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# ANNUAL RESOLUTIONS

*Adopted By:*  
*NMML Membership*  
*September 2<sup>nd</sup>*  
*Taos, NM*

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## RESOLUTION 2010-1

### 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 2nd day of September at the Town of Taos, New Mexico.

## RESOLUTION 2010-2

### CONCERNING INSPECTIONS BY STATE CERTIFIED MUNICIPAL BUILDING INSPECTORS

**Whereas**, 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**, 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 publicly-owned properties; and

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

**Whereas**, municipalities are urging that 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; and

**Whereas**, the many municipalities have an immediate need for multiple certified residential and commercial, and “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**, CID has stated it is in favor of municipalities “sharing” inspection resources with other local governments; and

**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 methods of 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 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.

**Be it Further Resolved** that the New Mexico Municipal League supports a change in the law to provide that state certified municipal inspectors be permitted to inspect all public buildings, except those owned by the municipality that employs the inspector.

**Passed, Approved and Adopted** this 2nd day of September at the Town of Taos, New Mexico.

**RESOLUTION 2010-3**

**CONCERNING THE PROVISION 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 seek the introduction of a Constitutional Amendment to allow for a Municipal Judge to be appointed to the Judicial Standards Commission.

**Passed, Approved and Adopted** this 2nd day of September at the Town of Taos, New Mexico.

## RESOLUTION 2010-4

### CONCERNING AMENDMENT TO SECTION 3-11-5, NMSA 1978 HAVING TO CONFIRMATION OF MUNICIPAL EMPLOYEES AT ORGANIZATIONAL MEETINGS

**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. At the organizational meeting of the governing body, which shall be scheduled pursuant to Section 3-8-33 NMSA 1978 of the Municipal Election Code, the mayor shall submit, for confirmation by the governing body, the names of the persons who shall fill the appointive offices of the municipality. If the governing body fails to confirm any person as an appointive official of the municipality, the mayor shall submit the name of another person to fill the appointive office.
- B. 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 2nd day of September at the Town of Taos, New Mexico.

## RESOLUTION 2010-5

### 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 2nd day of September at the Town of Taos, New Mexico.

## RESOLUTION 2010-6

### 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 \$7 million for libraries on the November 2010 general election ballot.

**Passed, Approved and Adopted** this 2nd day of September at the Town of Taos, New Mexico.

## RESOLUTION 2010-7

### 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 2nd day of September at the Town of Taos, New Mexico.

## RESOLUTION 2010-8

### 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 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 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 should seek the introduction of legislation that would exempt from disclosure, the names of individuals applying for high-ranking appointive positions with municipal governments until those individuals become finalists in the recruitment process; 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 2nd day of September at the Town of Taos, New Mexico.

## RESOLUTION 2010-9

### 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 2nd day of September at the Town of Taos, New Mexico.

## RESOLUTION 2010-10

### 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 2nd day of September at the Town of Taos, New Mexico.

## RESOLUTION 2010-11

### 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 2nd day of September at the Town of Taos, New Mexico.

## RESOLUTION 2010-12

### 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 2nd day of September at the Town of Taos, New Mexico.

## RESOLUTION 2010-13

### CONCERNING THE EXTENSION OF THE WATER USE PLANNING PERIOD

**Whereas**, House Bill 1080 (HB 1080) was introduced in the 48<sup>th</sup> 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.

**Passed, Approved and Adopted** this 2nd day of September at the Town of Taos, New Mexico.

## RESOLUTION 2010-14

### CONCERNING THE 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 2nd day of September at the Town of Taos, New Mexico.

## RESOLUTION 2010-15

### 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 2nd day of September at the Town of Taos, New Mexico.

2010 EENR Committee Priority: **HIGH-1**

## RESOLUTION 2010-16

### 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 2nd day of September at the Town of Taos, New Mexico.

## RESOLUTION 2010-17

### 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 2nd day of September at the Town of Taos, New Mexico.

## RESOLUTION 2010-18

### 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 2nd day of September at the Town of Taos, New Mexico.

## RESOLUTION 2010-19

### 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; and

**Be it Further Resolved** that the New Mexico Municipal League ask the Department of Finance and Administration Local Government Division to reconsider its determination that grant proceeds may not be used to help defray the cost of administration of grants; and

**Be it Further Resolved** that the New Mexico Municipal League request the Department of Finance and Administration, Local Government Division seek a legal opinion regarding the propriety of utilizing bond proceeds to defray the cost of grant administration for projects that are funded through the issuance of debt.

**Passed, Approved and Adopted** this 2nd day of September at the Town of Taos, New Mexico.

## RESOLUTION 2010-20

### 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 2nd day of September at the Town of Taos, New Mexico.

## RESOLUTION 2010-21

### 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 and renewable alternative energy power projects such as but not limited to geothermal, biofuel, hydropower and nuclear, 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.

**Be it Further Resolved**, that the New Mexico Municipal League support expansion of PTC's for other renewable alternative energy sources such as but not limited to geothermal, biofuel, hydropower and nuclear.

**Passed, Approved and Adopted** this 2nd day of September at the Town of Taos, New Mexico.

## RESOLUTION 2010-22

### 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 2nd day of September at the Town of Taos, New Mexico.

## RESOLUTION 2010-23

### CONCERNING IMPOSITION OF THE ENVIRONMENTAL 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  $\frac{1}{16}$ <sup>th</sup> 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 2nd day of September at the Town of Taos, New Mexico.

## RESOLUTION 2010-24

### 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 2nd day of September at the Town of Taos, New Mexico.

## RESOLUTION 2010-25

### CONCERNING STATE TAX POLICY AND ITS EFFECT ON LOCAL GOVERNMENTS

**Whereas**, both the state and local governments have been significantly impacted by the current economic downturn and that impact has resulted in significant declines in revenues available for the state and local governments to finance the services the citizens of New Mexico expect and need; and

**Whereas**, during the 2004 Legislative Session the Legislature passed and the Governor signed legislation to repeal the Gross Receipts Tax on food and certain medical services; and

**Whereas**, the Legislature recognized that its' tax policy decision to repeal the Gross Receipts Tax on food and certain medical services would negatively impact the budgets of municipalities by causing a reduction in tax receipts to municipalities; and

**Whereas**, up to 75% of a municipality's general fund revenue is derived from the Gross Receipts Tax; and

**Whereas**, municipalities derived up to 30% of their Gross Receipts Tax revenues from imposition of the Gross Receipts Tax on food and certain medical services; and

**Whereas**, New Mexico municipalities have been negatively impacted by the current economic situation in the United States; and

**Whereas**, due to declining revenues, municipalities have taken steps to balance their budgets such as implementing hiring freezes, forced furlough days for employees and expenditure reductions like travel freezes, reduced energy consumption or overall cuts in departmental budgets; and

**Whereas**, long standing municipal tax policy states that "any shifting of tax sharing between the state and municipalities must guarantee municipalities at least the same revenue levels they derive from current tax policy".

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League urges the legislature and governor to examine tax expenditures such as credits exemptions and deductions for tax purposes that do not affect general purpose local governments; and

**Be it Further Resolved** that the legislature and the governor examine other budget balancing measures that do not affect general purpose local governments.

**Passed, Approved and Adopted** this 2nd day of September at the Town of Taos, New Mexico.

## RESOLUTION 2010-26

### CONCERNING MUNICIPAL TREASURERS AS FIDUCIARIES

**Whereas**, Municipal Treasurers in municipalities with a population over 10,000 are charged with investing excess funds of the municipality in conformance with state statute and/or the municipality's investment guidelines; and

**Whereas**, state statutes are silent regarding whether or not the municipal treasurer has any fiduciary responsibility regarding the investment decisions made; and

**Whereas**, the municipal treasurer in a municipality over 10,000 in population is investing excess funds and holds the public's trust that the treasurer will invest the funds properly; and

**Whereas**, requiring that the municipal treasurer of a municipality with a population over 10,000 act in the role of a fiduciary will hold the treasurer to a higher standard.

**Now Therefore be it Resolved** that the New Mexico Municipal League seek legislation to make the treasurer of a municipality with a population over 10,000 based on the most recent decennial census a fiduciary as it relates to investment of excess municipal fund.

**Passed, Approved and Adopted** this 2nd day of September at the Town of Taos, New Mexico.

## RESOLUTION 2010-27

### 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 2nd day of September at the Town of Taos, New Mexico.

2010 PIC Committee Priority: **LOW**  
2010 FIRT Committee Priority: **LOW**

**RESOLUTION 2010-28**

**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 2nd day of September at the Town of Taos, New Mexico.

## RESOLUTION 2010-29

### CONCERNING CITY BROADBAND NETWORKS

**Whereas**, broadband telecommunications access has become as vital to cities and towns today as railheads, 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 the private sector; and

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

**Passed, Approved and Adopted** this 2nd day of September at the Town of Taos, New Mexico.

## RESOLUTION 2010-30

### CONCERNING FUNDING FOR MUNICIPAL STREETS, ROADS, BRIDGES, AIRPORTS, 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, airports, 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, DOT Aviation Division 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 alternative funding resources as identified in House Memorial 35, 2007 Legislative Session and House Memorial 9, 2009 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 that includes GRIP 1, GRIP 2 and the American Recovery and Reinvestment Act of 2009.

**Passed, Approved and Adopted** this 2nd day of September at the Town of Taos, New Mexico.

## RESOLUTION 2010-31

### 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 2nd day of September at the Town of Taos, New Mexico.

## RESOLUTION 2010-32

### 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 opposes any state or federal legislation that would prohibit or require local law enforcement from assisting federal agencies in the enforcement of federal 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 2nd day of September at the Town of Taos, New Mexico.

2010 PS Committee Priority: **MEDIUM**

## RESOLUTION 2010-33

### 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 2nd day of September at the Town of Taos, New Mexico.

2010 PS Committee Priority: **HIGH**

## RESOLUTION 2010-34

### 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 the Department of Transportation to establish 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 2nd day of September at the Town of Taos, New Mexico.

## RESOLUTION 2010-35

### 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 2nd day of September at the Town of Taos, New Mexico.

2010 PS Committee Priority: **MEDIUM**

## RESOLUTION 2010-36

### 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 2nd day of September at the Town of Taos, New Mexico.

## RESOLUTION 2010-37

### 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 2nd day of September at the Town of Taos, New Mexico.

2010 PS Committee Priority: **HIGH**

## RESOLUTION 2010-38

### 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 2nd day of September at the Town of Taos, New Mexico.

## RESOLUTION 2010-39

### CONCERNING THE E911 FUND – A STATE AND LOCAL PARTNERSHIP

**Whereas**, the Enhanced 911 Act, Section 63-9D NMSA 1978, established the 911 emergency surcharge and the Enhanced 911 Fund to enable the development, installation and operation of an enhanced 911 emergency response system throughout the State of New Mexico; and

**Whereas**, the purpose of the Enhanced 911 Act, Section 63-9D-2B NMSA 1978, states that enhanced 911 emergency reporting systems are to be operated under shared state and local governmental management and control; and

**Whereas**, an April 2006 Legislative Finance Committee audit on the status of E911 implementation in the State of New Mexico found that “there is not a coordinated long-range plan that includes local and state government”; and

**Whereas**, in response to this LFC audit, the Governor issued Executive Orders 2007-5 and 2007-6 to establish, respectively, the Local Level E911 Advisory Committee and the State E911 Coordinating Committee; and

**Whereas**, these two committees are required to report to the state their collective findings and recommendations under the direction of Senate Joint Memorial 34 from the 2010 Regular Session and will continue to dialogue on creating and maintaining an effective long-range plan for emergency response systems within New Mexico; and

**Whereas**, the need for better coordination between state and local government, especially in these times of economic strain, is essential to the continued success of E911 implementation and emergency response systems in the State of New Mexico.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League work with the New Mexico Association of Counties to ensure that long term local government interests and needs are being met under the intent and purpose of the Enhanced 911 Act, Section 63-9D NMSA 1978, by becoming more actively involved in a partnership with the state regarding usage and disposition of the E911 Fund.

**Passed, Approved and Adopted** this 2nd day of September at the Town of Taos, New Mexico.

## RESOLUTION 2010-40

### CONCERNING THE ESTABLISHMENT OF A STATE ENGINEER RULE ON PRECIPITATION CAPTURE AND USE

**Whereas**, adequate water resources are a prerequisite to the health and economic wellbeing of New Mexico's communities; and

**Whereas**, water is a fragile and finite resource in New Mexico; and

**Whereas**, under New Mexico water law, all ground and surface water belongs to the public, but is subject to appropriation, which is the right to take water from a natural stream or aquifer for beneficial use; and

**Whereas**, precipitation can be both a significant water resource and a significant water quality concern when storm water or melting snow runs off into New Mexico streams, rivers and lakes; and

**Whereas**, the New Mexico Office of the State Engineer encourages water conservation in all water sectors; and

**Whereas**, in accordance with a Rainwater/Snowmelt Harvesting Policy adopted November 24, 2004 ([http://www.ose.state.nm.us/wucp\\_policy.html](http://www.ose.state.nm.us/wucp_policy.html)), the New Mexico Office of the State Engineer supports the wise and efficient use of the state's water resources and encourages the harvesting, collection and use of rainwater from residential and commercial roof surfaces for on-site landscape irrigation and other on-site domestic uses; and

**Whereas**, in the same policy, the New Mexico Office of the State Engineer established that water harvested from roof tops may not reduce the amount of runoff that would have occurred from the site in its natural, pre-development state; and

**Whereas**, the NM Office of the State Engineer has stated that harvested water may not be appropriated for uses other than on-site landscape irrigation and domestic uses; and

**Whereas**, storm water Best Management Practices include the use of green infrastructure practices and low impact development approaches, which have the goal of reducing pollution from storm water runoff to receiving waters; and

**Whereas**, the June 2010 draft renewal of the National Pollutant Discharge Elimination System permit for the Phase 1 Municipal Separate Storm Sewer System in Albuquerque requires "assessment of all existing codes, ordinances, planning documents and other applicable regulations, for impediments to the use of green infrastructure practices" and "recommendations and proposed schedules to incorporate policies and standards to relevant documents and procedures to maximize infiltration, recharge, water harvesting, habitat improvement, and hydrological management of storm water runoffs"; and

**Whereas**, the New Mexico Office of the State Engineer's Rainwater/Snowmelt Harvesting Policy impedes the ability of municipalities to improve surface water quality and to encourage outdoor water conservation by managing storm water using green infrastructure Best Management Practices;

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League requests that the New Mexico Office of the State Engineer, following appropriate procedures for taking testimony in a public hearing (19.25.2 NMAC), establish a rule regarding precipitation capture and use that allows for conservation of water resources, protection of water quality, and maintenance of adequate stream flow to meet downstream compact obligations.

**Passed, Approved and Adopted** this 2nd day of September at the Town of Taos, New Mexico.

## RESOLUTION 2010-41

### CONCERNING ENFORCEMENT OF PCB CRITERIA AND ANALYTICAL METHODS

**Whereas**, local governments take a leading role in promoting environmental responsibility in New Mexico including protecting New Mexico's most precious resource, clean water; and

**Whereas**, local governments understand and support the New Mexico Environment Department's (NMED's) vital contributions to preserving New Mexico's natural resources; and

**Whereas**, the manufacture of polychlorinated biphenyls (PCBs) was stopped in the U.S. in 1977 because of evidence they build up in the environment and can cause harmful health effects; and

**Whereas**, the extensive use of PCBs prior to 1977 has left a legacy of their presence, often at trace levels, in every county and municipality throughout New Mexico wherever there has been any amount of industrial activity, the presence of asphalt paving and use of oil sprays for dust control; and

**Whereas**, no current technology allows complete removal of all PCB contamination from the environment; and

**Whereas**, the New Mexico criteria for PCB contamination of waters of the state was adopted by the New Mexico Water Quality Control Commission (NMWQCC) in 2000 and is currently being applied by NMED; and

**Whereas**, the NMWQCC "Standards for Intrastate and Interstate Surface Waters" at 20.6.4.10(C) NMAC state that "It is also recognized that contributions of water contaminants by diffuse nonpoint sources of water pollution may make attainment of certain criteria difficult. Revision of these criteria may be necessary as new information is obtained on nonpoint sources and other problems unique to semi-arid regions."

**Whereas**, PCB nonpoint source background level studies have only recently begun in limited parts of the state and remain incomplete; and

**Whereas**, a dichotomy of opinion exists among environmental scientists and regulators as to the appropriateness of testing for PCBs by analyzing aroclors, commercial mixtures of PCB compounds, or by analyzing congeners, individual PCB compounds; and

**Whereas**, at 40CFR136.3 Table IC the U.S. Environmental Protection Agency (EPA) has adopted aroclor testing as the appropriate type of testing for PCB contamination in ambient waters; and

**Whereas**, NMED has issued enforcement actions against local governments under the New Mexico Water Quality Act and the NMWQCC “Standards for Intrastate and Interstate Surface Waters” based upon the results of congener testing for PCBs; and

**Whereas**, local governments, while willing to be good stewards of the environment, are unable to expend vast sums of public money to achieve what may be scientifically unsupportable and technically infeasible storm water quality necessary to ensure compliance with New Mexico water quality criteria for PCBs; and

**Whereas**, NMML Policy 2.1.12 requests that state agencies examine the technical validity and fiscal impacts of their environmental standards and regulations before implementing them;

**Now, therefore, Be It Resolved** that NMWQCC should re-examine existing PCB water quality criteria to ensure that the criteria are based on credible scientific data, are technically achievable, and are reasonably cost-effective to allow for the maximum beneficial use of public money directed toward maintenance of a cleaner environment for all New Mexicans.

**Be It Further Resolved** that NMWQCC should re-examine PCB testing methods in the context of current PCB research, and

**Be It Further Resolved** that enforcement actions pertaining to violations of PCB criteria should be held in abeyance until scientifically-based criteria and analytical methods for PCBs are established.

**Passed, Approved, and Adopted** this 2nd day of September at the Town of Taos, New Mexico.

## RESOLUTION 2010-42

### CONCERNING AMENDING THE SEX OFFENDER REGISTRATION AND NOTIFICATION ACT

**Whereas**, the New Mexico Sex Offender Registration and Notification Act (SORNA), NMSA §29-11A-1 et seq., requires offenders convicted of certain sexual offenses in New Mexico to register with the sheriff of the county where the offender resides; and,

**Whereas**, other states also have similar registration statutes, but may define sexual offenses somewhat differently than New Mexico; and,

**Whereas**, sex offenders registered in other states are not required to register as a sex offender when they move to New Mexico unless their former state of residence defines sexual offenses in the same fashion as New Mexico; and,

**Whereas**, New Mexico has become an attractive relocation destination for sex offenders from other states who wish to avoid registering as sex offenders in their new communities; and,

**Whereas**, SORNA does not currently prevent sex offenders from living near elementary schools, neighborhood parks or other locations frequented by young children; and,

**Whereas**, the continued presence of sex offenders near areas where children are found in large concentration poses an increased risk of harm to children.

**Now, Therefore Be It Resolved** that the New Mexico Municipal League supports amendment of the Sex Offender Registration and Notification Act to require sex offenders relocating from other states to register that status in New Mexico without exception; and,

**Be It Further Resolved** that the amendments to SORNA also address 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 2nd day of September at the Town of Taos, New Mexico.

## RESOLUTION 2010-43

### CONCERNING THE E-911 ACT REVISION

**Whereas**, 63-9D NMSA 1978 provides that a surcharge be paid by all landline telephone and wireless customers in New Mexico, to provide 911 equipment and training; and

**Whereas**, the revenue generated from the 911 surcharge has declined due to a decrease in landline customers, and an increase in emerging technology including, but not limited to, prepaid wireless and voice over internet protocol; and

**Whereas**, prepaid wireless and voice over internet protocol customers do not currently pay the 911 surcharge, but receive the same quality of 911 service as the customers who pay the surcharge.

**Now, Therefore Be It Resolved** that the New Mexico Municipal League seeks legislation to amend the 911 surcharge statute (63-9D, NMSA 1978) to ensure all technologies utilizing 911 services are contributing equally to the New Mexico 911 Fund.

**Passed, Approved and Adopted** this 2nd day of September at the Town of Taos, New Mexico.

## RESOLUTION 2010-44

### CONCERNING THE RETURN TO WORK PROVISIONS OF THE PUBLIC EMPLOYEES RETIREMENT ACT

**Whereas**, SB 207 was signed into law and becomes effective July 1, 2010; and

**Whereas**, SB 207 requires that public retirees, including retirees from all public law enforcement, correctional agencies and water and wastewater departments, wait a minimum of 12 months before they can return to work as a public employee or independent contractor; and

**Whereas**, the legislation forbids such employees from collecting their pensions when they do return to public employment; and

**Whereas**, law enforcement, correctional institution agencies, water and wastewater departments throughout New Mexico have difficulties in finding eligible candidates who are qualified to serve in such vital positions as police officers, detention and court security officers, investigators, senior administrators such as municipal police chiefs and water and waste-water operators; and

**Whereas**, law enforcement agencies and water and waste-water departments throughout New Mexico will lose invaluable knowledge, insight, professionalism and maturity by not being able to employ retired law enforcement personnel and water and waste-water operators from jurisdictions within the state; and

**Whereas**, cities and smaller communities in New Mexico depend on the ability to employ retired law enforcement, correctional personnel and water and waste-water operators from other jurisdictions; and

**Whereas**, government entities and law enforcement agencies invest thousands of dollars in specified training and cultivating personnel whose skills and professionalism are often invaluable to their organization at the time of retirement; and

**Whereas**, New Mexico's growing and maturing population demands qualified, dedicated and professionally-trained personnel in all fields of law enforcement and water and waste-water; and

**Whereas**, New Mexico has a relatively small pool of applicants who are eligible, qualified and dedicated to serve behind the badge; and

**Whereas**, there is also a workforce shortage in the water and waste-water field; and

**Whereas**, there are varied levels of certification each with increasing levels of education that are required by federal and state mandates for water and waste-water operators.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League urges the State of New Mexico to enact legislation that exempts law enforcement, water and waste water operators and correctional retirees from the new return to work law.

**Passed, Approved and Adopted** this 2nd day of September at the Town of Taos, New Mexico.

## RESOLUTION 2010-45

### CONCERNING MUNICIPAL EMERGENCY REGIONAL COMMUNICATIONS AND EMERGENCY MEDICAL SERVICES GROSS RECEIPTS TAX AUTHORITY

**Whereas**, within some municipalities the Emergency Medical and Communication Services are provided by the municipalities; and

**Whereas**, counties do not hold the Certificate of Public Convenience and Necessity to provide the Emergency Medical and Communication Services within those municipalities; and

**Whereas**, the delivery of Emergency Medical Services and Regional Communication Services are essential for the quality of life for the citizens of the municipality; and

**Whereas**, the State has provided authority to counties to impose such a Gross Receipts Tax in their respective counties, including the county area in municipalities where they do not provide services; and

**Whereas**, not allowing cities this same option as the counties are granted to impose this tax and not provide service within the municipality is a form of double taxation; and

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League seek legislation to grant municipal authority for an emergency medical and communication services gross receipts tax in 1/6% increments up to a total of ¼% by positive referendum; and

**Be It Further Resolved** that the county emergency communications and emergency medical and communication services tax be amended to apply only in the county area where distribution or sharing agreements are not in place.

**Passed, Approved and Adopted** this 2nd day of September at the Town of Taos, New Mexico.

## RESOLUTION 2010-46

### CONCERNING A SPECIAL TASK FORCE ON INFRASTRUCTURE FINANCING

**Whereas**, municipal infrastructure is key to economic development as well as providing basic services to the citizens of our municipalities; and

**Whereas**, municipalities have limited authority to fund infrastructure development; and

**Whereas**, municipalities depend, to some extent, on the State financing portion of infrastructure projects; and

**Whereas**, it is essential to the well being of municipalities and the State that adequate resources are available to fund necessary infrastructure projects.

**Now, Therefore, Be It Resolved**, that the New Mexico Municipal League appoint a special task force to examine the financing of infrastructure which would include bond capacities, tax capacity, as well as capital outlay financing from other sources such as state or federal governments.

**Be It Further Resolved**, that the Special Task Force on Infrastructure Financing include, but is not limited to, stakeholders such as NMML Government Finance Officers Association, American Council of Engineering Companies of New Mexico (ACECNM) and Investment Advisors.

**Be It Further Resolved**, that the findings of the Special Task Force on Infrastructure Financing be submitted to the New Mexico Municipal League Board of Directors and to the appropriate Legislative Interim Committee.

**Passed, Approved and Adopted** this 2nd day of September at the Town of Taos, New Mexico.

## RESOLUTION 2010-47

### CONCERNING AMENDMENT TO THE LOCAL ECONOMIC DEVELOPMENT ACT (LEDA)

**Whereas**, municipalities throughout the state recognize the need to provide community leadership and to participate in economic and community development in order to maintain an acceptable level of services and an acceptable quality of life to the citizens of the municipality; and

**Whereas**, local government leaders desire to keep tax rates as low as possible while maintaining such services; and

**Whereas**, the LEDA provides an alternative vehicle with which to fund future activities; and

**Whereas**, the LEDA recognizes that, "it is in the best interest of the state, municipalities and counties to encourage local or regional solutions to economic development;" and

**Whereas**, municipalities throughout the state of New Mexico face unique obstacles to economic development and varying degrees of need; and

**Whereas**, the LEDA allows for the expenditure of LEDA funds by a local or regional government for economic development projects as defined in state statute; and

**Whereas**, the current restrictions of the LEDA require that only specifically defined "qualifying entities" are eligible for economic development assistance; and

**Whereas**, business entities from the retail and service sectors are currently not defined as qualifying entities under the LEDA; and

**Whereas**, business entities from the retail and service sectors are just as vital to the economic development and sustainability of communities in New Mexico;

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League endorse a change in the New Mexico Economic Development Act to allow municipalities to utilize local economic development funds, for a wider range of qualifying entities than those currently allowed in New Mexico State Statute to include the use of local economic development funds for "economic development projects" for entities in the service and/or retail sectors, provided those economic development needs are identified in an economic development plan or strategy adopted by the municipality's governing body.

**Passed, Approved and Adopted** this 2nd day of September at the Town of Taos, New Mexico.

## RESOLUTION 2010-48

### 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 2nd day of September at the Town of Taos, New Mexico.

## RESOLUTION 2010-49

### CONCERNING AMENDMENT TO THE PROCUREMENT CODE ALLOWING MUNICIPALITIES TO AWARD LONG TERM CONTRACTS FOR MAINTAINING WATER STORAGE TANKS

**Whereas**, the New Mexico Procurement Code and debt limitation statutes do not presently allow municipalities to procure and enter into multi-year agreements for water tank maintenance; and

**Whereas**, these contracts allow for a more comprehensive and consistent maintenance system to be used with the responsibility for maintenance squarely on the shoulders of a specific contractor instead of a different contractor for each specific task; and

**Whereas**, forty-one states now allow municipalities to obtain multi-year professional service agreements for water tank maintenance and service; and

**Whereas**, certain safeguards can be placed on the procurement of these contracts to protect the municipalities and observe debt limitations on New Mexico local government entities.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League urges the New Mexico Legislature to consider and adopt the necessary legislation to authorize municipalities to procure and enter into multi-year long-term contract for maintenance service on potable water storage tanks; and

**Be It Further Resolved** that the legislation should include provisions allowing the services to be paid for over several years, requiring that payments be made only out of water utility revenues, requiring that the work to be done be reviewed and approved by a licensed professional engineer.

**Passed, Approved and Adopted** this 2nd day of September at the Town of Taos, New Mexico.

## RESOLUTION 2010-50

### CONCERNING THE ELECTRICAL TRANSMISSION GRID IN NEW MEXICO AND SUPPORTING PROJECTS THAT EXPAND THE GRID AND CREATING STATEWIDE ECONOMIC OPPORTUNITIES FOR RENEWABLE ENERGY PROJECTS

**Whereas**, New Mexico has recognized its inadequate transmission grid and various transmission projects are proposing to construct high voltage transmission lines and related interconnecting substations within an area lying between California, Arizona and throughout New Mexico, which will provide new delivery capacity for renewable energy resources, primarily wind, solar, and geothermal projects in New Mexico; and

**Whereas**, New Mexico is rich in these renewable energy resources and state and local communities stand to benefit greatly from the creation of new jobs, economic development and resulting revenues for the necessary provision of local governmental and state services; and

**Whereas**, the New Mexico State Land Office recognizes the potential for revenue as it presently has hundreds of thousands of acres under option for renewable energy across New Mexico without transmission; and

**Whereas**, the window of opportunity for renewable generation is now and surrounding states that have adequate transmission grids are seeing billions of dollars of new generation under construction now; and

**Whereas**, Governor Richardson recognizes the importance of improving New Mexico's transmission grid in a timely manner and has created a task force to study the electrical transmission grid in New Mexico; and

**Whereas**, other western states are realizing billions of dollars in new construction through recent wind, solar and geo-thermo related electrical generation creating thousands of jobs and greater tax bases; and

**Whereas**, transmission project commitments have been made to work closely with Spaceport America and military installations in the State of New Mexico, including Ft. Bliss, so as to minimize negative impacts to military and spaceport missions; and

**Whereas**, without new transmission in a timely manner to deliver electrical energy to market loads, other states will ultimately build out necessary renewable generation and leave New Mexico without the opportunity for jobs and greater tax base.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League requests the State of New Mexico and its Congressional Delegation to make the electrical power transmission lines a priority and encourages all state and federal agencies to judiciously expedite Transmission Projects as it is in the best interest of the entire state to improve its power grid.

**Be It Further Resolved** that the New Mexico Municipal League wishes to expand the state's economic development opportunities in New Mexico, by creating transmission capacity and establishing a permanent renewable energy export business.

**Passed, Approved and Adopted** this 2nd day of September at the Town of Taos, New Mexico.

## RESOLUTON 2010-51

### CONCERNING THE EXPENSE OF OVERTIME TO MUNICIPALITIES FOR LAW ENFORCEMENT OFFICERS WHO ARE CALLED TO COURT

**Whereas**, Municipalities within New Mexico are experiencing severe budget constraints; and

**Whereas**, Law enforcement budgets are a significant part of every municipalities' budgets; and

**Whereas**, Law enforcement officers are spending significant amounts of time in pre-trial Court proceedings; and

**Whereas**, the proceedings often require overtime by the officers.

**Now, Therefore, Be it Resolved** that the New Mexico Municipal League supports the Executive, Legislative and Judiciary branches of government work together to enact procedural, statutory and rule changes that allow for more efficient use of municipal law enforcement budgets while maintaining the required standards of due process.

**Passed, Approved and Adopted** this 2nd day of September at the Town of Taos, New Mexico.