RESOLUTION 2009-12

CONCERNING NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PRIMACY (NPDES)

Whereas, the State of New Mexico is one of four states that does not have primacy for NPDES; and

Whereas, the New Mexico Environment Department is proposing that the state assume the responsibility for primacy; and

Whereas, municipal governments hold the majority of major permits under NPDES; and

Whereas, under the current system administered by EPA, permits are issued to municipalities without fees; and

Whereas, municipalities are concerned that the waters of New Mexico are protected from polluted discharges in order to safeguard municipal water supplies.

Now, Therefore, Be It Resolved that the New Mexico Municipal League opposes legislation authorizing State NPDES Primacy unless the final legislation contains the following provisions:

- 1) that the New Mexico Environment Department is fully funded by the State to administer the NPDES program;
- 2) no permit fees will be imposed on municipalities in order to fund the program;
- 3) adequate definitions are developed to protect waters of New Mexico;
- 4) that the Water Quality Control Commission retain the authority to hear appeals by the regulated entities of disputed NMED actions and decisions;
- 5) that the Water Quality Control Commission continue to have the authority to adopt standards, rules and regulations; and
- 6) that NMED take full advantage of their progressive enforcement authority.

Be It Further Resolved, that copies of this resolution be forwarded to the Governor, the New Mexico Environment Department Secretary, and the New Mexico State Legislature.

Passed, Approved and Adopted this 3rd day of September at the City of Albuquerque, New Mexico.

RESOLUTION 2009-13

CONCERNING AMENDMENT TO SECTION 72-1-9 NMSA 1978 RELATING TO EXTENSION OF THE WATER USE PLANNING PERIOD

Whereas, House Bill 1080 (HB 1080) was introduced in the 48th Legislature; and

Whereas, HB 1080 was supported by the Albuquerque-Bernalillo County Water Utility Authority, City of Alamogordo, City of Espanola and El Prado Water and Sanitation District;

Whereas, HB 1080 proposed an amendment to Section 72-1-9 NMSA 1978 (being Laws 1985, Chapter 198, Section 1, as amended) which would extend the current Water Use Planning Period to one hundred (100) years: and

Whereas, HB 1080 died in committee; and

Whereas, as a result of HB 1080, HM 42 and HJM 48 (duplicates) were introduced calling for the NM State Engineer to evaluate and make recommendations relating to the Water Use Planning Period (HM 42/a Passed as amended); and

Whereas, in relation to HM 42/a the State Engineer has organized stakeholder meetings to gather input and explore the advantages/disadvantages and discuss options for extending the current forty (40) year planning period; and

Whereas, municipalities and other qualifying water suppliers subject to the forty (40) year planning period, must protect their ability to adequately plan and manage their water supply portfolio in a manner consistent with the protection of the public welfare; and

Whereas, the current planning period is inadequate to meet this need.

Now, Therefore, Be It Resolved that the New Mexico Municipal League supports a reasonable extension of the Water Use Planning Period as may be reached by consensus through the stake holder meetings being organized by the State Engineer.

Passed, Approved and Adopted this 3rd day of September at the City of Albuquerque, New Mexico.

RESOLUTION 2009-14

CONCERNING FORTY YEAR WATER PLANNING PROCESS

Whereas, New Mexico statute 72-1-9 recognizes that planning by municipalities and other entities for the reasonable development and use of water resources promotes the public welfare and conservation of water within the state; and

Whereas, New Mexico statute 72-1-9 provides for a water use planning period of forty years for municipalities and other entities with water rights being based on a water development plan; and

Whereas, water development plans referred to in New Mexico statute 72-1-9 are commonly referred to as forty year water plans; and

Whereas, the New Mexico State Engineer has general supervision of waters of the state under New Mexico statute 72-2-1; and

Whereas, no formal guidance on the content of the forty year water plans prepared for application under New Mexico statute 72-1-9 or their review process has been issued by the State Engineer; and

Whereas, one or more entities recognized in New Mexico statute 72-1-9 have invested substantial resources in preparing forty year water plans, submitted them to the Office of the State Engineer in support of water rights filings and experienced lengthy delays and extensive comments on the content of the plans; and

Whereas, in order to make the most efficient use of state and local resources, there is a need to have a uniform template for the preparation of the plans and uniform and timely process for the review of such plans.

Now, Therefore, Be It Resolved that the New Mexico Municipal League supports the development and use of a template for the preparation of water development plans or forty year water plans prepared for application to New Mexico statute 72-1-9 and a uniform and timely process for the review of such plans.

Passed, Approved and Adopted this 3rd day of September at the City of Albuquerque, New Mexico.

RESOLUTION 2009-15

CONCERNING WASTEWATER LABORATORY TECHNICIAN CERTIFICATION REQUIREMENTS

Whereas, 61-33-1 NMSA authorizes the New Mexico Water Quality Control Commission (WQCC) to adopt rules providing standards and criteria for the certification of operators based on their qualifications and their ability to operate public water supply systems or public wastewater facilities of the various classifications; and

Whereas, 61-33-1 NMSA , authorizes the WQCC to appoint a seven member board to adopt rules and advise the department on the administration of the Utility Operators Certification Act; and

Whereas, the Utility Operator Certification Advisory Board recommended a Laboratory Certification process to complement the Operator Certification requirements addressing the certification of laboratory technicians who may not otherwise be eligible for operator certification; and

Whereas, the role of the certified wastewater operator includes all duties related to the operation and maintenance of any facility compatible to their level of certification including, process operation, equipment maintenance and calibration, NPDES Permit administration, record keeping, interaction with regulatory agencies and laboratory compliance testing; and

Whereas, Commercial laboratories, who are responsible for analyzing a significant portion of the required municipal wastewater compliance samples are not required to obtain any type of certification; and

Whereas, in considering the Board's recommendation and based on testimony at the hearing the WQCC adopted a much more stringent requirement superseding the existing Operator Certification without adequate evaluation of the economic impact of the additional regulation, without definition of the requirements for obtaining said certifications, and lacking a basis in documented permit violations due to the lack of a laboratory certification program for requiring this additional regulatory requirement.

Now, Therefore, Be it resolved that the New Mexico Municipal League urge the Utility Operator Certification Advisory Board, the New Mexico Environment Department and the Water Quality Control Commission to:

- revise the regulation to recognize system level certification as adequate to perform the laboratory testing function;
- work with the regulated community to revise the existing regulations to be more appropriate and enforceable;
- establish and provide justification to support any future additional regulatory requirements recommended by the Utility Operator Certification Advisory Board.

Passed, Approved and Adopted this 3rd day of September at the City of Albuquerque, New Mexico.

RESOLUTION 2009-16

CONCERNING FIDELITY BONDS OF MUNICIPAL TREASURERS

Whereas, Section 6-10-38, NMSA, 1978 provides that Municipal Treasurers give bond in a sum equal to 20 percent of the public monies received by them during the preceding fiscal year, but in no instance shall the bond required be in excess of \$50,000; and

Whereas, the maximum amount of bond required was last adjusted in 1967; and

Whereas, municipal budgets have increased dramatically since 1967; and

Whereas, in order to protect public money in the custody and control of the municipal treasurer it is prudent to allow New Mexico municipalities to set the amount of bond required to be given by the municipal treasurer.

Now, Therefore, Be it Resolved that the New Mexico Municipal League support legislation amending Section 6-10-38, NMSA, 1978 to allow governing bodies of municipalities to require bond of the municipal treasurer in an amount set by the governing body with a minimum \$50,000 bond required and that municipal governing bodies be allowed to set a higher bond if desired.

Be it Further Resolved that the New Mexico Municipal League support legislation to allow municipal treasurers to comply with the requirements of Section 6-10-38, NMSA, 1978 by means of coverage through a blanket bond purchased by the municipality to cover all employees.

Passed, Approved and Adopted this 3rd day of September at the City of Albuquerque, New Mexico.

RESOLUTION 2009-17

CONCERNING STATE FUNDING ASSISTANCE FOR MUNICIPAL SOLID WASTE HAULING COSTS

Whereas, the Solid Waste Regulations calling for the reduction in the number of Landfills and promoting regional landfills throughout the State has created budgetary concerns for municipalities and counties; and

Whereas, municipalities are in need of financial assistance with the most cost prohibitive issue associated with hauling costs to regional landfills; and

Whereas, municipalities and counties are financially burdened with solid waste disposal options and with the economic difficulties rate increases create; and

Whereas, while closing landfills, constructing convenience centers and transfer stations and tipping fees at permitted Subtitle D landfills seem to be in line with solid waste concerns nationwide; and

Whereas, distance combined with the unique loading and maximum payload challenges associated with solid waste, results in a very costly and burdensome expense on municipal and county budgets; and

Whereas, research has indicated that hauling of solid waste to a regional landfill becomes costly when the location of the regional landfill is over 15 miles outside the boundaries from which the trash is generated; and

Whereas, distances in New Mexico as well as the Solid Waste Act and the implementing regulations contemplated the regionalization of solid waste, however one of the consequences of regionalization is the distances that solid waste must be hauled for disposal; and

Whereas, state funding for reimbursement to municipalities and counties with no option but to haul trash over long distances to Subtitle D landfills, would provide needed assistance to strapped municipal and county budgets.

Now, Therefore, Be It Resolved that the New Mexico Municipal League research options for reimbursement for local governments who have no other option than to haul solid waste, including construction materials, over long distances to a Subtitle D landfill.

Passed, Approved and Adopted this 3rd day of September at the City of Albuquerque, New Mexico.

RESOLUTION 2009-18

CONCERNING MUTUAL EFFORTS TO INCREASE COMPLIANCE WITH GROSS RECEIPTS & COMPENSATING TAX ACT AND MUNICIPAL BUSINESS REGISTRATION ORDINANCES

Whereas, Section 7-9-4 NMSA 1978 imposes an excise tax on any person engaging in business in New Mexico and Section 7-1-12 NMSA 1978 provides for establishing a system for the registration and identification of taxpayers, which system is referred to as the Combined Reporting System (CRS); and

Whereas, Section 3-38-3 NMSA 1978 requires municipalities to provide for the imposition of a Business Registration Fee by ordinance; and

Whereas, Section 3-38-4 NMSA 1978 provides that any person filing an application for issuance or renewal of any business registration as authorized in Section 3-38-3 NMSA 1978 shall include his current CRS identification number; and

Whereas, it would be to the mutual benefit of the State and municipalities if each was aware of those businesses that have registered under either or both provisions of law to do business in order to increase compliance with the Gross Receipts and Compensating Tax Act and municipal business registration ordinances.

Now, Therefore, Be It Resolved that the New Mexico Municipal League seek legislation that would require the State of New Mexico Taxation and Revenue Department to at least once every three years cooperate with each municipality to conduct a “tape match” to identify businesses that are not in compliance with State of New Mexico or municipal business registration statutes and ordinances.

Passed, Approved and Adopted this 3rd day of September at the City of Albuquerque, New Mexico.

RESOLUTION 2009-19

CONCERNING THE LOCAL DWI GRANT PROGRAM FUNDING FOR MUNICIPALITIES

Whereas, the Legislature has created the Local DWI Grant Program for the purpose of funding new, innovative or model programs, services or activities to prevent or reduce the incidence of DWI, alcoholism, alcohol abuse, drug addiction or drug abuse as well as programs, services or activities to prevent or reduce the incidence of domestic abuse related to DWI, alcoholism, alcohol abuse, drug addiction or drug abuse; and

Whereas, the Local DWI Grant Program provides for a fund that is created by distribution of a portion of the liquor excise taxes to be administered by the Local Government Division of the Department of Finance; and

Whereas, the Local Government Division may make DWI program distributions to counties in accordance with the provisions of the Local DWI Grant Program Act; and

Whereas, many of the programs funded by the DWI Grant Program are provided for and administered at the municipal level; and

Whereas, local review, oversight and approval of DWI programs that receive Local DWI Grant Program funds ensures the delivery of quality, relevant and meaningful programming; and

Whereas, municipal governments are capable of conducting the oversight and review necessary to ensure that providers of DWI programs meet the requirements provided for in the Local DWI Grant Program; and

Whereas, the requirement for municipalities or municipally offered programs to obtain funding from the county is a duplication of efforts;

Now Therefore, Be It Resolved that the New Mexico Municipal League seeks legislation to amend the Local DWI Grant Program NMSA 1978 §§11-6A-1 to 11-6A-6 to provide for distributions to municipalities; and

Be It Further Resolved that the Legislature allocate funding for these municipalities from the existing liquor excise tax.

Passed, Approved and Adopted this 3rd day of September at the City of Albuquerque, New Mexico.

RESOLUTION 2009-20

CONCERNING CONTINUITY IN THE ISSUANCE AND ADMINISTRATION OF STATE GRANT MONIES

Whereas, municipalities can, and do rely, on State of New Mexico grants to fulfill many municipal needs; and

Whereas, local governments may be better able to implement projects within their jurisdictions; and

Whereas, those local governments need set policies and procedures in the delivery and administration of state grants; and

Whereas, the New Mexico Department of Finance and Administrative Services has stated its intention to alter its reimbursement policy after expenditures of state grant monies by local governments, and

Whereas, local governments should be able to rely on dates and amounts included in state grant agreements.

Now, Therefore, Be It Resolved, that the New Mexico Municipal League continue to encourage the New Mexico State Department of Finance and Administration to honor the written terms of state grant agreements and to honor reimbursement policies in existence at the time of grant execution.

Passed, Approved and Adopted this 3rd day of September at the City of Albuquerque, New Mexico.

RESOLUTION 2009-21

CONCERNING CORRECTION FEE INCREASE FOR MUNICIPAL COURTS

Whereas, Section 35-14-11 requires municipalities to enact an ordinance requiring assessment of a corrections fee to be collected upon conviction from persons convicted of violating any ordinance relating to operation of a motor vehicle or any ordinance that may be enforced by the imposition of a term of imprisonment; and

Whereas, all assessments shall be deposited in a local government corrections fund and shall be used solely for the purpose of constructing, operating or maintaining the municipal jail or for the paying for the cost of housing municipal prisoners in the county jail or other detention facilities in the state; and

Whereas, municipalities are subsidizing the cost of housing prisoners from their General Funds to meet the substantial increase of prisoner populations and costs charged by counties.

Now Therefore Be it Resolved that the New Mexico Municipal League, seek legislation that would allow a municipality to increase correction fees from persons convicted of violating City Traffic and Criminal ordinances from \$20 to \$30.

Passed, Approved and Adopted this 3rd day of September at the City of Albuquerque, New Mexico.

RESOLUTION 2009-22

CONCERNING EXPANSION OF THE STATE PRODUCTION TAX CREDITS AND RENEWAL OF THE FEDERAL PRODUCTION TAX CREDITS FOR WIND AND SOLAR ENERGY PROJECTS

Whereas, according to the American Solar Energy Society, the wind industry contributed \$3 billion to the US economy, and added 16,000 jobs in 2006; and

Whereas, the solar photovoltaic industry contributed \$1 billion and added 6,800 jobs; and

Whereas, both industries are growing annually at over a 30% rate; and

Whereas, renewable energy and green industry are merely minor economic drivers in NM and are only beginning to emerge; and

Whereas, New Mexico is one of only a handful of states that provides a Production Tax Credit (PTC) for wind, biomass and solar; and

Whereas, in conjunction with the federal PTC State Tax Credits are a significant incentive to locate in New Mexico; and

Whereas, without continued increases in the State PTC for wind and solar power projects, those projects will not be commercially viable.

Now, Therefore, Be it Resolved, that the New Mexico Municipal League requests the New Mexico State Legislature, in partnership with the Governor, continue to raise the current solar PTC, to enable concentrated solar projects (CSPs) to continue to be commercially viable.

Be it Further Resolved, that the New Mexico Municipal League urge the New Mexico State Legislature, in partnership with the Governor, to continue to raise the current cap on the wind PTC to enable more wind energy production.

Be it Further Resolved, that the New Mexico Municipal League urge the New Mexico Congressional Delegation to continue to expand the Federal PTC.

Passed, Approved and Adopted this 3rd day of September at the City of Albuquerque, New Mexico.

RESOLUTION 2009-23

**CONCERNING LOCAL OPTION 911 EMERGENCY
COMMUNICATION SYSTEM SERVICE FEE**

Whereas, the 911 communication system provides immediate access to emergency services for telephone subscribers who wish to use the 911 system; and

Whereas, telephone subscribers derive significant benefit from ongoing operation of dispatch centers across the state of New Mexico; and

Whereas, a fee paid by telephone subscribers is a practical and equitable revenue mechanism to finance operating and/or capital costs incurred by dispatch centers in the delivery of emergency communication system services; and

Whereas, local New Mexico municipalities have limited resources available to allocate to many competing demands for service; and

Whereas, a local option 911 emergency communication system service fee would provide a revenue stream dedicated to the cost of providing emergency communication system services.

Now, Therefore, Be It Resolved that the New Mexico Municipal League supports legislation to provide the authority to impose a local option 911 emergency communication system service fee.

Passed, Approved and Adopted this 3rd day of September at the City of Albuquerque, New Mexico.

RESOLUTION 2009-24

CONCERNING THE MUNICIPAL CAPITAL OUTLAY GROSS RECEIPTS TAX

Whereas, Section 7-19D-12, NMSA 1978 authorizes the Municipal Capital Outlay Gross Receipts Tax as a $\frac{1}{4}$ cent increment to be used for Capital Outlay purposes; and

Whereas, Section 7-19D-12(E), NMSA 1978 provides that the Municipal Capital Outlay Gross Receipts Tax may only be imposed by a municipality that has enacted all other increments of local option gross receipts taxes; and

Whereas, many municipalities are desirous of enacting the Municipal Capital Outlay Gross Receipts Tax but either do not desire or need to enact other increments; and

Whereas, municipalities wish to avoid unnecessary taxation and should not be required to enact additional taxes in order to enact a tax that is needed; and

Whereas, the Municipal Capital Outlay Gross Receipts Tax increment is the only increment with this limiting provision.

Now, Therefore, Be It Resolved that the New Mexico Municipal League support legislation to repeal Section 7-19D-12(E), NMSA 1978 so that the Municipal Capital Outlay Gross Receipts Tax can be enacted regardless of the enactment of other local option gross receipts tax increments.

Passed, Approved and Adopted this 3rd day of September at the City of Albuquerque, New Mexico.

RESOLUTION 2009-25

CONCERNING TELECOMMUNICATIONS FRANCHISE ORDINANCES

Whereas, telecommunication providers have established multi-state company policies not to renegotiate expired franchise ordinances; and

Whereas, municipalities in the state of New Mexico are receiving revenues under expired franchise ordinances which they are unable to renegotiate; and

Whereas, compelling telecommunication providers to remove their telecommunications equipment from municipal rights-of way is not a realistic option.

Now Therefore, Be It Resolved that the New Mexico Municipal League supports development of a state-wide standardized franchise ordinance form within a one-year time frame with provisions for locally negotiated items; and

Be It Further Resolved that the League seeks to clarify a municipality's ability to enforce criminally, in municipal or metropolitan court, a violation of a municipal franchise ordinance; and

Be It Further Resolved that a memorial be introduced to bring the two parties together for discussion and negotiations.

Passed, Approved and Adopted this 3rd day of September at the City of Albuquerque, New Mexico.

RESOLUTION 2009-26

**CONCERNING REVISIONS TO THE SALE OR LEASE OF
PUBLIC PROPERTY SECTION FOR MONETARY THRESHOLDS**

Whereas, Section 3-54-1 NMSA 1978 contains monetary thresholds that are used to determine whether the sale and exchange of any municipal utility facilities or property in excess of the threshold shall be subject to referendum provisions; and

Whereas, reasonable and customary values for virtually all public real property assets have appreciated over the years, and said thresholds have not risen commensurately with appreciation levels; and

Whereas, raising the affected limits would result in a more efficient process.

Now, Therefore Be It Resolved that the New Mexico Municipal League supports legislation to increase the monetary thresholds in the Municipal Sale or Lease of Property Section as follows:

<u>Municipal Sale or Lease of Property</u>	<u>Present Threshold</u>	<u>Proposed Threshold</u>
Sections 3-54-1 A & B NMSA 1978	\$25,000	\$250,000

Passed, Approved and Adopted this 3rd day of September at the City of Albuquerque, New Mexico.

RESOLUTION 2009-27

CONCERNING FUNDING FOR THE OPERATION OF REGIONAL TRANSIT DISTRICTS

Whereas, the New Mexico Municipal League is committed to encouraging alternative modes of transportation; and

Whereas, public transportation is key to the quality of life and economic opportunities for New Mexicans; and

Whereas, multi-jurisdictional public transit systems work to reduce the congestion of motor vehicle traffic by providing transportation options for residents; and

Whereas, reducing traffic congestion decreases automobile accidents on freeways and streets; and

Whereas, regional public transit would reduce noise and air pollution; and

Whereas, regional public transit would extend the life of New Mexico's existing roadways by easing the traffic burden; and

Whereas, there is an increasing need to coordinate public transit services and systems of different jurisdictions and levels of government; and

Whereas, the Municipal League has supported the creation and implementation of regional transit districts; and

Whereas, the first regional transit district was formed and certified as the North Central RTD; and

Whereas, in total, four Regional Transit Districts have been formed and certified by the Transportation Commission and at least two others have begun the certification process; and

Whereas, other metropolitan and smaller municipalities are beginning to plan for an RTD in their areas; and

Whereas, the NMDOT has identified some start-up funding for RTD development; and

Whereas, the New Mexico State Legislature has passed legislation allowing municipalities and counties to hold a referendum for up to ½% gross receipts tax increase to fund the operation of RTDs; and

Whereas, this increase in gross receipts tax initiative will not sustain adequate RTD funding for small municipalities or rural communities.

Now, Therefore, Be It Resolved that the New Mexico Municipal League supports the establishment of a state-dedicated public transportation fund for use by municipalities to operate RTD's; and

Be It Further Resolved that the State consider establishment of a state revolving public transportation loan fund for cities, towns and villages, and study the possibilities for multimodal user fees which could leverage funding for RTD's in small municipalities.

Passed, Approved and Adopted this 3rd day of September at the City of Albuquerque, New Mexico.

RESOLUTION 2009-28

CONCERNING CITY BROADBAND NETWORKS

Whereas, broadband telecommunications access has become as vital to cities and towns today as railroads, streets, highways and airports continue to be; and

Whereas, broadband access is a vital component of economic development, distance learning, tele-health and other services and positive outcomes; and

Whereas, New Mexico cities and towns can leverage improved broadband infrastructure and services to help New Mexico overcome its chronically low rating in per capita income; and

Whereas, continuing to rely solely on monopoly or near-monopoly incumbent providers for broadband infrastructure is not a valid option due to New Mexico's low priority status in national investment strategies and due also to a shortage of investment capital by private-sector; and

Now, Therefore, Be It Resolved that the New Mexico Municipal League urges the New Mexico Legislature to explore funding and policy mechanisms to support the development of universal municipal telecommunications broadband access.

Passed, Approved and Adopted this 3rd day of September at the City of Albuquerque, New Mexico.

RESOLUTION 2009-29

CONCERNING REGIONAL TELECOMMUNICATIONS DISTRICTS

Whereas, Broadband - the delivery of “always on” Internet access with the ability to receive and transmit digital content and services at high speeds - is transforming the way we live, learn, work and play; and

Whereas, in many parts of New Mexico, especially rural and remote areas, geographical isolation and low population density make the cost of upgrading existing infrastructure to broadband capability unprofitable for the private sector; and

Whereas, there is little chance of broadband services being offered by private competitors at affordable prices to many New Mexicans in the foreseeable future; and

Whereas, the lack of broadband access and literacy limits the economic competitiveness and educational and cultural development for many New Mexicans; and

Whereas, new technologies and approaches to local broadband services are being deployed by a number of local governments and regional entities in other states; and

Whereas, the lack of local technical and financial resources is a significant barrier to development of alternative means of deploying broadband to underserved communities; and

Whereas, creating regional organizations such as Regional Transportation Districts has proven the value of cooperation, resource sharing, and coordination across local governmental boundaries to benefit New Mexicans.

Now, Therefore, Be It Resolved that the New Mexico Municipal League requests that the legislature allocate funds for a study by the Public Regulatory Commission (PRC) to analyze structural alternatives, powers and duties, and the potential benefits of creating Regional Telecommunications Districts, which would include cellular telephone services, in the state of New Mexico; and

Be It Further Resolved that the study also addresses technical approaches, policy and regulatory issues, and resource requirements likely to be encountered by Regional Telecommunications Districts created to provide universally available broadband access and cellular telephone services at competitive prices to New Mexicans.

Passed, Approved and Adopted this 3rd day of September at the City of Albuquerque, New Mexico.

RESOLUTION 2009-30

CONCERNING ADDITIONAL FUNDING FOR MUNICIPAL STREETS, ROADS, BRIDGES, RAIL AND TRANSIT

Whereas, Governor Richardson's Investment Plan (GRIP) has provided for more than one billion dollars for state highways; and

Whereas, other critical street, road and bridge projects not designated in GRIP still need to be addressed; and

Whereas, these projects are important for economic development within municipalities; and

Whereas, it is not enough to have an efficient state highway system, but rather it is essential that an effective, efficient transportation system be in place within municipalities in order to provide for the safe and efficient movement of people, goods and services; and

Whereas, transportation should be viewed not just as the state highway system, but as a complete network of state and municipal streets, roads, bridges, rail and transit.

Now, Therefore, Be It Resolved that the New Mexico Municipal League supports continued funding for critical local projects where applicable, to follow, be guided by and adhere to current state transportation improvement plans established by Metropolitan Planning Organizations and Regional Planning Organizations; and

Be It Further Resolved that a comprehensive plan of investment for critical transportation projects be developed with municipal input and that such plan identify funding resources as identified in House Memorial 35, 2007 Legislative Session necessary to finance such plan including matching funds and in-kind services in rural areas; and

Be It Further Resolved that municipalities, the Governor and the Legislature collaborate on the development of critical local transportation projects and a comprehensive investment plan.

Passed, Approved and Adopted this 3rd day of September at the City of Albuquerque, New Mexico.

RESOLUTION 2009-31

CONCERNING REIMBURSEMENT FOR LAW ENFORCEMENT TRAINING AT SATELLITE ACADEMIES

Whereas, New Mexico state law requires law enforcement officers to be trained and certified within one year of their hiring date and requires that the state provide its basic training at no cost to local public bodies; and

Whereas, in addition to the state Academy located in Santa Fe, eleven certified satellite academies are currently providing training in various regions of the state; and

Whereas, overcrowding at the state Academy in Santa Fe causes delays in the basic training schedule and impacts the quality of law enforcement training; and

Whereas, the regional locations of satellite academies enables them to provide convenient service in a more timely manner; and

Whereas, the state pays the basic training costs for municipal cadets who attend the Academy in Santa Fe but does not reimburse municipalities for basic training their officers receive at satellite academies; and

Whereas, this inequity causes financial hardship on those municipalities that train their officers at satellite academies.

Now, Therefore, Be It Resolved that the New Mexico Municipal League supports legislation to require the state to reimburse municipalities for the costs of basic training for officers attending satellite academies.

Passed, Approved and Adopted this 3rd day of September at the City of Albuquerque, New Mexico.

RESOLUTION 2009-32

CONCERNING OPPOSITION TO PROPOSED FEDERAL LEGISLATION CALLING FOR STATE AND LOCAL POLICE TO ENFORCE FEDERAL CIVIL IMMIGRATION LAWS

Whereas, the New Mexico Municipal League (NMML) strongly denounces terrorism and acknowledges that federal, state and local governments should protect the public from terrorist attacks in a rational and deliberate manner to ensure that security measures enhance public safety without violating the constitutional rights and infringing upon the civil liberties of its residents; and

Whereas, the NMML considers police the real experts in ensuring public safety and recognizes that local and state police in New Mexico have diligently responded to new homeland security mandates; and

Whereas, on July 9, 2003, Representative Charles Norwood (R-GA) introduced the Clear Law Enforcement for Criminal Alien Removal Act of 2003 (CLEAR Act), H.R. 2671 and on November 20, 2003, Senator Jeff Sessions (R-AL) introduced a similar measure entitled the Homeland Security Enhancement Act of 2003 (HSEA); and

Whereas, the CLEAR Act and HSEA will require local and state police to add federal civil immigration law enforcement to their already long list of duties or risk the loss of federal funding; and

Whereas, the enforcement of federal civil immigration law will distract local and state law enforcement from their primary mission of ensuring public safety and preventing crime in our community by having them focus on the apprehension of illegal immigrants instead of criminals and by adding burdensome paperwork and reporting requirements; and

Whereas, local law enforcement already has the authority to arrest anyone, regardless of immigration status, who commits a crime and threatens the public safety of our community; and

Whereas, the enactment of the CLEAR Act and the HSEA would undermine community policing and create an atmosphere where immigrants begin to see local police as federal immigration enforcement agents with the power to deport them or their family members, making them less likely to approach local law enforcement with information on crimes or suspicious activity; and

Whereas, the CLEAR Act and HSEA will lead to the misapplication of complex and technical immigration laws because local police will not be guaranteed the seventeen weeks of immigration law training required of federal enforcement agents; and

Whereas, New Mexico has enacted legislation to increase public and road safety that allows qualified applicants, regardless of immigration status, to obtain a driver's license and the enactment of HSEA would penalize any state which issues such licenses by withholding federal highway safety funds; and

Whereas, the CLEAR ACT and HSEA will endanger the lives of immigrant victims of crime by undermining the Violence Against Women Act (VAWA) and the Victims of Trafficking and Violence Prevention Act, both enacted by the federal government to provide them with particular protections; and

Whereas, many immigrant victims of crime are unlikely to report the crime to law enforcement if they believe that seeking police protection will result in deportation and ultimately in losing custody of their children; and

Whereas, enforcement of the CLEAR Act and HSEA invites racial profiling and other infringements on civil rights and liberties guaranteed under the United States Constitution of those individuals who speak languages other than English, appear to be of certain ethnic background or speak English with an accent; and

Whereas, the CLEAR Act and HSEA set a dangerous precedent of enforcement of federal law by local and state law enforcement; and

Whereas, immigrant communities play a vital role in the economic and cultural landscape of New Mexico and precaution must be taken to ensure that our laws do not insinuate that all immigrants are suspected terrorists; and

Whereas, over 56 ordinances, police directives, resolutions, and policies nationwide protect immigrants' access to police protection; and

Whereas, locally and nationwide there is a broad spectrum in opposition to the CLEAR Act and HSEA including law enforcement, elected officials and government associations, domestic violence prevention advocates, service providers, conservative thinkers, faith-based groups, civil rights, civil liberties, and human rights organizations, immigrant/refugee rights groups, labor unions, businesses, and financial service providers in addition to community members; and

Whereas, while the NMML supports the fight against terrorism at home and abroad, this goal cannot be reached by placing the unmanageable burden of enforcing federal civil immigration law on local and state law enforcement.

Now, Therefore, Be It Resolved that the New Mexico Municipal League opposes the enactment of the CLEAR Act and HSEA or compelling local law enforcement to enforce federal civil immigration laws; and

Be It Further Resolved that the New Mexico Municipal League reaffirms its commitment to civil rights and equal access to all municipal services including police protection regardless of immigration status.

Passed, Approved and Adopted this 3rd day of September at the City of Albuquerque, New Mexico.

RESOLUTION 2009-33

CONCERNING THE ADOPTION OF APPROPRIATE PHYSICAL FITNESS STANDARDS FOR LAW ENFORCEMENT

Whereas, the New Mexico Law Enforcement Academy Board enforces the regulations and standards for qualifying law enforcement officers; and

Whereas, the current New Mexico standards, contained in the New Mexico Administrative Code, were taken from previous Cooper Institute “percentile” standards that are now outdated and pose problems if used as a mandatory standard for selection, training or maintenance; and

Whereas, the Cooper Institute has rejected its own “percentile” rankings since they do not predict the ability to do the job and do not demonstrate criterion validity; and

Whereas, with the required emphasis on job relatedness brought about by the Civil Rights Act of 1991 and the ADA, the age and gender based norms, as mandatory standards, are no longer recommended by the Cooper Institute; and

Whereas, according to Cooper, New Mexico’s fitness standards are age and gender adjusted thus conflicting with present law; and

Whereas, New Mexico Regulations are silent on any association between fitness standards and the jobs to which they must relate; and

Whereas, New Mexico makes no provision for certification reciprocity with other states in the matter of out-of-state peace officer hires; and

Whereas, forty-eight states have adopted new Standards – the ranges of which are found to be predictive of job performance.

Now, Therefore, Be It Resolved that the New Mexico Municipal League urge the State Law Enforcement Academy Board to adopt new Physical Fitness *Standards* for Law Enforcement.

Passed, Approved and Adopted this 3rd day of September at the City of Albuquerque, New Mexico.

RESOLUTION 2009-34

CONCERNING GANG RELATED CRIME AND ACTIVITY IN NEW MEXICO

Whereas, New Mexico has a serious and growing gang problem that arises primarily from its geography and demographics; and

Whereas, the state has seen an increase in the number of hate groups, street gangs, prison gangs, outlaw motorcycle gangs, and their associated members, from the West Coast, Midwest, Mexico, Cuba, and neighboring states; and

Whereas, gangs instill fear, threaten our schools, children and homes, affect public safety, community image and quality of life issues in communities of every size throughout our state; and

Whereas, 2008 statistics show there are 324 validated gangs and 9,550 documented gang members in our state, representing an increase in number of gang members of 11% per year since 2002; and

Whereas, this steady increase is consistent with results of a recent New Mexico Statewide Gang Threat Assessment in which over 73% of law enforcement agencies reported New Mexico's gang problem to be either serious or very serious; and

Whereas, according to Uniform Crime Reporting data from 2006, New Mexico ranked 9th among states in violent crime rates which, in large part, can be attributed to criminal gang activity; and

Whereas, there is a need for standardized definitions of a gang, gang member, and gang crime; and

Whereas, if criminal justice professionals are to effectively work together and share gang-related intelligence across jurisdictions, it is imperative that they employ the same standards to determine what constitutes a gang, gang member, and gang crime; and

Whereas, gang-related legislation has been enacted in every state that borders New Mexico.

Now, Therefore, Be It Resolved that the New Mexico Municipal League supports legislation to reduce gang activity.

Be It Further Resolved that the New Mexico Municipal League supports legislation that will help reduce or eliminate the furtherance of criminal gang activity.

Passed, Approved and Adopted this 3rd day of September at the City of Albuquerque, New Mexico.

RESOLUTION 2009-35

CONCERNING ADMINISTRATIVE SUSPENSION OF DRIVERS' LICENSES OF PERSONS DRIVING UNDER THE INFLUENCE OF DRUGS

Whereas, driving while under the influence of alcohol and drugs has been identified as a major problem in New Mexico over the past 20 years; and

Whereas, the Legislature has taken many steps to discourage drivers from engaging in this destructive activity; and

Whereas, statutory penalties, standards, and administrative sanctions for persons driving under the influence of alcohol have been established and increased over the years in order to deter impaired driving; and

Whereas, the State of New Mexico has no administrative remedy to suspend the driver's license of a person who is driving under the influence of drugs, due in large part to the absence of standards to determine the levels of drug impairment at which administrative action could be taken; and

Whereas, the effects of driving under the influence of drugs are as destructive and no less costly as the effects of driving under the influence of alcohol.

Now, Therefore Be It Resolved that the New Mexico Municipal League seeks, through whatever avenues are appropriate, the establishment of administrative standards and procedures to suspend the driver's license of any person found to have been driving under the influence of drugs.

Passed, Approved and Adopted this 3rd day of September at the City of Albuquerque, New Mexico.

RESOLUTION 2009-36

CONCERNING SUPPORT OF ADDITIONAL LEGISLATION TO ATTACK THE GROWING METHAMPHETAMINE PROBLEM IN NEW MEXICO

Whereas, the dramatic increase in the manufacture and use of methamphetamine has been described by Senator Jim Talent of Missouri as “the single worst drug threat that any of us have confronted in our lifetime”; and

Whereas, the officials in the State of Minnesota report that 70-80% of the people in jail in that state are there for methamphetamine related crime; and

Whereas, in San Diego, tests reveal that over 35% of the men arrested in that city tested positive for methamphetamine in their system; and

Whereas, small children have been found at one-third of the methamphetamine labs raided by law enforcement officers; and

Whereas, forty-four (44) states have passed or are considering legislation relating to the manufacture and sale of methamphetamine; and

Whereas, Congress is currently considering the “Combat Meth Act” to provide a comprehensive federal response to the methamphetamine crisis; and

Whereas, in addition to legislation to control the sale, registration and distribution of pseudoephedrine and other methamphetamine precursors, additional legislation should be enacted to address other issues created by the methamphetamine epidemic.

Now, Therefore, Be It Resolved that the New Mexico Municipal League supports legislation that will:

1. Increase funding for regional drug task force agencies or local public agencies;
2. Increase requirements for bail alternatives for offenses including the manufacture, sale and distribution of methamphetamine;
3. Increase penalties for the manufacture, sale and distribution of methamphetamine;
4. Provide funding to reimburse state and local public safety agencies for the cost of dismantling and cleaning up methamphetamine labs; and
5. Establish a statewide “Meth Stopper” program patterned after the existing “Crime Stoppers” program.

Passed, Approved and Adopted this 3rd day of September at the City of Albuquerque, New Mexico.

RESOLUTION 2009-37

CONCERNING DEVELOPMENT OF A STATE PLAN TO DESIGNATE HAZARDOUS CARGO ROUTES

Whereas, hazardous cargo is frequently transported via motor vehicles; and

Whereas, many highways in New Mexico run directly through our municipalities and communities; and

Whereas, the presence of hazardous cargo on the streets of a community presents a danger to its inhabitants; and

Whereas, emergency responders are better able to assess risks to the community and respond to dangers if they have an idea that hazardous cargo may be involved in an accident; and

Whereas, the United States has developed regulations that allow the states to designate the routes upon which hazardous cargo may travel; and

Whereas, the municipalities and communities in New Mexico are vitally interested in obtaining protections afforded by hazardous cargo routes; and

Whereas, the establishment of hazardous cargo routes would also benefit those who transport hazardous cargo by directing them toward roads most suited for their loads.

Now, Therefore, Be It Resolved that the New Mexico Municipal League urges the State to enact legislation authorizing establishment of hazardous cargo routes according to Federal regulations to increase the safety of the State's communities; and

Be It Further Resolved that municipalities and the State work together in the State's development and implementation of a plan to designate hazardous cargo routes.

Passed, Approved and Adopted this 3rd day of September at the City of Albuquerque, New Mexico.

RESOLUTION 2009-38

CONCERNING THE EMS FUND ACT

Whereas, Emergency Medical Services (EMS) is the only health care that is universally available to all of New Mexico's residents and visitors regardless of ability to pay; and

Whereas, pre-hospital treatment and transport by volunteer and paid emergency medical responders are the two most crucial components of emergency medical care; and

Whereas, the citizens demand and deserve an increasing level of care, however funding for the training and necessary equipment is not available; and

Whereas, emergency medical services that provide first response, such as fire departments, are not eligible to charge for response or treatment; and

Whereas, the costs of providing healthcare, whether hospital, clinic, or pre-hospital based, continue to rise, while funding, including reimbursement from fees charged, continue to decline; and

Whereas, future access to this essential care will be dependent on adequate funding to ensure the best pre-hospital care is delivered through the providing of training, equipment, resources, medical direction, technical assistance, and quality improvement; and

Whereas, EMS in New Mexico has continued to progress at a pace comparable to most states, however, future growth and reduction of morbidity and mortality is being greatly impeded by cuts in federal and state funding; and

Whereas, the current level of funding provided by the EMS Fund Act only provides approximately one-third of the amount that is requested from New Mexico EMS services; and

Whereas, the current funding levels and projected future cuts will prevent the future growth of EMS, and the decrease in providers and services will result in an increase in morbidity and mortality; and

Whereas, EMS in New Mexico must have solid financial resources if they are to continue providing critical services in a consistent and reliable manner.

Now, Therefore, Be It Resolved that the New Mexico Municipal League seeks an increase to the EMS Fund Act for use by EMS in the State of New Mexico; and

Be It Further Resolved, that the existing funding formula will continue to be used, but the funding base amount and maximum allowable fund award be raised to accommodate the increasing costs of providing pre-hospital services.

Passed, Approved and Adopted this 3rd day of September at the City of Albuquerque, New Mexico.

2009 PS Committee Priority: **HIGH**

RESOLUTION 2009-39

CONCERNING THE LAW ENFORCEMENT PROTECTION FUND

Whereas, the Law Enforcement Protection Fund (LEPF) is a state dedicated fund from which annual distributions are made to municipal, county, tribal and university police departments; and

Whereas, two distributions are made to municipal departments, one on a rating using the population class of the municipality as the basis, and the second based on an amount per full-time certified officer; and

Whereas, the LEPF monies may be used for equipment, advanced training, matching funds for federal grants, and up to 50% of replacement salaries for officers attending basic training; and

Whereas, costs of equipment and training continue to increase and new technologies are necessary to continue to provide quality service and protection; and

Whereas, the number of demands and responsibilities placed on law enforcement continues to increase while most departments are functioning at less than their full quota of officers; and

Whereas, available federal monies and grants to police agencies have all but disappeared; and

Whereas, the current LEPF distributions from the State are \$20,000, \$30,000 and \$40,000 annually based on population and \$600 per officer; and

Whereas, LEPF distributions have not been increased since 2000.

Now, Therefore, Be It Resolved that the New Mexico Municipal League seeks legislation to increase the distributions from the Law Enforcement Protection Fund to a level that is sufficient for law enforcement needs.

Passed, Approved and Adopted this 3rd day of September at the City of Albuquerque, New Mexico.

RESOLUTION 2009-40

**CONCERNING REGISTERED SEX OFFENDERS LIVING OR MEETING
IN CLOSE PROXIMITY TO SCHOOLS, PARKS
AND OTHER GOVERNMENT OWNED FACILITIES**

Whereas, the New Mexico Sex Offenders Registration and Notification Act (SORNA), NMSA 29-11A-1 et seq., requires convicted sex offenders to register with the sheriff of the county where the offender is currently residing; and

Whereas, an analysis of the sex offender registration list shows that a large number of New Mexico registered offenders live nearby elementary schools, neighborhood parks and other places frequented by young children; and

Whereas, SORNA does not address the issue of offenders living or holding meetings near these facilities.

Now, Therefore Be It Resolved that the New Mexico Municipal League supports passage of an amendment to New Mexico's Sex Offender Registration and Notification Act addressing the subject of registered offenders living or meeting in close proximity to schools, parks or other government owned facilities frequented by children.

Passed, Approved and Adopted this 3rd day of September at the City of Albuquerque, New Mexico.

RESOLUTION 2009-41

CONCERNING DFA REGULATIONS ON PUBLIC SAFETY ANSWERING POINTS (PSAPs)

Whereas, municipalities, counties, tribes and other local governments are charged with providing for the safety and welfare of the citizens of New Mexico; and

Whereas, calls for emergency response to public safety, fire, ambulance and other emergency concerns are answered at Public Safety Answering Points; and

Whereas, personnel at the Public Safety Answering Points dispatch appropriate responders to deal with requests and serve to facilitate communication between the responders and those in need; and

Whereas, the Legislature of the State of New Mexico has imposed certain fees on telephone communications to be used to assist in providing necessary equipment for Public Safety Answering Points so they may remain technologically viable; and

Whereas, the Department of Finance and Administration is charged with administering the funds from the fees on telephone communications in order to equitably distribute funding to provide services to all New Mexicans; and

Whereas, in its effort to provide efficiency, the Department of Finance and Administration has enacted regulations with requirements beyond those implemented by the legislature; and

Whereas, the Department of Finance and Administration's regulations have, in some instances, endangered public safety and welfare through the requirement of consolidation; and

Whereas, compliance with Department of Finance and Administration regulations has resulted both in higher dispatch costs and a lower level of service for some local governments than was provided before consolidation.

Now, Therefore Be It Resolved that the New Mexico Municipal League formally requests the Department of Finance and Administration to revise its regulations and rules regarding consolidation of dispatching in a manner that does not exceed the statutory requirements.

Be It Further Resolved that the Department of Finance and Administration is called upon to immediately release funds to those local governments that meet the statutory definition of PSAP, regardless of consolidation, in order to assist them in updating their current dispatch systems.

Passed, Approved and Adopted this 3rd day of September at the City of Albuquerque, New Mexico.

RESOLUTION 2009-42

CONCERNING DWI OFFENSES AND THE DRIVER'S LICENSE REVOCATION PROCESS

Whereas, the New Mexico Legislature has recognized the serious problem of impaired driving in the state; and,

Whereas, the Legislature has implemented stricter standards and tougher penalties to combat the situation; and,

Whereas, revocation of driving privileges due to DWI is dependent on an administrative process that does not safeguard the interest of the general population; and,

Whereas, the various courts of the state are well equipped to afford all parties appearing before them due process; and,

Whereas, allowing courts who hear the criminal case to make the administrative decision regarding driving privileges affords certain economies of time and effort to both parties to the license and law enforcement; and,

Whereas, transferring the revocation process to the courts will, most likely save overtime funds for law enforcement agencies; and,

Now, Therefore, Be It Resolved that the New Mexico Municipal League requests the New Mexico Legislature to transfer license revocation in cases involving DWI to the various courts of the state.

Passed, Approved and Adopted this 3rd day of September at the City of Albuquerque, New Mexico.

RESOLUTION 2009-43

CONCERNING PERSONNEL RECORDS AND THE INSPECTION OF PUBLIC RECORDS ACT

Whereas, the Inspection of Public Records Act, NMSA Section 14-2-1 et seq. (the "Act"), requires government agencies, including municipalities, to generally make their records available to the public for inspection and copying; and

Whereas, the Act also recognizes that there are records that for good legal or public policy reasons should be kept confidential and provides exceptions exempting these records from public disclosure; and

Whereas, the Inspection of Public Records Act contains a specific section exempting from disclosure the identities and applications of persons applying for the position of president of a public institution of higher learning but is silent as to information about applicants for other government positions; and

Whereas, the same policy reasons that prompted the legislature to recognize an exception for university presidents also apply to key municipal positions such as city manager; and

Whereas, the courts were recently called on to give a ruling on whether all city manager applications must be released and the New Mexico Court of Appeals issued its opinion in the case of *Daily Times and Foundation for Open Government v. City of Farmington* (the "Case") ruling that "...when, as here, the application is for a high-ranking public position, the public's interest in disclosure outweighs the City's concern that fewer people will apply and thus disclosure is required"; and

Whereas, the opinion does not define what positions are to be considered as "high-ranking public positions"; and

Whereas, municipalities in New Mexico are without guidance as to what applications are to be disclosed under current New Mexico law; and

Whereas, the Act is also silent on what personal identifying and financial information of employees and customers of municipalities should be considered confidential and which should be considered public and subject to disclosure; and

Whereas, identity theft is a growing epidemic in the United States and the disclosure of personal identifying and financial information of applicants, employees and customers may aid those committing this crime.

Now, Therefore, Be It Resolved that the New Mexico Municipal League urges the state legislature to adopt legislation that would clarify the Inspection of Public Records Act as to what employment applications are subject to disclosure; and

Be It Further Resolved that the legislation should also address what personal information of employees and customers of municipalities should be confidential and not subject to disclosure under the Act and which information should be released.

Passed, Approved and Adopted this 3rd day of September at the City of Albuquerque, New Mexico.

RESOLUTION 2009-44

CONCERNING IMPOSITION OF THE ENVIRONMENT SERVICES GROSS RECEIPTS TAX

Whereas, Municipalities are charged with providing a wide variety of environmental services to the citizens of the municipality; and

Whereas, among those services are Water/Wastewater delivery and treatment, solid waste collection and disposal services and abatement of other environmental hazards; and

Whereas, the laws, rules and regulations regarding standards that must be met by municipalities are complex and require large expenditures of public funds to comply with; and

Whereas, during the 2009 session of the legislature, the Legislature passed and the Governor signed legislation that allows two municipalities in the state to impose an Environmental Services Gross Receipts Tax in the amount of up to $\frac{1}{2}$ of one percent; and

Whereas, the current authorized rate of the Environmental Services Gross Receipts Tax, at $\frac{1}{16}$ th of one percent, is inadequate to fund the environmental services necessary to provide for the health, safety and welfare of the citizens of a municipality.

Now, Therefore, Be It Resolved that the New Mexico Municipal League seek legislation authorizing all municipalities to impose an Environmental Services Gross Receipts Tax in an amount up to $\frac{1}{2}$ of one percent.

Passed, Approved and Adopted this 3rd day of September at the City of Albuquerque, New Mexico.

RESOLUTION 2009-45

CONCERNING AMENDING THE CONVENTION CENTER FINANCING ACT

Whereas, the Legislature passed and the Governor signed the Convention Center Financing Act in 2003; and

Whereas, the act allows a municipality with a population between seventy thousand and one hundred thousand to impose a Convention Center Financing fee of \$2.50 for the use of a room within the area in which the fee is imposed; and

Whereas, municipalities of various sizes in the state operate or wish to operate convention centers and arenas and may desire to construct new or expand existing centers and arenas; and

Whereas, those municipalities do not meet the population requirements of the Convention Center Financing Act.

Now, Therefore, Be It Resolved that the New Mexico Municipal League seek legislation to amend the Convention Center Financing Act to allow any municipality that wishes to construct, expand or operate a convention center, civic center or arena to impose a fee of up to \$2.50 per room to defray the cost of such construction, expansion or operation.

Passed, Approved and Adopted this 3rd day of September at the City of Albuquerque, New Mexico.

RESOLUTION 2009-46

CONCERNING A COLLABORATIVE EFFORT WITH THE ASSOCIATION OF COUNTIES TO DRAFT A MODEL ORDINANCE REGARDING CREATION OF ENERGY INVESTMENT DISTRICTS

Whereas, enabling legislation is needed for local governments to create renewable energy financing districts to encourage installation of residential and commercial solar, wind and geothermal energy systems; and

Whereas, the 2009 NM Legislature passed three bills that were sponsored by Representatives Brian Egolf and Ben Rodefer and Senator Peter Wirth. These bills allow local governments to create solar financing districts where, if enough people voluntarily signed up, the government would use its bonding authority to borrow money and install solar systems on homes; and

Whereas, these districts give municipalities or counties who participate, access to green energy bonds available through the federal stimulus bill and allow property owners to recoup part of the cost in state and federal tax credits' and in return, the volunteers would agree to raise their property taxes for a set amount over a specific time to pay back the government bond; and

Whereas, there are currently no standards or examples to follow for local government ordinances enabling a standardized approach to creating these opportunities; and

Whereas, cooperation with the New Mexico Association of Counties may provide opportunities for multiple energy financing districts to share in combined bond issuances.

Now, Therefore, Be It Resolved that the New Mexico Municipal League collaborate with the Association of Counties to draft a model ordinance to aide in creating energy investment districts across the state.

Passed, Approved and Adopted this 3rd day of September at the City of Albuquerque, New Mexico.

RESOLUTION 2009-47

CONCERNING A REQUEST TO THE FEDERAL GOVERNMENT TO RECOGNIZE SMALL CITIES IN NEW MEXICO AS THEY WRITE AND DEFINE THE NEW 2009 TRANSPORTATION BILL

Whereas, the US Congress spends about \$60 billion a year on transportation improvements; and

Whereas, Congress is currently getting ready to write the new 2009 Transportation Bill—an opportunity that only comes along once a decade; and

Whereas, as part of the new bill, there will be changes in the current transportation program affecting states and local governments; and

Whereas, the transportation bill would overhaul the operation of the U.S. Department of Transportation, change project development processes, and modify planning practices for different modes of transportation tied to federal funds; and

Whereas, the bill will be designed to achieve specific national objectives: reduce fatalities and injuries on our nation's highways, unlock the congestion that cripples major cities and the freight transportation network, provide transportation choices for commuters and travelers, limit the adverse effects of transportation on the environment; and

Whereas, the Federal Government is likely to focus funding and research on large metropolitan areas with population centers greater than one million, thus leaving all New Mexico Cities out of consideration for funding; and

Whereas, the cities and towns of New Mexico are the economic engines of the state and their elected leaders are knowledgeable of local transportation issues and most accountable for transportation decisions.

Now, Therefore, Be It Resolved that the New Mexico Municipal League lobby federal delegations to ensure all municipalities in the state get reasonable consideration and access to funding opportunities with respective transportation systems.

Passed, Approved and Adopted this 3rd day of September at the City of Albuquerque, New Mexico.

RESOLUTION 2009-48

CONCERNING REQUESTING THE NEW MEXICO TRANSPORTATION COMMISSION AND THE DEPARTMENT OF TRANSPORTATION TO AUTHORIZE A FEASIBILITY STUDY OF AN EXTENSION OF THE RAIL RUNNER EXPRESS TO CONSIDER POTENTIAL LOCATIONS AND BEST USES FOR EXPANSIONS

Whereas, the Rail Runner Express is a successful commuter rail service between Belen and Santa Fe carrying people to work, stores, entertainment and tourist attractions; and

Whereas, two phases of the Rail Runner Express have been completed; and

Whereas, phase one established commuter rail service from Belen to the town of Bernalillo in July 2006; and

Whereas, phase two extended commuter rail service from Bernalillo to Santa Fe in December 2008; and

Whereas, the Rail Runner Express represents a viable option for commuters that has helped to significantly reduce the burden of rising gasoline prices and stressful driving conditions; and

Whereas, the Rail Runner Express will improve the environment and reduce highway costs. Specifically, it reduces motor vehicle emissions by reducing traffic volumes, delays the need to widen highways for increased capacity, and reduces highway maintenance costs; and

Whereas, the Rail Runner Express will improve economic development and tourism in north central New Mexico and throughout the State; and

Whereas, the Governor of the State of New Mexico and the New Mexico State Legislature will have an opportunity to seek and obtain Federal funding for the extension through the next Federal transportation reauthorization bill.

Now Therefore, Be It Resolved that the New Mexico Municipal League support the New Mexico State Transportation Commission and the Department of Transportation to authorize a feasibility study of an extension of the Rail Runner Express to consider potential locations and best uses for expansions.

Passed, Approved and Adopted this 3rd day of September at the City of Albuquerque, New Mexico.

RESOLUTION 2009-49

CONCERNING ALTERNATIVE PUBLICATION METHODS FOR LEGAL NOTICES AND ADVERTISEMENTS

Whereas, this relates to the public peace, health, safety and welfare of municipal communities at large; and

Whereas, presently newspapers are the only legal avenue allowed for posting public notices; and

Whereas, numerous times municipalities have been tasked with completing a project, obtaining a professional service, and noticing meetings in a timely manner, while only being afforded the opportunity to meet the legal requirement of notification through a newspaper publication; and

Whereas, in rural areas throughout the state, municipalities and counties only have one weekly newspaper of general circulation in the local jurisdiction, greatly reducing the ability to conduct business in a reasonable timeframe; and

Whereas, New Mexico has 50 newspapers as opposed to 211 radio and television stations, and 61% of those newspapers only publish on a weekly or bi-weekly basis, and only 8% publish 7 days a week; and

Whereas, technology has afforded us, as well as our citizens, several avenues in obtaining and/or distributing information through mediums such as the internet, radio, and television; and

Whereas, the purpose of this effort is certainly not to reduce a revenue stream of an already struggling industry, but to simply identify options, in addition to newspapers, in which public notices can be published; and

Whereas, this initiative will ultimately forward local governments' commitment to providing a more transparent government and establishing a better informed constituency.

Now, Therefore, Be It Resolved that the New Mexico Municipal League support legislation providing alternative publication methods (internet, radio, television) for legal notices and advertisements in order to improve the ability of municipalities to inform citizens in a more timely manner and reach a broader audience.

Passed, Approved and Adopted this 3rd day of September at the City of Albuquerque, New Mexico.

RESOLUTION 2009-50

CONCERNING PERMIT EQUITY FOR PRIVATELY PERMITTED LANDFILLS SERVING NEW MEXICO MUNICIPALITIES

Whereas, at least 21 Municipalities in Northern, Central and Southern New Mexico are directly served by contracting with privately permitted landfills; and

Whereas, within the next few years, fifteen small public sector landfills plan to close, possibly increasing reliance on the remaining private sector facilities; and

Whereas, costs for permit renewals and mid-term permit reviews up to several million dollars must be passed along to residents, business and governments contracting with privately permitted landfills; and

Whereas, statutorily there is a ten-year permit term for privately permitted landfills and a twenty-year permit term for publicly permitted landfills under the New Mexico Solid Waste Act.

Now, Therefore, Be It Resolved that the New Mexico Municipal League supports a 20 year permit equity between public and privately permitted landfills serving New Mexico municipalities.

Passed, Approved and Adopted this 3rd day of September at the City of Albuquerque, New Mexico.

RESOLUTION 2009-51

CONCERNING THE FEDERAL COMPREHENSIVE IMMIGRATION REFORM

Whereas, the New Mexico Municipal League recognizes the economic, social and cultural contributions that immigrants bring to New Mexico's communities; and

Whereas, one of the responsibilities of municipal leaders is to protect the wellbeing and safety of all the people residing in their cities; and

Whereas, the New Mexico Legislature, with broad support from law enforcement, faith, business, labor and community organizations, as well as local governments, have passed laws meant to integrate immigrants into our communities, such as the provision of driver's licenses and in-state tuition at state colleges to qualified persons regardless of immigration status; and

Whereas, many local governments have passed resolutions, ordinances and policy directives recognizing that it is the role of the federal government to enforce civil immigration laws and reaffirming non-participation in the enforcement of civil immigration law by city officials and agencies in order to promote immigrant trust in its police and avert racial profiling and civil rights violations; and

Whereas, the International Association of Chiefs of Police Guide to Immigration Issues concludes that local police leaders face a growing set of immigration related duties in the face of scarce and narrowing resources; and

Whereas, the New Mexico Municipal League opposes the separation of families by raids and other activities meant to enforce our current broken immigration system and supports the reunification of families that have been so separated, especially those "mixed status" families with U.S. citizen children of which there are an estimated four million children currently in this country; and

Whereas, the New Mexico Municipal League supports the establishment of a federal process whereby undocumented immigrants currently living in the US may earn legalized status through payment of appropriate fees and other reasonable requirements; and

Whereas, the New Mexico Municipal League supports an efficient immigration program that enables business to hire qualified foreign workers to meet local economic demands; and

Whereas, the New Mexico Municipal Leagues believes that immigration reform must occur in a comprehensive, thoughtful manner that focuses on the creation of economic opportunities and that strengthens families and communities;

Whereas, the National League of Cities has adopted as one of its policy priorities the support of comprehensive immigration reform at the federal level; and

Now, Therefore, Be It Resolved by the New Mexico Municipal League calls on Congress to enact comprehensive immigration reform that addresses (1) smart, efficient border security (2) the reunification of immigrant families (3) a path to citizenship for undocumented workers currently in the U.S. (4) legal means of immigration for foreign nationals who want to work in the U.S. temporarily, as well as for those who desire to become legal permanent residents or gain citizenship, (5) resources to help cities alleviate the economic impact of delivering services to new residents (6) resources to help cities integrate new residents into their communities.

Be It Further Resolved that the New Mexico Municipal League reaffirms its commitment to civil rights and equal access to all municipal services including police protection regardless of immigration status and that it opposes legislation encouraging or compelling local law enforcement to enforce federal civil immigration laws.

Be It Further Resolved that copies of this resolution be sent to New Mexico's Congressional delegation.

Passed, Approved and Adopted this 3rd day of September at the City of Albuquerque, New Mexico.