



# **2022-2023 ANNUAL RESOLUTIONS**

**Adopted By:  
NMML Membership  
September 1, 2022  
Albuquerque, NM**

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## RESOLUTION 2022-1

### CONCERNING CONFIRMATION OF APPOINTIVE OFFICIALS AT THE ORGANIZATIONAL MEETINGS

**Whereas**, Section 3-11-5, NMSA 1978, requires a municipality to in essence re-hire its employees after every election by requiring confirmation of appointees by the local governing body at the “organizational meeting”; 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 repeal Section 3-11-5, NMSA 1978.

**Passed, Approved and Adopted** this 1st day of September at the City of Albuquerque, New Mexico.

**RESOLUTION 2022-2 – As Amended**

**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

**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

**Passed, Approved and Adopted** this 1st day of September at the City of Albuquerque, New Mexico.

## RESOLUTION 2022-3

### CONCERNING THE TIME LIMIT FOR MUNICIPALITIES IN A CLASS A COUNTY TO ACT ON ANNEXATION PETITIONS

**Whereas**, annexations to municipalities are authorized under the provisions of Sections 3-7-1 through 3-7-18, NMSA 1978, and annexation is a method by which municipalities provide areas for future growth, provide for orderly development, protect public health and safety, protect neighborhoods, protect and secure their tax base, create efficiencies in service delivery, and maximize the return on infrastructure investment and business incentives; and

**Whereas**, annexations are not to be entered into lightly as municipalities must carefully consider the impact of the proposed annexation on provision of services, including police and fire protection, solid waste collection, water and sewer service and other municipal services; and

**Whereas**, Section 3-7-17.1 NMSA 1978 sets forth the procedure for a municipality located in a Class A county to respond to a petition for annexation to the municipality, including a requirement that the municipality inform the board of county commissioners of the proposed annexation and give the county thirty (30) days in which to comment on the proposed annexation; and

**Whereas**, Section 3-7-17.1 NMSA 1978, also provides that the governing body must act by ordinance to approve or deny the petition in not less than thirty (30) days nor more than sixty (60) days after receiving the petition from petitioners; and

**Whereas**, the Court of Appeals recently ruled that the 60-day deadline to act continues to run during the time the county is reviewing and commenting on the proposed annexation; and

**Whereas**, the requirement for approval or disapproval of the annexation by the governing body within sixty (60) days after receiving the petition does not allow sufficient time for municipalities to notify the county, consider the county's comments, consider the projected costs of providing municipal services and other fiscal impacts on the municipality related to the proposed annexation, and to prepare, publish notice and adopt an ordinance.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League seeks legislation amending Section 3-7-17.1 NMSA 1978 to extend the time for a municipality in a Class A county to approve or disapprove an annexation petition from sixty (60) to one hundred eighty (180) days after receiving the petition.

**Passed, Approved and Adopted** this 1st day of September at the City of Albuquerque, New Mexico.

## RESOLUTION 2022-4

### CONCERNING STATE GRANTS FOR LIBRARIES

**Whereas**, New Mexico public libraries provide books and other materials and services 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, school and college libraries to coordinate the use of scarce library funds within the community and statewide; and

**Whereas**, public libraries have experienced a substantial growth in usage, yet many municipalities lack resources to support adequate funding for library collections and operating expenditures; and

**Whereas**, the current state grants-in-aid distribution is \$0.47 per capita; and

**Whereas**, the national average for public library state grants in aid is \$3.47 per capita.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League endorses the passage of legislation to increase the appropriation to the library division of the Cultural Affairs Department to provide grants-in-aid for local library services and operations.

**Passed, Approved and Adopted** this 1st day of September at the City of Albuquerque, New Mexico.

## RESOLUTION 2022-5

### CONCERNING SUPPORT FOR THE SIMPLIFICATION OF PURCHASING TO REDUCE PROCESS COSTS AND DELAYS FOR MUNICIPALITIES BY MAKING IMPLEMENTATION OF PRODUCT CODES OPTIONAL FOR SMALL PURCHASES

**Whereas**, section 13-1-30.1 NMSA 1978 effective July 1, 2016, states that the “Standardized Classification Code” requires that each state agency and local public body shall use the standardized classification codes developed by the state purchasing agent; and

**Whereas**, this requirement is intended to allow vendors to identify products on different municipal websites for ease of proposing all services, professional services, construction and items of tangible personal property; and

**Whereas**, the public is not benefited by burdensome regulation and procedure requirements for everyday small purchases by municipalities; and

**Whereas**, in order to preserve resources, municipalities should be allowed the option to forego use of standardized classification codes for purchases that meet the state Small Purchase Definition; and

**Whereas**, municipal Procurement Offices may be benefited by use of standardized classification codes for purchases outside the Small Purchase Definition and shall continue to use the codes for these formal purchase processes.

**Now, Therefore, Be It Resolved** that the use of Standardized Classification Codes shall be optional for local Central Purchasing Offices.

**Passed, Approved and Adopted** this 1st day of September at the City of Albuquerque, New Mexico.



## RESOLUTION 2022-6

### CONCERNING THE RE-SUBMISSION OF LEGISLATION TO MAKE UNIFORM THE MUNICIPAL COURT AUTOMATION FEE

**Whereas**, House Bill 235 was introduced in the 2018 Legislature by Representative Stephanie Garcia Richard; and

**Whereas**, House Bill 235 would unify the Municipal Court Automation Fee with the \$10 fee currently collected in Magistrate and Metropolitan Courts; and

**Whereas**, House Bill 235 passed both the House and Senate; and

**Whereas**, Governor Susana Martinez pocket vetoed House Bill 235 without explanation.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League requests the re-submission of the same type of bill to bring parity to the Municipal Court Automation Fee with the Magistrate and Metropolitan Courts, from \$6 to \$10 during the 2022 Legislature.

**Passed, Approved and Adopted** this 1st day of September at the City of Albuquerque, New Mexico.

## RESOLUTION 2022-7

### 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, facility 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 adjust the monetary thresholds in the Municipal Sale or Lease of Property Section to reflect the rate of inflation since the last statutory change.

**Passed, Approved and Adopted** this 1st day of September at the City of Albuquerque, New Mexico.

**RESOLUTION 2022-8 -- As Amended**

**CONCERNING 202~~0~~<sup>4</sup> 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**, libraries continued to provide critical services throughout the COVID - 19 pandemic including reference and curbside service, access to digital materials, and virtual programming; 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**, public libraries have experienced a substantial growth in usage, yet many municipalities lack resources to support adequate funding for library collections.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League endorses legislative passage of a General Obligation bond bill for every thirty-day legislative session to include funding for libraries and supports passage of the GO Bond question for libraries on the election ballot.

**Passed, Approved and Adopted** this 1st day of September at the City of Albuquerque, New Mexico.

## RESOLUTION 2022-9

### CONCERNING THE POWERS AND DUTIES OF THE NEW MEXICO MUNICIPAL BOUNDARY COMMISSION

**Whereas**, the New Mexico Municipal Boundary Commission is a State of New Mexico Agency, statutorily defined as an “independent commission” whose primary duties and authorities are described in New Mexico Statutes Sections 3-7-1 *et. seq.*, concerning processes and procedures for the annexation of property contiguous to a municipality; and

**Whereas**, Section 3-7-1 NMSA describes the three methods of annexation, including a method of annexation described in Sections 3-7-11 through 3-7-16, which taken as a whole, permits the Commission to force annexation of property upon a municipality without consideration or deference to the wishes of the municipality; and

**Whereas**, Article X, Section 6(E). [Municipal Home Rule] of the New Mexico Constitution states: “The purpose of this section is to provide for maximum local self-government. A liberal construction shall be given to the powers of municipalities. (As added November 3, 1970.)”; and

**Whereas**, an independent commission forcing annexation upon an unwilling municipality asserting reasonable objections is a usurpation of local government authority to determine the health, welfare, and safety of its community; and

**Whereas**, the New Mexico Court of Appeals in *City of Albuquerque, et al. v. State of New Mexico Municipal Boundary Commission, et al.*, 131 N.M. 652, 41 P.3d 933 (NMCA 2002), the Court stated that the Commission must apply statutory standards under the umbrella of “reasonableness” and that while the Commission has the authority to annex property to a municipality over the objections of that municipality, the Commission should only do so based on a finding that those objections are unreasonable under the circumstances; and

**Whereas**, the current State Statutes are deficient in mandating required findings of the Commission when reasonable objections to annexation have been expressed to the Commission by an unwilling municipality.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League supports amendments to the New Mexico Boundary Commission annexation procedures to include deference to reasonable municipal objections to annexation, and to include within its findings proof that it considered the reasonable objections of the municipality to such annexation; and

**Be It Further Resolved** that additional required considerations of the New Mexico Boundary Commission shall include: financial and other resource allocation factors raised by the municipality.

**Passed, Approved and Adopted** this 1st day of September at the City of Albuquerque, New Mexico.

**RESOLUTION 2022-10 – As Amended**

**CONCERNING JOB CREATION INCENTIVES IN RURAL LOW-INCOME AREAS  
AND CREATION OF A PILOT PROGRAM TO ENHANCE REMOTE WORK  
OPPORTUNITIES IN RURAL NEW MEXICO LOW INCOME AREAS**

**Whereas**, many rural New Mexico communities face significant economic sustainability challenges; and

**Whereas**, existing New Mexico incentives for economic development and job creation generally have little impact in New Mexico's smaller rural communities and these communities are underserved by existing programs; and

**Whereas**, many smaller rural New Mexico communities lack resources to implement effective economic development programs, promote private investment and incentivize job creation; and

**Whereas**, many smaller rural New Mexico communities experience lower median household income and median wage and salary than state-wide averages; and.

**Whereas**, rural New Mexico communities commonly experience the relocation of talented young citizens to larger communities or out-of-state for educational or employment opportunities; and

**Whereas**, one of the most significant challenges faced by rural New Mexico communities in business recruitment and economic development is providing an adequate, competent, trained workforce; and

**Whereas**, rural New Mexico communities continue to struggle with the cycle of workforce development and employment opportunity; and

**Whereas**, New Mexico currently lacks effective programs to promote economic sustainability in rural communities; and

**Whereas**, emerging technology and connectivity infrastructure can create opportunities for online commerce, remote employment and freelance jobs; and

**Whereas**, online opportunities are not limited by geography and can build capacity in New Mexico's rural communities by opening new business recruitment and employment strategies; and

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League seeks legislation to provide funding and legislative support for a Job Creation Incentive Program that would be established and administered under the New Mexico Economic Development Department to fund rural employment expansion grants to business entities for creation of qualifying full time jobs created in a municipality that is not in a Class a County with a population over 500,000, and the area where the business is located has an annual median household income is 85% or less than state-wide New Mexico annual median household income; and

**Further, Be It Resolved** that the New Mexico Municipal League seeks legislation to provide funding and legislative support for a Remote Work Opportunities Program that would be established and administered under a cooperative partnership with a New Mexico University, to administer a pilot program in rural geographic areas defined as any county that is not a Class A county with a population of more than 500,000, where annual median household income is 85% or less than state-wide New Mexico annual median household income.

**Passed, Approved and Adopted** this 1st day of September at the City of Albuquerque, New Mexico.

## RESOLUTION 2022-11

### CONCERNING AMENDING NMSA PROVIDING FOR A STREETS RECAPTURE AGREEMENT

**Whereas**, NMSA 3-26-2 provides the statutory framework for developer sewage collection system construction Costs Recapture Agreements; and

**Whereas**, NMSA 3-27-4 provides the statutory framework for developer water distribution system construction Costs Recapture Agreements; and

**Whereas**, the state of New Mexico did not specifically articulate any provision for a recapture method for street paving as provided for sewer and water; and

**Whereas**, developers are often required to construct roadways which also benefit other adjacent non-contributing land owners.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League supports providing specific authorization language with a separate statute for street construction recapture agreements as currently provided for sewer and water.

**Passed, Approved and Adopted** this 1st day of September at the City of Albuquerque, New Mexico.

## RESOLUTION 2022-12

### CONCERNING AMENDING NMSA 3-1-2(H) INCLUDING STORMWATER AS UTILITY DEFINITION

**Whereas**, stormwater is not currently included in the definition of “municipal utility” in New Mexico law; and

**Whereas**, stormwater has numerous unfunded regulations as a utility which have become a requirement through Federal MS4 permitting with severe penalty for failure to comply; and

**Whereas**, non-home ruled cities cannot consider funding stormwater as a utility under New Mexico state law; and

**Whereas**, funding options are desperately needed to fund compliance activities required by the federal regulations.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League supports amending NMSA 3-1-2(H) by adding “Stormwater” to the existing definitions of a “Utility.”

**Passed, Approved and Adopted** this 1st day of September at the City of Albuquerque, New Mexico.



## RESOLUTION 2022-13

### CONCERNING INTERNATIONAL BUILDING CODE ON AIRPORT HANGARS

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

**Whereas**, protected (covered) aircraft storage is accomplished in two types of structures, one in banks of enclosed “bays”, back to back, known as T-Hangars, and the second in standalone buildings that are capable of housing a single or multiple aircraft; and

**Whereas**, airports have a finite amount of useful space that has access to ramps, taxiways, fueling and runways and therefore requires buildings to be in closer proximity; and

**Whereas**, the 2015 International Building Code (IBC) requires that aircraft hangar exterior walls less than 30 feet from property lines, individuals 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 but it did not give relief to the interpretation by the Construction Industries Division (CID) of “public way” thereby allowing the more restrictive and costly enforcement for hangars over 2,000 square feet; and

**Whereas**, airport economic growth is dependent on hangar construction and aircraft inventory expansion which has slowed down or stopped in New Mexico due to the extreme construction costs and land use requirements; and

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

**Whereas**, this has been identified as 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 private, commercial and industrial development on their airports.

**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 1st day of September at the City of Albuquerque, New Mexico.

## RESOLUTION 2022-14 – *As Amended*

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

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

**Whereas**, SB 207 requires that public retirees, including retirees from all public law enforcement, fire service, EMS first responder, water and waste water and other public agencies wait a minimum of 12 months before they can return to work as a public employee or independent contractor; and

**Whereas**, current law forbids public [~~safety~~] employees from collecting their pensions when they do return to public employment; and

**Whereas**, law enforcement, fire service, EMS first responder, water and waste water and other municipal departments throughout [~~rural and small town~~] New Mexico have difficulties in finding eligible candidates who are qualified to serve in such vital positions as police officers, senior administrators such as municipal police chiefs, fire fighters, EMS first responders, water and waste water operators, municipal clerks and administrators and other municipal personnel; and

**Whereas**, law enforcement, fire service, EMS first responder, water and waste water and other public agencies throughout [~~rural and small town~~] New Mexico will lose invaluable knowledge, insight, professionalism and maturity by not being able to employ retired law enforcement personnel, fire service, EMS first responder, water and waste water and other municipal employees from jurisdictions within the state; and

**Whereas**, municipalities in rural areas and smaller communities in New Mexico depend on the ability to employ retired law enforcement, fire service, EMS first responders, water and waste water operators and other vital employees from other jurisdictions; and

**Whereas**, government entities and law enforcement, fire service, EMS first responder, water and waste water and other public 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 rural and small town population demands qualified, dedicated and professionally-trained personnel in all fields of law enforcement, fire service, emergency response, water and waste water operation and general municipal operations; and

**Whereas**, retired employees who return to work would be required to make contributions as if they were current employees; and

**Whereas**, retired employees who return to work would accrue no additional service credits or retirement benefits; and

**Whereas**, municipalities that hire retired employees who return to work would be required to make municipal contributions as if the returning employees were current employees, and any re-employment would be capped at 30 hours per week; and

**Whereas**, the COVID-19 pandemic has exposed difficulties in obtaining applicants for virtually all positions in municipal operations; and

**Whereas**, municipal employees provide vital services to the residents of the State of New Mexico; and

**Whereas**, local governments need to avail themselves of every opportunity to fill vacant positions, crucial to their operations; and

**Whereas**, sufficient safeguards are available to protect current municipal workers, to ensure the continued solvency of the PERA retirement funds and to ensure return to work employees fill vacant positions while maintaining the ability for current employees to continue their upward career paths.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League supports legislation that allows retired PERA employees to return to work to fill vacant, vital positions in local governments while maintaining the solvency of the PERA retirement funds and safeguarding the rights of government employees.

**Passed, Approved and Adopted** this 1st day of September at the City of Albuquerque, New Mexico.

## RESOLUTION 2022-15

### CONCERNING ACKNOWLEDGING THE NEED TO DEVELOP SOLUTIONS TO THE HOUSING SHORTAGES SUFFERED BY MUNICIPALITIES ACROSS NEW MEXICO

**Whereas**, the cost of housing can be exorbitant in relation to the area median income for a four-person household in New Mexico; and

**Whereas**, rental rates across New Mexico have risen faster than incomes, resulting in fewer housing options for working-class families in New Mexico, as well as for prospective employees who might otherwise relocate to New Mexico; and

**Whereas**, the lack of housing options in New Mexico has a negative impact on the ability of local employers to attract and retain competent employees; and

**Whereas**, in addition to increased housing costs for working families, our municipalities have experienced reduced housing opportunities as a result of investors purchasing residential properties and converting them to short-term rental properties; and

**Whereas**, residential property owners that once offered their properties to long-term renters have recognized the opportunity to achieve a higher return on investment by converting their properties to short-term rentals, leading to further housing reductions across the state; and

**Whereas**, studies suggest that housing is not affordable for New Mexico families earning below 140% of the area median income; and

**Whereas**, under current law, municipalities are restricted in the amount of relief they can provide to alleviate the damage done to New Mexico's families by the housing shortage; and

**Whereas**, incomes of 120% to 140% of area median income in New Mexico would range somewhere around \$68,000 and \$90,000; and

**Whereas**, affordable rents for those income levels would range between approximately \$1,700 and \$2,200; and

**Whereas**, a survey of average nightly rental rate for homes in New Mexico listed on short-term rental platforms such as Airbnb could be up to \$220 per night. At that rate, the property owner can expect more than three times the income by renting the property on a nightly basis rather than on a monthly basis; and

**Whereas**, many residential rental-property owners have taken note of the income opportunities generated by Airbnb and have increased rates on long-term rental properties, exacerbating the housing crisis across the state; and

**Whereas**, the combination of low interest rates, high construction costs, and skyrocketing inflation has also contributed to the housing shortage in our State.

**Whereas**, rental rates in New Mexico under the \$2200 per month threshold for working families are typically too small to accommodate an entire family on a long-term basis; and

**Whereas**, housing-market conditions have evolved rapidly in recent years along with technology such as Airbnb; and

**Whereas**, many New Mexico municipalities are limited in the availability of land on which to develop housing to serve New Mexico families; and

**Whereas**, under the above-described conditions, the supply of rental housing for New Mexico families is practically non-existent; and

**Whereas**, our state-wide housing shortage has left working New Mexicans in fields as varied as teachers to tradesmen, nurses, firemen, police officers to film crew members and hospitality workers with few options but to live in hotels or spare bedrooms, or else to be out in the cold.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League shall coordinate with the Office of the Governor of New Mexico, the New Mexico Legislature, the New Mexico Finance Authority and all other relevant agencies to develop solutions to the housing shortage in New Mexico, including, but not limited to, amendments to the New Mexico Housing Law (NMSA 3-45-1 et. seq.) to provide relief from the anguish to New Mexico families in the 120% to 140% area median income directly created by the housing shortage in our State.

**Passed, Approved and Adopted** this 1st day of September at the City of Albuquerque, New Mexico.

## RESOLUTION 2022-16

### CONCERNING NUTRIENT WATER QUALITY CRITERIA, PERMIT LIMITATIONS AND FUNDING SOURCES

**Whereas**, the New Mexico Municipal League (“NMML”) acknowledges that nutrients exist in all waters of the State but that excessive levels lead to impairment of designated uses; and

**Whereas**, the New Mexico Environment Department (NMED) has developed Total Maximum Daily Load (TMDL) documents with target nutrient levels that are not technologically achievable; and

**Whereas**, the target nutrient thresholds in the TMDLs are based on water quality values from pristine streams in the region (eco-region values); and

**Whereas**, the target values in TMDL waste load allocations must be both technologically achievable and neither over-nor under-protective; and

**Whereas**, the NMED and NMML have formed a Work Group that has evaluated alternative approaches to the implementation of TMDL waste load allocations for municipal point-source discharges that are scientifically based, environmentally sound, and consider the existing facility design, facility age and local economic factors; and

**Whereas**, the Nutrient Work Group has developed a revision to the Water Quality Management Plan that will provide an additional 20 years for qualifying municipal point sources to meet the TMDL target values; and

**Whereas**, the EPA issued the March 16, 2011 memo from Nancy Stoner *Working in Partnership with States to Address Phosphorus and Nitrogen Pollution through Use of a Framework for State Nutrient Reductions*, that includes eight recommended elements of a framework for nutrient reductions that address nutrient reduction holistically, without undue focus on the single point sources of nutrients that do not exceed diversion point levels.

**Now, Therefore, Be It Resolved** that the NMML urges the Governor of New Mexico and the New Mexico Legislature to support municipalities in meeting nutrient target values in their point source discharges by identifying funding sources for such necessary projects; and

**Be It Further Resolved** that the NMML strongly encourages NMED to develop a meaningful nutrient reduction strategy and numeric nutrient criteria based on the *Working in Partnership with States to Address Phosphorus and Nitrogen Pollution through Use of a Framework for State Nutrient Reductions*, which will involve the interaction and coordination of all sources of nutrients to the state’s waters without undue emphasis on municipal point source discharges.

**Passed, Approved and Adopted** this 1st day of September at the City of Albuquerque, New Mexico.

**RESOLUTION 2022-17 – As Amended**

**CONCERNING SUPPORT FOR DIVERSE ENERGY SOURCES AS COMPONENTS  
OF NEW MEXICO'S RENEWABLE PORTFOLIO STANDARD**

**Whereas**, New Mexico's renewable portfolio standard (RPS) set forth in the Energy Transition Act is a commitment to achieve 100% zero carbon emissions by 2045 (2050 for rural co-ops); and

**Whereas**, 80% of this energy is required to come from renewable resources; and

**Whereas**, the cost of renewables has become low enough that municipal utilities, which are not obligated by the state RPS, may still wish to employ renewables; and

**Whereas**, most renewables, have benefits as well as drawbacks; and

**Whereas**, a range of renewable sources, as well as non-renewable sources, will likely be necessary to meet the state's renewable portfolio standard; and

**Whereas**, the optimal energy source for a certain region or community may differ from the optimal source for others; and

**Whereas**, energy technology is constantly evolving, lowering costs and increasing efficiency.

**Now, Therefore, Be It Resolved** that all levels of government should give consideration to all carbon-free energy resources, including, but not limited to, nuclear energy, hydroelectric, wind and solar, in affordably and reliably achieving New Mexico's RPS.

**Passed, Approved and Adopted** this 1st day of September at the City of Albuquerque, New Mexico.

## RESOLUTION 2022-18

### CONCERNING THE WATER CONSERVATION FEE

**Whereas**, the Water Conservation Fee Act (the Act) was enacted by the New Mexico Legislature in 1993, with further amendments adopted in 2013; and

**Whereas**, the Act created a water conservation fee imposed on every public water supply system in an amount equal to three cents (\$.03) per thousand gallons of water produced on which the fee imposed by some water systems has not been paid; and

**Whereas**, the Act created the "water conservation fund" in the state treasury to be administered by the Department of Environment. The fund shall consist of water conservation fees collected pursuant to this section. Balances in the fund at the end of any fiscal year shall not revert to the general fund but shall accrue to the credit of the fund. Earnings on the fund shall be credited to the fund; 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 the federal Safe Drinking Water Act (SDWA), and collect chemical compliance samples as required under the relevant 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 [61-33-1 NMSA 1978] and provide training for all public water supply operators; and

**Whereas**, the Taxation and Revenue Department shall provide by regulation for the manner and form of collection of the water conservation fee. All water conservation fees collected by the Taxation and Revenue Department, less the administrative fee withheld pursuant to Section 1 [7-1-6.41 NMSA 1978] of this 1997 act, shall be deposited in the water conservation fund; and

**Whereas**, the fee imposed by this section shall be administered in accordance with the provisions of the Tax Administration Act [7-1-1 NMSA 1978] and shall be paid to the Taxation and Revenue Department; and

**Whereas**, current expenditures under the Water Conservation Fund exceed revenues due to increased analytical fees and personnel costs, as well as additional and more stringent sampling requirements; and

**Whereas**, there are systems that are not paying into the fund but still receiving sampling and analytical services from NMED using Water Conservation Fund monies, thus depleting funding available to those systems paying into the fund.



**Now, Therefore, Be It Resolved** that the New Mexico Municipal League:

- Urges the Governor of New Mexico and the New Mexico Legislature to support NMED's sampling and analysis efforts through the appropriation of funds to ensure an adequate balance in the Water Conservation Fund;
- Urges the Legislature to modify the Act in a manner requiring the Tax and Revenue Department to collaborate with NMED on a regular basis to identify those systems on a regular basis which are, and are not, paying the required fees into the Water Conservation Fund;
- Urges the New Mexico Legislature to modify the Act to establish requirements that Water Conservation Fund revenues only be expended by NMED on those systems current with their required payments into the fund. Additionally, Water Conservation Fund revenues should not be used to pay for any increased sampling that may be required of systems as a result of their noncompliance with the SDWA;
- Requests that NMED should also provide an annual list of all sampling and analysis required under the provisions of the SDWA, which are covered by the Fund, as intended by the 2013 amendments to the Act;
- Any increase to the Water Conservation fees are justified to the public. If fees are increased, the increase should be scheduled with adequate time provided for water systems to prepare and raise their system fees and/or budgets as appropriate. If the Conservation Fee levels are increased, the increase should be implemented incrementally, and should be sufficient to cover all sampling and analytical requirements of the federal Safe Drinking Water Act; and

**Be It Further Resolved** that the New Mexico Municipal League is committed to continuing its recent collaboration and efforts with the New Mexico Environment Department to address the lack of adequate revenues in the Water Conservation Fund to fulfill the intent purposes of the Act.

**Passed, Approved and Adopted** this 1st day of September at the City of Albuquerque, New Mexico.

**NEW MATERIAL**

**RESOLUTION 2022-19**

**CONCERNING STATE AND FEDERAL FUNDING FOR COMMUNITIES IMPACTED  
BY WILDFIRES**

**Whereas**, recent wildfires have had devastating impacts on New Mexico communities; and

**Whereas**, the combined Hermits Peak and Calf Canyon Fire is the largest wildfire in state history, burning over 300,000 acres; and

**Whereas**, the combined Hermits Peak and Calf Canyon Fire was the result of controlled burns conducted by the U.S. Forest Service; and

**Whereas**, the Black Fire in the Gila National Forest is the second largest wildfire in state history, also burning over 300,000 acres; and

**Whereas**, many other communities in the state have experienced devastating wildfires as well; and

**Whereas**, wildfires have led to loss of homes, businesses, and economic opportunities, damage to watersheds and drinking water supply, as well as the loss of intangible and irreplaceable cultural heritage.

**Whereas**, New Mexico is in a historic drought, and larger, more destructive fires are likely to become more common in the future.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League supports both state and federal legislation to seek funding to rebuild and rehabilitate all communities impacted by wildfires, including financial support for affected households and businesses.

**Passed, Approved and Adopted** this 1<sup>st</sup> day of September at the City of Albuquerque, New Mexico.

**RESOLUTION 2022-20 – As Amended**

**CONCERNING STATE AND LOCAL TAX REFORM**

**Whereas**, the New Mexico Municipal League is aware of various proposals for tax reform in the state; and

**Whereas**, the New Mexico Municipal League is generally supportive of state and local tax reform that will result in increased revenues for both state and local governments, as well as simplification and modernization of the tax code;

**Whereas**, New Mexico municipalities are heavily reliant on Gross Receipts Tax revenue, with approximately two-thirds, on average, of municipal general fund revenues.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League will continue to participate in the Tax Policy Advisory Committee (TPAC) to develop a tax reform plan for the State of New Mexico; and

**Be It Further Resolved** that the Tax Policy Advisory Committee (TPAC) has representation from the New Mexico Municipal League and the New Mexico Counties in order to give input on state and local tax reform.

**Be It Further Resolved** that the New Mexico Municipal League supports tax reform efforts that will contribute to the diversification and expansion of municipal revenue sources, while protecting existing sources.

**Passed, Approved and Adopted** this 1st day of September at the City of Albuquerque, New Mexico.

## RESOLUTION 2022-21

### CONCERNING THE RELATIONSHIP BETWEEN THE TAXATION AND REVENUE DEPARTMENT AND MUNICIPALITIES

**Whereas**, in order for municipalities to function efficiently and provide necessary services to citizens, it is imperative that municipalities be assured that the revenues they are receiving are being accounted for and distributed properly; and

**Whereas**, New Mexico Municipalities pay the state 3% of Local Option Gross Receipts Taxes collected for administration and distribution of the tax; and

**Whereas**, municipalities desire to have a functioning and trusting relationship with the Taxation and Revenue Department that would result in cooperation between the Department and municipalities with the Department sharing as much information as possible with municipalities; and

**Whereas**, municipalities desire that the Department become consistent in the type of information it is willing and able to share with municipalities so municipalities can utilize the information for analysis purposes and to compare the Department's data against Municipal Business Registrations.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League calls on the Taxation and Revenue Department to make every effort possible to improve the relationship between the Department and municipalities; and

**Be It Further Resolved** that New Mexico Municipal League members stand ready to discuss with the Taxation and Revenue Department ways in which the relationship between the department and municipalities can be improved.

**Passed, Approved and Adopted** this 1st day of September at the City of Albuquerque, New Mexico.

## RESOLUTION 2022-22

### CONCERNING MUNICIPAL HOLD HARMLESS GROSS RECEIPTS TAX DISTRIBUTIONS

**Whereas**, in 2004, the New Mexico Legislature exempted food and some medical services from Gross Receipt Taxes and provided payments to cities and counties to replace the lost revenue with a Hold Harmless Gross Receipts Tax; and

**Whereas**, in a last-minute action during the 2013 Legislative Session, lawmakers passed a bill to phase out the Hold Harmless payments over a 15-year period beginning in 2015; and

**Whereas**, over a dozen of New Mexico's largest municipalities cannot replace the revenue lost from the State's exemption of the Food and Medical GRT from the tax base and the three-eighths hold harmless increment is insufficient to replace the loss in revenue.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League seeks legislation for a continuation of Hold Harmless GRT distributions.

**Passed, Approved and Adopted** this 1st day of September at the City of Albuquerque, New Mexico.

**RESOLUTION 2022-23 – As Amended**

**CONCERNING 1.225 LOCAL DISTRIBUTION**

**Whereas**, the state and local distribution rate should be separated so they are correctly reported as the state's rate (3.9%), the local distribution rate (1.225%), plus local options; and

**Whereas**, the state and local distribution rate should be separated to accurately reflect the true state rate; and

**Whereas**, the local distribution rate should be separated from the state rate to continue the precedent set by House Bill 479 (2019); and

**Whereas**, the local distribution should be separated from the state rate in order to protect all the local distribution rate (1.225%).

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League supports legislation that will separate the collection and distribution of local gross receipts tax and state gross receipts tax.

**Passed, Approved and Adopted** this 1st day of September at the City of Albuquerque, New Mexico.

## RESOLUTION 2022-24

### CONCERNING LOCAL GOVERNMENT SAFETY NET ACT

**Whereas**, events related to COVID-19 community spread are expected to create a revenue shortfall, including projections of significantly-reduced gross receipts tax revenue; and

**Whereas**, seventy percent (70%) of municipal budgets are derived directly from gross receipts tax revenue; and

**Whereas**, significantly-reduced revenue tied to such a large percentage of municipal budgets will require similarly significant cuts to municipal spending absent robust, State-based relief efforts; and

**Whereas**, municipalities are already struggling to maintain basic services.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League will seek legislation to obtain revenue replacement for municipalities.

**Passed, Approved and Adopted** this 1st day of September at the City of Albuquerque, New Mexico.

## RESOLUTION 2022-25

### CONCERNING GRT INCOME SWAP TAX

**Whereas**, the municipal revenue stream needs to be diversified in order create more consistent municipal budgets; and

**Whereas**, in creating a more stable revenue stream it will allow local governments to provide more consistent service to their citizens; and

**Whereas**, the municipal revenue stream needs to be diversified in order to create healthier revenue streams by allowing for the greater sum of income from tax to be chosen; and

**Whereas**, the municipal revenue stream needs to be diversified in order to create equitability within municipalities and state government.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League supports legislation that will diversify municipal taxing authority.

**Passed, Approved and Adopted** this 1st day of September at the City of Albuquerque, New Mexico.



**RESOLUTION 2022-26 – As Amended**

**CONCERNING AMENDMENTS TO THE GROSS RECEIPTS AND COMPENSATION TAX ACT**

**Whereas**, New Mexico has amended\_sourcing rules, and location code reporting, from the place of business to the destination of business for gross receipts and compensating tax reporting; and

**Whereas**, this amendment result in a loss of tax revenue to municipal communities across New Mexico, especially rural communities that are heavily dependent upon companies that are registered in the corporate limits of the municipality, yet provide service activities that take place just outside of the municipal limits; and

**Whereas**, municipalities [will] continue to incur costs associated with these local companies, including the costs for public safety, utilities, road maintenance, and other municipal services, yet [will not] receive a fair share of the tax base; and

**Whereas**, municipalities have been told that there will be an offset between lost revenues from service activities and increased revenues from internet sales, yet this data has not been provided to the municipalities; and

**Whereas**, rural communities impacted by the extractive industries have recognized a significant reduction in revenues related to service activities performed just outside the municipal limits, that likely will not be offset by internet sales; and

**Whereas**, an exemption should include “extractive service” companies, which would be similar to an exemption allowed for “professional service” companies; and

**Whereas**, municipalities deserve full access to historical and projected aggregate internet sales data to perform independent analyses.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League opposes the changes to the sourcing rules for gross receipts and compensation tax act and requests an exemption for “extractive services.”

**Passed, Approved and Adopted** this 1st day of September at the City of Albuquerque, New Mexico.

## RESOLUTION 2022-27

### CONCERNING REMEDIATION AND CLEANUP OF CONTAMINATED AND ORPHANED SITES WITHIN OUR MUNICIPALITIES

**Whereas**, the New Mexico Municipal League (“NMML”) recognizes the importance of clean soil and water for all the residents of New Mexico; and

**Whereas**, the NMML acknowledges the existence of contaminated sites within our municipalities which threaten surface and ground water resources, public water supply systems, as well as results in the infiltration of harmful vapors into businesses and homes; and

**Whereas**, the State of New Mexico has identified the need to assess and remediate these sites; and

**Whereas**, the State of New Mexico Environment Department has no permanent fund for the assessment and cleanup of these sites and must rely on the federal Superfund Program to address such sites; and

**Whereas**, the Superfund Program is overburdened with sites across the nation and cannot be used to immediately address sites of concern in New Mexico; and

**Whereas**, the Superfund Program requires prioritization of New Mexico sites against sites nationwide, resulting in the lower listing of New Mexico sites and, thus, years if not decades for remediation.

**Now, Therefore, Be It Resolved** that the NMML urges the Governor and the New Mexico Legislature to support municipalities and the New Mexico Environment Department to address orphaned contaminated sites across the State by establishing and funding a State Cleanup Fund, which will protect the water supplies, health and environment of the citizens of New Mexico; and

**Be It Further Resolved** that the NMML strongly encourage NMED to develop a list of contaminated sites and projected costs and financial needs to address these sites for review by the State of New Mexico Legislature and the Governor’s Office, as well as research other State Remediation (Cleanup) Funds which have been established to address similar needs in other States.

**Passed, Approved and Adopted** this 1st day of September at the City of Albuquerque, New Mexico.

**RESOLUTION 2022-28 – As Amended**

**CONCERNING MUNICIPAL INFRASTRUCTURE IMPROVEMENT ICIP REQUESTS**

**Whereas**, the current state of municipal infrastructure varies greatly across the state; and

**Whereas**, the 2023-2027 ICIP has approximately \$3.5 billion in unfunded project requests, including critical health and safety projects that municipalities are unable to fund through municipal sources; and

**Whereas**, there is a surplus in both the General Fund and Capital Outlay funds.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League supports the full funding of prioritized critical health and safety requests by the General Fund and Capital Outlay funds.

**Passed, Approved and Adopted** this 1<sup>st</sup> day of September at the City of Albuquerque, New Mexico.

## RESOLUTION 2022-29

### CONCERNING THE CORRECTIVE ACTION FUND EXPENDITURES

**Whereas**, HB 19 was signed into law and became effective May 19, 2004; and

**Whereas**, the current practice of the Environment Department is to use fuel tax based Corrective Action Fund to fully fund the personnel costs of 150 FTE across the agency; and

**Whereas**, the Corrective Action Fund was created to finance the clean-up, remediation, and monitoring of leaks and spills from petroleum storage tanks across the state; and

**Whereas**, there are still 930 sites statewide that require corrective action; and

**Whereas**, the Corrective Action Fund no longer serves the sole purpose of protecting public health.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League supports the allocation of personnel costs to be taken from the General Fund, as opposed to fee-based funds such as the Corrective Action Fund.

**Passed, Approved and Adopted** this 1st day of September at the City of Albuquerque, New Mexico.

## RESOLUTION 2022-30

### CONCERNING PARTNERING WITH STATE AND FEDERAL RECOVERY FUND EFFORTS

**Whereas**, New Mexico is attempting to recover in the wake of the global Covid-19 pandemic; and

**Whereas**, there are unprecedented federally funded recovery programs and state efforts to allocate and distribute money; and

**Whereas**, state and local governments are receiving once in a lifetime distributions of federal recovery funds, the League will work to maximize funding for infrastructure projects (water, wastewater, broadband).

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League will identify and partner with state and local governments to work towards full funding for regional and statewide projects.

**Passed, Approved and Adopted** this 1st day of September at the City of Albuquerque, New Mexico.

## RESOLUTION 2022-31

### CONCERNING STATE CAPITAL OUTLAY PROCEDURES

**Whereas**, the Local Government Division of the Department of Finance Administration (LGD) provides oversight to local governments to assist in the funding of equipment and infrastructure projects to meet the needs of all New Mexicans through appropriations of capital outlay; and

**Whereas**, capital outlay is often times the last funding source available to fund projects for some local governments who provide services to underserved New Mexicans; and

**Whereas**, it is foreseeable that the State of New Mexico will experience an increase in future capital outlay funding and federal funding dedicated to local government projects; and

**Whereas**, it is also foreseeable that New Mexico will experience an increase in the amount of unspent appropriations due to factors such as increasing cost of materials, lack of work force, lack of readiness of projects, improper planning, and underfunded projects; and

**Whereas**, many municipalities lack resources and technical capacity to administer projects effectively and efficiently; and

**Whereas**, the New Mexico EDGE training program provides certified procurement officer (CPO) and Certified Project Management (CMO) training for local Governments; and

**Whereas**, LGD recognizes the value added to local governments who have participated in the New Mexico EDGE training program, through the effective and efficient administration of funds; and

**Whereas**, the New Mexico Municipal League recognizes the ongoing need to develop and improve programs to provide assistance to its members in the administration of capital outlay.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League endorses the passage of legislation which will allow a qualifying municipality to receive from the New Mexico Department of Finance and Administration Local Government Division an amount up to one percent (1%) of all state capital appropriations in a given year for a procurement or grant management program to build capacity within local governments to assist in the administration of appropriations of capital outlay.

**Passed, Approved and Adopted** this 1st day of September at the City of Albuquerque, New Mexico.

## RESOLUTION 2022-32

### CONCERNING THE INVESTMENT OF CERTAIN PUBLIC MONIES BY MUNICIPALITIES WITH FEWER THAN SIXTY-FIVE THOUSAND PERSONS

**Whereas**, Section 6-10-10 NMSA 1978 provides for deposit and investment of certain municipal funds; and

**Whereas**, the current iteration of Section 6-10-10 (G) has an arbitrary population threshold of “more than sixty-five thousand” that prevents cities with fewer persons from taking advantage of certain investment opportunities; and

**Whereas**, that arbitrary population threshold prevents equitable application of the statute, thereby harming the investment interests of smaller municipalities; and

**Whereas**, risk with regard to investment is a proportional exercise and financial officials in smaller population municipalities should be trusted with the same responsibilities as their larger municipality peers; and

**Whereas**, the statute can be amended in such a way that remains protective of poor financial policy.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League supports legislation that allows municipalities under the threshold to participate in investment opportunities at a reasonable share of their actual investment portfolios.

**Passed, Approved and Adopted** this 1st day of September at the City of Albuquerque, New Mexico.

## RESOLUTION 2022-33

### 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**, the New Mexico SORNA is not fully compliant with federal law (Title I of the Adam Walsh Child Protection and Safety Act of 2006, Public Law 109-248); and

**Whereas**, legislation to bring our state into federal compliance has been introduced over the past several years, including House Bill 179 (Rep. Herrell) in 2012, but has failed to pass; and

**Whereas**, the legislation needed for compliance includes the incorporation of a more comprehensive group of sex offenders and offenses for which registration is required, tighter and more extensive registration requirements, and expansion of the amount of information available to the public; and

**Whereas**, New Mexico has been losing critical federal funding because of its non-compliance with the federal law; and

**Whereas**, an additional consequence of our state's non-compliance is that 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 include provisions for sex offender risk assessment that could provide local law enforcement agencies with a scientifically based method for identifying those offenders who are most likely to reoffend; and

**Whereas**, the addition of support or legislative mandate for scientifically based risk assessment will allow law enforcement agencies to devote limited resources to monitoring the behaviors of those offenders who have proven to provide the most significant risk to the community.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League supports amendment of the Sex Offender Registration and Notification Act to bring New Mexico into full compliance with federal law; and

**Be It Further Resolved** that the amendments to SORNA also address the subject of sex offender risk assessment.

**Passed, Approved and Adopted** this 1st day of September at the City of Albuquerque, New Mexico.

2022 PS Committee Priority: **HIGH**



## RESOLUTION 2022-34

### CONCERNING EMS FUNDING

**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, particularly in rural communities; 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 training and necessary equipment is not available; 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**, the current funding levels are inadequate and 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**, Fire and EMS services in New Mexico must have adequate financial resources if they are to continue providing critical first response services in a consistent and reliable manner; and

**Whereas**, the majority of EMS first response services in New Mexico are provided by fire-based departments; and

**Whereas**, the New Mexico Municipal League (NMML) and the New Mexico Fire Chiefs Association (NMFCA) participated in and are members of a committee established by the New Mexico Counties (NMC) to develop specific policy recommendations and study issues related to sustainable EMS Services; and

**Whereas**, the NMML and the NMC endorsed priority legislation in 2014 and 2015 for the creation of a study to evaluate the needs of EMS and identify an appropriate state-level recurring revenue stream dedicated to EMS; similar to that used for the Fire Protection Fund without diminishing or impairing the existing Fire Protection Fund.

**Now, Therefore, Be It Resolved** that the NMML supports an appropriation by the New Mexico State Legislature to the State Fire Marshal to conduct a statewide EMS assessment, in coordination with Department of Health EMS Bureau, using monies currently reverted from the Fire Protection Fund, to the State General Fund; and

**Be It Further Resolved** that recommendations from the EMS assessment will be used by the NMC EMS Committee, to develop additional policy recommendations for the New Mexico State Legislature regarding appropriate funding levels and mechanisms for recurring funding for EMS services in New Mexico.

**Passed, Approved and Adopted** this 1st day of September at the City of Albuquerque, New Mexico.

## RESOLUTION 2022-35

### CONCERNING POLICE BODY CAMERAS AND PUBLIC RECORDS IMPLICATIONS

**Whereas**, trust between law-enforcement agencies and the public is vital for the delivery of high-quality public safety services; and

**Whereas**, the use of body-worn cameras can help law-enforcement agencies strengthen performance, accountability, and transparency; and

**Whereas**, in other jurisdictions, the use of body-worn cameras has improved the documentation of evidence for investigations and court proceedings and reduced the number of use of force incidents and complaints against officers; and

**Whereas**, Police Officers collect body-worn camera footage in a number of sensitive locations in performance of their duties, such as private residences, during sensitive non-criminal citizen encounters, at graphic crime scenes and in locations such as hospitals and emergency rooms; and

**Whereas**, the Inspection of Public Records Act was written well before the introduction of body-worn cameras and consequently did not contemplate the attendant privacy implications surrounding the use of body-worn cameras; and

**Whereas**, Senate Bill 8 from the First Special Session of the 54<sup>th</sup> Legislature created two new causes of action under the New Mexico Tort Claims Act, both of which require peace officers to collect and law enforcement agencies to store body-worn camera footage, and neither of which contemplated the public records implications of such a requirement.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League and the New Mexico Association of Chiefs of Police, strongly encouraged the development and adoption of guidelines and restrictions regarding Inspection of Public Records Act requests and the release of certain body-worn camera footage that addresses the following:

- (1) Limit Public access to and release of data from body-worn camera footage in regards to privacy consideration concerning body-worn cameras.
- (2) Inspection, redaction, and production of footage including: reasonable time-line for production and reasonable cost recovery for production and redaction of footage.

**Passed, Approved and Adopted** this 1st day of September at the City of Albuquerque, New Mexico.

## RESOLUTION 2022-36

### CONCERNING THE CREATION OF A POLICE REFORM COMMITTEE

**Whereas**, police leaders, elected officials and community members should work together to develop and implement solutions regarding concerns over policing practices and operations. It is imperative that these efforts reflect a balanced strategic approach to combating crime and prioritizing community safety; and

**Whereas**, emotions are running high and politically expedient measures are being taken and policy is being developed and implemented without sufficient input from all stakeholders; and

**Whereas**, the Governor and the State of New Mexico should engage in a balanced approach so as not to negatively impact the quality of life for all citizens of our great State by soliciting input from all stakeholders, including Police Chiefs and Sheriffs, in all matters effecting implemented changes; and

**Whereas**, comprehensive police reform will be a challenge and all parties should be engaged, including law enforcement leadership, to collectively establish effective, transparent and lasting institutional change.

**Now, Therefore, Be It Resolved** that a request be made to the Governor to appoint and convene a committee of police executives, elected officials, community members, and other stakeholders to identify and set the goals for police reform. As another legislative session quickly approaches, many “reform” bills are already being drafted and presented, and there should be comprehensive discussions to accomplish well-reasoned approaches to achieve effective police reform. Currently, we see a series of disconnected ideas that have not been analyzed and discussed that may in fact, either not accomplish or work against, the goals of true police reform. Law enforcement is bound by public service duty to keep all communities safe. Because of that commitment, the ultimate outcome shall be to implement change together. With the Governor’s appointment, this committee will engage in future, ongoing discussions to ascertain ideas that shall result in effective, transparent and accountable police reform across New Mexico.

**Passed, Approved and Adopted** this 1st day of September at the City of Albuquerque, New Mexico.

**RESOLUTION 2022-37**

**CONCERNING THE ELIGIBILITY OF FUNDS PURSUANT TO THE STATE EMERGENCY SERVICES FUND ACT FOR MUNICIPALITIES IMPLEMENTING AN EMS PROGRAM FOR SAFE DISPOSAL OF PRESCRIPTION DRUGS**

**Whereas**, the safe disposal of prescription medicine reduces the access of surplus drugs and protects the safety of ground and surface water by limiting flushing and dumping of meds; and

**Whereas**, the State Local EMS Funding Program allows for an implementation of prevention programs and the training and licensing of local emergency services personnel; and

**Whereas**, the eligibility for funding allows for programs that benefit the public health and safety; and

**Whereas**, the public is benefited by safe disposal of prescription drugs; and

**Whereas**, EMS units are experienced in safe conduct and handling of prescription drugs and the safe disposal thereof.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League seeks legislation for eligible funding pursuant to the State Emergency Services Fund Act for municipalities implementing an EMS program for safe disposal of prescription drugs.

**Passed, Approved and Adopted** this 1st day of September at the City of Albuquerque, New Mexico.

## RESOLUTION 2022-XX

### CONCERNING MUNICIPAL COURT STRUCTURE

**Whereas**, municipal courts serve an important function in local communities by hearing cases related to municipal ordinance violations, traffic violations, and petty misdemeanors.

**Whereas**, many municipalities, especially in rural areas, are not located near magistrate courts.

**Whereas**, municipalities currently have the option to decide whether they need a municipal court in their communities (Section 35-14-1 NMSA 1978).

**Whereas**, municipal courts rely partially on revenue from fees and fines to operate, as well as to meet statutory requirements related to automation and reporting.

**Whereas**, municipal courts also provide the option in many cases to perform community service in lieu of paying fines.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League supports maintaining the current municipal court structure, allowing municipalities to determine local needs for court services, per statute.

**Be It Further Resolved** that in the event of legislation impacting courts' ability to impose fees and fines, the New Mexico Municipal League supports legislation requiring that any resulting municipal court revenue loss be backfilled with other sources so as to maintain robust court operations and ensure that courts can meet statutory requirements.

**Passed, Approved and Adopted** this 1<sup>st</sup> day of September at the City of Albuquerque, New Mexico.

## RESOLUTION 2022-XX

### CONCERNING INCLUDING DISPATCHERS IN THE STATUTORY DEFINITION OF FIRST RESPONDERS IN THE EMERGENCY COMMUNICATIONS INTEROPERABILITY ACT

**WHEREAS**, the Emergency Communications Interoperability Act (Section 12-10D-1 NMSA 1978 et. seq.) creates a commission with the statutory charge of planning, developing, creating, administering, promoting, and maintaining a statewide interoperable emergency communications plan; and

**WHEREAS**, part of the commission's duties include training appropriate members of the state in matters involved in emergency response and homeland security activities with respect to interoperability; and

**WHEREAS**, the commission also advises and supports the homeland security and emergency management department on emergency response matters and homeland security details relating to interoperability, including the obtaining and use of available funding; and

**WHEREAS**, the commission in fact obtains and makes use of available funding; and

**WHEREAS**, the definition of "first responder" under the Act currently includes law enforcement officers, firefighters and certified volunteer firefighters, and emergency medical services providers, all of which are public safety employees or volunteers whose duties include responding rapidly to an emergency; and

**WHEREAS**, dispatchers are persons whose duties include responding rapidly to an emergency, can contribute to advising the department on emergency response matters relating to interoperability, and can train appropriate members of the state in same.

**NOW, THEREFORE, BE IT RESOLVED**, that the New Mexico Municipal League should seek the introduction of legislation that would add the category of "dispatcher" to the definition of "first responder" under the Act.

**PASSED, APPROVED, AND ADOPTED** this 1<sup>st</sup> day of September at the City of Albuquerque, New Mexico.

## RESOLUTION 2022-XX

### CONCERNING CREATION OF A DEATH BENEFIT FOR FIREFIGHTERS IN NEW MEXICO

**WHEREAS**, public safety first responders are the first line of defense in our communities, and the State of New Mexico has a responsibility to ensure that firefighters – an integral part of the first responder community – can protect both safely and effectively; and

**WHEREAS**, it is the responsibility also of the state legislature to provide adequate resources devoted to ensuring that firefighters can protect both safely and effectively; and

**WHEREAS**, the emerging peril of wildfires in New Mexico provides additional and frequent dangerous conditions as a core component of the profession of firefighting; and

**WHEREAS**, the Fire Protection Fund and Fire Protection Fund should be fully used to support the firefighter community; and

**WHEREAS**, one of the strongest ways to support the first responder community is to provide the assurance that the immediate family of our lost heroes will not have their grief compounded by financial uncertainty and insecurity; and

**WHEREAS**, the State of New Mexico provides that assurance to at least one segment of the first responder community already.

**NOW, THEREFORE, BE IT RESOLVED** that the New Mexico Municipal League supports legislation that will create a death benefit for firefighters in the State of New Mexico.

**PASSED, APPROVED, AND ADOPTED** this 1<sup>st</sup> day of September at the City of Albuquerque, New Mexico.



## RESOLUTION 2022-XX

### **SUPPORTING PROGRAMS FOR INCREASED AWARENESS REGARDING BEHAVIORAL HEALTH AND LEGISLATION FOR ADDITIONAL FUNDING SUPPORT FOR BEHAVIORAL HEALTH NEEDS IN THE STATE OF NEW MEXICO**

**Whereas**, substance abuse and use disorders, including alcohol and illicit drug use, particularly in youth and young adults, continues to be higher in the State of New Mexico than the regional and national average; and

**Whereas**, unaddressed mental health problem negatively impacts poverty, employment, safety, homelessness, and the local economy; and

**Whereas**, incidence of major depressive episodes continues to increase, placing a greater demand and related challenges to overstretched behavioral health services and families in our communities; and

**Whereas**, the State of New Mexico is disproportionately affected by behavioral health issues, evidenced by its rank in the top five states in the US or suicide deaths; and

**Whereas**, the need to address the behavioral health challenges in New Mexico's communities by providing assistance to address the unmet needs of residents in a timely manner is imperative; and

**Whereas**, funding to support existing programs, and implement new programs is needed to secure the future behavioral health needs of New Mexico's communities.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League supports legislation to increase funding support to adequately address the behavioral health needs in the State of New Mexico.

**Passed, Approved and Adopted** this 1<sup>st</sup> day of September in the City of Albuquerque, New Mexico.

Submitted by: City of Clovis

