



2018-2019

ANNUAL

RESOLUTIONS

**Adopted By:
NMML Membership
August 30, 2018
Roswell, NM**

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RESOLUTION 2018-1

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; 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 30th day of August at the City of Roswell, New Mexico.

RESOLUTION 2018-2

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. Last year there were 16.7 million victims of identity fraud; the amount stolen approached \$17 billion dollars. Thirty percent of U.S. customers were notified of a data breach last year. 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 30th day of August at the City of Roswell, New Mexico.

RESOLUTION 2018-3

CONCERNING THE SALE, TRANSFER AND ISSUANCE OF LIQUOR LICENSES IN NEW MEXICO

Whereas, there are approximately 1440 Retailer and Dispenser licenses in New Mexico, and

Whereas, this exceeds the number of licenses allowed by statute, being 1 license for every 2000 in population, and keeps the State from issuing new Retailer and Dispenser licenses, and

Whereas, many communities have far more licenses than are allowed by this formula creating inequities and unfair competition among communities for certain types of businesses, including restaurants, drug stores and grocery stores; and

Whereas, these are the only state licenses treated as commodities and sold on the open market which is an undesirable approach; and

Whereas, that has driven the price for existing licenses as high as \$750,000.00; and

Whereas, due to the escalation in price paid for Retailer and Dispenser licenses, licenses in communities outside the metropolitan areas of the state are being transferred to the communities within the metropolitan areas of the state resulting in the loss of jobs and business opportunity for communities outside of the metropolitan areas of the state; and

Whereas, none of the states surrounding New Mexico have such a restrictive form of licensing, resulting in greater economic opportunities in those states placing New Mexico at a competitive disadvantage; and

Whereas, the sale of these licenses could be a significant form of revenue for the State of New Mexico; and

Whereas, the existing system benefits existing license holders and is detrimental to the development of economic opportunities within the State of New Mexico with a profound and disparate impact in communities outside of the metropolitan areas of the state.

Now, Therefore, Be It Resolved that the New Mexico Municipal League urges the New Mexico Legislature to study, review and make changes to the Liquor Control Act to provide a more fair, affordable, equitable, non-commodity based and competitive environment in dealing with the sale, transfer and ownership of Retailer and Dispenser licenses in the state.

Passed, Approved and Adopted this 30th day of August at the City of Roswell, New Mexico.

RESOLUTION 2018-4

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 provides 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, in a recent opinion, the Court of Appeals 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 30th day of August at the City of Roswell, New Mexico.

RESOLUTION 2018-5

CONCERNING THE WHISTLEBLOWER PROTECTION ACT

Whereas, the Whistleblower Protection Act (“Act”) was enacted by the New Mexico Legislature in 2010; and

Whereas, the Act was intended to prohibit public employers from retaliating against public employees who take action, object to, or refuse to participate in a matter the employee believes, in good faith, to be an unlawful or improper act.; and

Whereas, the Act provided for a 2 year statute of limitations for bringing a claim and authorized the claim to be filed in any court of competent jurisdiction; and

Whereas, the Act is a non-exclusive remedy, meaning that a claim under the Act may be brought independently of any other employment-related claim; and

Whereas, current state and federal law provided for legal remedies against employers for prohibited activities, including retaliation-based claims; and

Whereas, municipal governments have experienced a significant increase in the number of employment-related lawsuits that include a whistleblower claim; and

Whereas, portions of the Act are vague and subject to multiple interpretations; and

Now, Therefore, Be It Resolved, that the New Mexico Municipal League supports amending the Whistleblower Protection Act to better define the definition of “good faith” by requiring some minimal threshold of evidence for an employee to file a claim under the Act; and

Be It Further Resolved, that the Act be amended to narrow the definition of “retaliatory action” as the current definition encompasses any “adverse employment action against a public employee”; and

Be It Further Resolved, that the Act be amended to limit “unlawful or improper act(s)” to violations of state or federal law; and

Be It Further Resolved, that the Act be amended to narrow the universe of individuals to whom a complaint may be communicated as a precondition to filing a claim under the Act.

Passed, Approved and Adopted this 30th day of August at the City of Roswell, New Mexico.

RESOLUTION 2018-6

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.

Whereas, the current state grants-in-aid distribution is \$.37 per capita; and

Whereas, state grants-in-aid for other similarly sized states averages \$1.67; and

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 to provide grants-in-aid for local library services and operations.

Passed, Approved and Adopted this 30th day of August at the City of Roswell, New Mexico.

RESOLUTION 2018-7

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 seek 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 30th day of August at the City of Roswell, New Mexico.

RESOLUTION 2018-8

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 13-2-30.1 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 web sites 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, municipalities in order to preserve resources 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 30th day of August at the City of Roswell, New Mexico.

RESOLUTION 2018-9

**CONCERNING THE RE-SUBMISSION OF LEGISLATION TO INCREASE 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 have raised the Municipal Court Automation Fee from \$6 to \$10, matching 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 raise the Municipal Court Automation Fee from \$6 to \$10 during the 2019 Legislature.

Passed, Approved and Adopted this 30th day of August at the City of Roswell, New Mexico.

RESOLUTION 2018-10

CONCERNING THE IMPOSITION OF A MUNICIPAL COURT WARRANT FEE

Whereas, Magistrate, Metropolitan and District Courts are authorized to impose a warrant fee on those served with bench warrants; and

Whereas, most municipal courts, except those courts in home rule municipalities, do not currently have the statutory authority to implement a warrant fee; and

Whereas, all municipalities, by ordinance, should have the option to impose a warrant fee; and

Whereas, a warrant fee would help in defraying a portion of the costs associated with issuing and serving a warrant.

Now, Therefore Be It Resolved that the New Mexico Municipal League endorses the concept of authorizing by statute non-home rule municipalities the option of imposing a warrant fee by ordinance.

Passed, Approved and Adopted this 30th day of August at the City of Roswell, New Mexico.

RESOLUTION 2018-11

CONCERNING 2018 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, 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 the Library Acquisition GO Bond "B" on the November 6, 2018 ballot.

Passed, Approved and Adopted this 30th day of August at the City of Roswell, New Mexico.

RESOLUTION 2018-12

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: “Guideline: Above Ground Use of Reclaimed Domestic Wastewater, January 2007” (as a follow-on to two previously published guideline documents, i.e.: “NMED Policy for the Use of Domestic Wastewater Effluent for Irrigation, 1985” and “New Mexico Criteria for the Use of Domestic Wastewater for Surface Irrigation, 2003”) that includes definitions, standards, effluent limitations, monitoring, and other requirements; and

Whereas, the NMED “Guideline: Above Ground Use of Reclaimed Domestic Wastewater” dated January 2007 has never been presented to the New Mexico Water Quality Control Commission (NMWQCC) for public hearing, promulgation, and adoption as a regulation or standard; and

Whereas, the NMED “Guideline: Above Ground Use of Reclaimed Domestic Wastewater” dated January 2007 is incorporated by reference, as well as incorporated as specific permit conditions, in enforceable Ground Water Discharge Permits issued by NMED under NMWQCC Regulations; and

Whereas, the NMED practice of imposing enforceable requirements through guidelines and 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 and guidelines, that have not been subjected to a NMWQCC public hearing for adoption as a regulation or standard, and urges the NMED Cabinet Secretary, the NMWQCC, 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 regulations (Rulemaking Procedures – Environmental Improvement Board [20.1.1 NMAC] and Surface and Groundwater Protection [20.6.2 NMAC]) when implementing permits and other environmental protection requirements; and

Be It Further Resolved that the New Mexico Municipal League urges the NMED Cabinet Secretary to convene a “Working Group” to develop proposed regulations for presentation to the NMWQCC for public hearing, promulgation, and adoption regarding the use(s) of reclaimed domestic wastewater, in order to protect public health and the environment in New Mexico.

Passed, Approved and Adopted this 30th day of August at the City of Roswell, New Mexico.

RESOLUTION 2018-13

CONCERNING NUTRIENT WATER QUALITY CRITERIA, PERMIT LIMITATIONS AND FUNDING SOURCES

Whereas, the 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 New Mexico Municipal League 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 New Mexico Municipal League 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 states waters without undue emphasis on municipal point source discharges.

Passed, Approved and Adopted this 30th day of August at the City of Roswell, New Mexico.

RESOLUTION 2018-14

CONCERNING SUPPLEMENTAL AND REPLACEMENT WELLS TO UTILIZE EXISTING WATER RIGHTS

Whereas, the Office of the State Engineer (OSE) has indicated that it is changing its long established policy with respect to supplemental and replacement wells; and

Whereas, in reliance on the longstanding policy of the OSE, municipalities have invested millions of dollars in acquiring water rights and developing physical sources of supply to serve their citizenry; and

Whereas, a shift in policy would jeopardize the ability of municipalities to perfect the unused portion of a permitted or declared water right and undermine millions of dollars of investment in a diversified portfolio of water rights and physical sources of supply; and

Whereas, in the 2015 Regular Session of the Legislature, Senator Griggs introduced Senate Bill 665; and

Whereas, SB 665 proposed to amend NMSA 1978, § 72-12-24 regarding Supplemental Wells and § 72-12-22 regarding Replacement Wells; and

Whereas, municipalities supported the legislature's effort to protect municipalities' investment in and reliance upon the long-established policy of the OSE, which allowed a municipality to grow into a declared or permitted water right; and

Whereas, municipalities continue to support legislation which will protect a municipality's ability to perfect its unused water rights.

Now, Therefore, Be It Resolved that the New Mexico Municipal League supports legislation to ensure that local governments that have invested in groundwater as part of a conjunctive use strategy with surface water, will continue to be able to develop their ground water rights as these municipalities grow.

Passed, Approved and Adopted this 30th day of August at the City of Roswell, New Mexico.

RESOLUTION 2018-15

CONCERNING PRESERVATION OF MUNICIPAL WATER SUPPLIES

Whereas, the purpose of NMSA 1978, § 72-1-9 is to preserve municipal water supplies to plan for growth over a forty year period; and

Whereas, in spite of the purpose of the statute, the Office of the State Engineer (OSE) has argued that § 72-1-9, the forty year planning statute, can be used to show that a municipality has abandoned a water right; and

Whereas, municipalities and other entities encompassed by the statute may need even longer planning periods, but in no event should these entities lose their water rights except through statutory forfeiture or judicial abandonment processes; and

Whereas, in the 2015 Regular Session of the Legislature, Senator Griggs introduced Senate Bill 665; and

Whereas, SB 665 proposed to amend NMSA 1978, § 72-1-9 to state that a water right acquired and held unused pursuant to the provisions of this section shall not be automatically lost after forty years, except by statutory forfeiture or judicial proceedings to prove abandonment; and

Whereas, municipalities' need to protect their investment in water rights acquired for future growth; and

Whereas, municipalities support legislation which will protect their ability to protect their unused water rights.

Now, Therefore, Be It Resolved that the New Mexico Municipal League supports the preservation of municipal water supplies.

Passed, Approved and Adopted this 30th day of August at the City of Roswell, New Mexico.

RESOLUTION 2018-16

CONCERNING LESSEE'S APPLICATION USE BEFORE APPROVAL

Whereas, the Office of the State Engineer (OSE) has interpreted the application process for water rights leases to be the same as that used for emergency applications; and

Whereas, under the present practice, the OSE can approve these applications and the applicant can use the water prior to public notice, an opportunity to protest, and a hearing; and

Whereas, there are instances in which this administrative procedure is efficient and cost effective, but in other instances, this process is being abused to divert thousands of acre-feet of water for a longer period of time prior to public review and due process; and

Whereas, in the 2015 Regular Session of the Legislature, Senator Griggs introduced Senate Bill 665; and

Whereas, SB 665 proposed to amend NMSA 1978, § 72-6-4 to provide a balance between an efficient administrative process for short-term leases that do not involve significant quantities of water and longer-term leases that involve large quantities of water.

Now, Therefore, Be It Resolved that the New Mexico Municipal League supports legislation regarding a lessee's use of water rights prior to approval.

Passed, Approved and Adopted this 30th day of August at the City of Roswell, New Mexico.

RESOLUTION 2018-17

CONCERNING PROTEST PROCEDURES ON WATER RIGHT APPLICATIONS

Whereas, the Office of the State Engineer (OSE) applies inconsistent criteria to determine whether persons have standing to protest an application to change the purpose, place, or use of a water right; and

Whereas, some persons who protest a water right application will suffer no harm based on the proposed application; and

Whereas, a protested application to change the purpose, place, or use of a water right is far more costly and takes many more years to complete than an unprotested application; and

Whereas, in the 2015 Regular Session of the Legislature, Senator Griggs introduced Senate Bill 665; and

Whereas, SB 665 imposed clearer criteria on persons who seek to protest applications to change the purpose, place, or use of a water right; and

Whereas, municipalities support legislation, which reduces the administrative burden on water right applicants and imposes clearer standards on protestants objecting to water-right applications.

Now, Therefore, Be It Resolved that the New Mexico Municipal League supports legislation relating to protest procedures to reduce the administrative burdens on water right applicants.

Passed, Approved and Adopted this 30th day of August at the City of Roswell, New Mexico.

RESOLUTION 2018-18

CONCERNING THE DEVELOPMENT OF STATE ENGINEER GUIDELINES OR POLICIES REGARDING MUNICIPAL BEST MANAGEMENT PRACTICES FOR 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; 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), 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, the USEPA has drafted a revised general permit for small municipal separate storm sewer systems MS4s and has issued a MS4 permit for the middle Rio Grande watershed, both of which require MS4s to implement Best Management Practices (BMPs) to reduce pollutant discharges in urban runoff; and

Whereas, storm water BMPs include the use of green infrastructure practices and low impact development approaches, which commonly utilize storm water detention, and storm water retention for on-site irrigation and/or infiltration; and

Whereas, the New Mexico Office of the State Engineer's Rainwater/Snowmelt Harvesting Policy, by restricting landscape irrigation and domestic uses to individual property sites, may impede the ability of municipalities to improve surface water quality and to encourage outdoor water conservation by managing storm water using green infrastructure BMPs; and

Whereas, the New Mexico Office of the State Engineer has met with the NMML Environmental Quality Association and has expressed a willingness to pursue resolution of any conflicts between the Rainwater/Snowmelt Harvesting Policy and USEPA BMP requirements for MS4s.

Now, Therefore, Be It Resolved that the New Mexico Municipal League, through its Environmental Quality Association, will work with the New Mexico Office of the State Engineer to develop storm water Best Management Practice guidance for New Mexico municipalities, defining municipal-scale BMPs that are consistent with NMOSE rules and policies. Based on this guidance, NMML will pursue the issuance of an NMOSE policy regarding municipal-scale precipitation capture through BMPs (provided that such BMPs do not reduce the volume of discharge that would have occurred from the natural, pre-development state), to allow 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 30th day of August at the City of Roswell, New Mexico.

RESOLUTION 2018-19

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

Whereas, the 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 New Mexico Municipal League 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.

Be it further Resolved that the New Mexico Municipal League 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 30th day of August at the City of Roswell, New Mexico.

RESOLUTION 2018-20

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.

Now, Therefore, Be It Resolved that the New Mexico Municipal League supports creation of a Study Group to develop a tax reform plan for the State of New Mexico; and

Be It Further Resolved that the study group have representation from the New Mexico Municipal League and the New Mexico Association of Counties in order to give input on state and local tax reform.

Passed, Approved and Adopted this 30th day of August at the City of Roswell, New Mexico.

RESOLUTION 2018-21

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 the municipality be assured that the revenues they are receiving are being accounted for and distributed properly; and

Whereas, New Mexico Municipalities pay the state 3.25% of Local Option Gross Receipts Taxes collected for administration and distribution of the tax; and

Whereas, the relationship between the Taxation and Revenue Department and Municipalities has been strained from time to time over the years and that relationship is currently significantly strained; 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; and

Whereas, in order to have a functioning and trusting relationship with the Taxation and Revenue Department cooperation is critical.

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 30th day of August at the City of Roswell, New Mexico.

RESOLUTION 2018-22

CONCERNING EXEMPTION TO THE LODGERS' TAX ACT

Whereas, Section 3-38-16 NMSA 1978 creates certain exemptions from the Lodgers' Tax Act; and

Whereas, subsection (g) now provides an exception to the Lodgers Tax Act for vendors who do not offer at least three rooms or three other premises for lodging; and

Whereas, local Lodgers' Tax is used by the taxing jurisdiction to promote tourist related activities to the community and to a wider public base; and

Whereas, changing technology, marketing and transactions make short-term rental units uniform and remotely transacted; and

Whereas, fairness to all providers of rental units is not accomplished when single units are exempted from the Lodgers' Tax Act;

Now, Therefore, Be it Resolved that the New Mexico Municipal League supports amending the Lodgers Tax Act by deleting section 3-38-16.g and the exemption for vendors who offer fewer than 3 rooms or rental units.

Passed, Approved and Adopted this 30th day of August at the City of Roswell, New Mexico.

RESOLUTION 2018-23

CONCERNING DISTRIBUTIONS OF GROSS RECEIPTS TAX REVENUES TO MUNICIPALITIES BY THE TAXATION AND REVENUE DEPARTMENT

Whereas, municipalities are heavily dependent on Gross Receipts Tax Revenue to fund essential services for the citizens of that municipality; and

Whereas, the general fund of some municipalities generate up to 75% of their revenues from the Gross Receipts Tax; and

Whereas, since at least 2004 many municipalities have noticed erratic fluctuations in their monthly Gross Receipts Tax distributions that are inexplicable; and

Whereas, when municipalities make inquiry with the Taxation and Revenue Department regarding the erratic fluctuations in Gross Receipts Tax Distributions the Department claims it cannot explain the fluctuation due to confidentiality concerns for taxpayers; and

Whereas, municipalities should expect the Taxation and Revenue Department to respond to the municipality within 90 days of an inquiry regarding fluctuations in distributions of greater than ten percent.

Now, Therefore, Be it Resolved that the New Mexico Municipal League request the Legislative Finance Committee investigate the issue of erratic fluctuations in municipal monthly Gross Receipts Tax distributions; and

Be it Further Resolved that the results of that investigation be published and posted on the Legislative Finance Committee website; and

Be it Further Resolved that the Legislative Finance Committee remind the Taxation and Revenue Department of its' obligation to follow the law as it is written in Section 7-1-6.15 NMSA, 1978.

Passed, Approved and Adopted this 30th day of August at the City of Roswell, New Mexico.

RESOLUTION 2018-24

CONCERNING AMENDMENT OF SECTION 7-1-6.15 NMSA, 1978

Whereas, the legislature amended Section 7-1-6.15 during the 2015 Regular Session; and

Whereas, a House Committee substitute was introduced that erroneously amended the section to provide that the Taxation and Revenue Department would be required to notify a municipality or county of a take back of gross receipts tax if the take back exceeded 20% of the previous 3 years average of gross receipts tax distributions; and

Whereas, the Committee substitute was passed by the House and Senate and signed by the Governor; and

Whereas, due to the error the Taxation and Revenue Department would not be required to notify the City of Albuquerque until an adjustment exceeded seventy one million dollars; and

Whereas, during negotiations regarding the amendments to Section 7-1-6.15 NMSA, 1978 the Taxation and Revenue Department and the League agreed that notice would be required if the adjustment exceeded twenty percent of the average monthly distribution over the previous 36 months; and

Whereas, Senate Bill 236 was introduced during the 2017 Regular Session to amend Section 7-1-6.15 NMSA, 1978 to provide that notice would be based on a 36 month average; and

Whereas, Senate Bill 236 passed the Senate by a vote of 40 to 0 and passed the House by a vote of 66 to 0; and

Whereas, the Governor vetoed Senate Bill 236 and in her veto message stated in pertinent part: "In a time when the state is struggling to find the resources it needs to maintain its most basic services, like public safety and education, and when the legislature has failed to provide the necessary resources, I cannot sign a bill that would send more money to our local governments at the expense of the General Fund".

Now, Therefore, Be it Resolved that the New Mexico Municipal League supports legislation that amends Section 7-1-6.15 to provide for notification if an adjustment exceeds 20% of the annual monthly distribution over a 36 month period.

Passed, Approved and Adopted this 30th day of August at the City of Roswell, New Mexico.

RESOLUTION 2018-25

CONCERNING DISTRIBUTION OF THE STATE SHARED GROSS RECEIPTS TAX AND IMPOSITION OF LOCAL OPTION GROSS RECEIPTS TAXES ON INTERNET SALES

Whereas, the advent of the internet has dramatically changed the way people shop and pay for goods and services; and

Whereas, the growth of the use of the internet for shopping and paying for goods and services has outpaced the growth of shopping and paying for goods and services in brick and mortar local businesses; and

Whereas, use of the internet for shopping and paying for goods and services has resulted in decreasing state and local tax revenues because Gross Receipts Tax Laws need to be updated to provide a mechanism for collection of the Gross Receipts Tax on internet sales and payments; and

Whereas, in a recent Supreme Court Decision captioned **South Dakota v. Wayfair, Inc.** the court decided that states and local taxing jurisdictions could impose their taxes on internet sales; and

Whereas, the state entered into an agreement with Amazon in 2018 that requires Amazon to collect the State Gross Receipts Tax on sales in New Mexico; and

Whereas, with the Supreme Court decision municipalities should be able to impose their Local Option Gross Receipts Taxes on Internet Sales made in New Mexico; and

Whereas, Municipalities believe that the state should make a distribution to Municipalities of the State Shared Gross Receipts Tax just as it does with taxes collected by brick and mortar sellers.

Now, Therefore be it Resolved that the New Mexico Municipal League seek legislation that would enable Municipalities to impose Local Option Taxes on Internet Sales; and

Be it Further Resolved that the New Mexico Municipal League seek legislation that would require the State of New Mexico to make a distribution to municipalities of the State Shared Gross Receipts Tax on taxes collected on internet sale.

Passed, Approved and Adopted this 30th day of August at the City of Roswell, New Mexico.

RESOLUTION 2018-26

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

Whereas, Section 3-54-1 NMSA 1978 contains monetary thresholds that are used to determine whether the sale and exchange of any municipal utility, 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 30th day of August at the City of Roswell, New Mexico.

RESOLUTION 2018-27

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

Whereas, past investment plans have provided for more than one billion dollars for state highways; and

Whereas, other critical infrastructure projects 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, but not limited to, Metropolitan Planning Organizations, DOT Aviation Division and Regional Transportation 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 necessary to finance such plan including matching funds and in-kind services and set aside funding for rural areas; and

Be It Further Resolved that NMDOT Local Programs representatives be adequately staffed and properly empowered with top priority authority to provide local governments timely project processing and response to assure meeting all required funding timelines.

Passed, Approved and Adopted this 30th day of August at the City of Roswell, New Mexico.

RESOLUTION 2018-28

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

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

Whereas, NMSA 3-27-4 provides 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 consistently 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 30th day of August at the City of Roswell, New Mexico.

RESOLUTION 2018-29

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

Whereas, stormwater is not currently listed as a utility under NMSA; 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 30th day of August at the City of Roswell, New Mexico.

RESOLUTION 2018-30

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 30th day of August at the City of Roswell, New Mexico.

RESOLUTION 2018-31

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 30th day of August at the City of Roswell, New Mexico.

RESOLUTION 2018-32

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 solid 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 Association of Counties (NMAC) to develop specific policy recommendations and study issues related to sustainable EMS Services; and

Whereas, the NMML and the NMAC 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; and

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;

Be It Further Resolved that recommendations from the EMS assessment will be used by the NMAC 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 30th day of August at the City of Roswell, New Mexico.

RESOLUTION 2018-33

CONCERNING DWI AND TRAFFIC ENFORCEMENT ON PRIVATE PROPERTY OPEN TO THE PUBLIC

Whereas, driving while intoxicated (“DWI”) and other traffic offenses can threaten the health, safety and welfare of every citizen of New Mexico; and

Whereas, DWI and traffic offenses can occur in a variety of means including alcohol intoxication and drug impairment; and

Whereas, DWI and traffic offenses can occur not only on public highways, roads, and streets but also in alleys and parking lots and other areas that are privately owned, but open to the public; and

Whereas, the New Mexico Court of Appeals in the case of *Rio Rancho v. Young* imposed a requirement on local law enforcement officials to obtain the consent of the landowner prior to enforcing traffic laws, including DWI laws on private property; and

Whereas, the Court of Appeals based its decision on language contained in NMSA section 3-49-1(o) that states in relevant part: “A municipality may. . . . ; with the written consent of the owner, regulate the speed and traffic conditions on private property”; and

Whereas, this limitation on the ability of local law enforcement officials to enforce DWI and other traffic laws on private property that is open to the public is a threat to public health, safety and welfare.

Now, Therefore, Be It Resolved that the New Mexico Municipal League seek legislation to amend NMSA Section 3-49-1(o) to remove the requirement that local law enforcement officials first secure the written permission of a landowner prior to enforcing DWI and traffic regulations on private property that is open to the public.

Passed, Approved and Adopted this 30th day of August at the City of Roswell, New Mexico.

RESOLUTION 2018-34

CONCERNING LAW ENFORCEMENT AND MENTAL HEALTH PROFESSIONALS CRISIS INTERVENTION FOR THE MENTALLY ILL

Whereas, one of the greatest challenges first responders face in New Mexico and across the nation is how to effectively respond to people who have mental health disorders or who are in crisis; and

Whereas, HJM 17 (2011) made recommendations to reduce the number of individuals with mental health disorders who require law enforcement intervention; and

Whereas, New Mexico Law Enforcement agencies, Fire Personnel, EMS, and their supporting agencies are the first responders when dealing with a person who suffers from mental illness or is in crisis and such response requires adequate resources, knowledge, and equipment if such a response is to be compassionate, effective and in the best interests of the individual; and

Whereas, it is the responsibility of the State Legislature to provide adequate resources devoted to dealing with the issue of mental illness in New Mexico. This responsibility extends to all social service agencies and advocacy groups whose mission is to assist citizens suffering from mental illness, thereby reducing the need for Law Enforcement Personnel to respond to individuals in mental health crisis; and

Whereas, New Mexico Law Enforcement personnel are frequently drawn into numerous contacts with citizens suffering from mental illness or who are in crisis, and options for placement and treatment of these citizens are not readily available; and

Whereas, the risk of physical confrontation between the citizen suffering from mental illness or crisis and responding Law Enforcement personnel is high and such confrontations may result in serious injury or death to the citizen, bystanders or to the responding Law Enforcement personnel; and

Whereas, New Mexico Law Enforcement Personnel currently receive basic training on how to assess and handle those suffering from Mental illness as part of the New Mexico Law Enforcement Academy training curriculum pursuant to HB 93; and

Whereas, one of the paramount challenges facing New Mexico Law Enforcement agencies is the lack of adequate support resources for effectively handling and de-escalating potentially deadly situations involving a person or persons in crisis, the first responder and the general public. Having these support options readily available is critical when first responders arrive on-scene to prevent further tragedy. The critical missing link is the availability of Crisis Intervention Teams comprised of specifically trained Law Enforcement Personnel and Mental Health Professionals who will engage in the crisis intervention process on scene as a team; and

Whereas, New Mexico Law Enforcement recognizes and has identified the lack of available resources and professionals specifically trained in crisis intervention and dealing with the mentally ill, and has determined this to be a state wide issue which is not regionalized to a single urban, suburban or rural area. Law Enforcement agencies across the state face the same challenges in not having the readily available resource

of an available Crisis Intervention Team to assist in de-escalating potentially deadly situations and bring about a safe resolution; and

Whereas, New Mexico Law Enforcement seeks to establish a collaborative partnership with Mental Health professionals, and develop regionally based Crisis Intervention Teams throughout New Mexico that can offer immediate assistance either telephonically, or in person, thereby incorporating a level of expertise and intervention which would provide an additional resource for de-escalating a potentially deadly situation and obtaining the proper emergency assistance needed for the person or persons in crisis; and

Whereas, New Mexico Law Enforcement proposes to partner with Mental Health Professionals statewide in developing regionalized teams to effectively handle potentially volatile situations involving those who suffer from mental illness and are in crisis. This partnership in creating Regional Crisis Intervention Teams will serve as an essential tool for first responders in de-escalating potentially deadly situations, and would make sure those who are in crisis get the appropriate medical care, that especially in rural areas, is often not available pursuant to Section 43-1-10 NMSA 1978; and

Whereas, existing Crisis Intervention Teams that exist in New Mexico's larger law enforcement agencies are available to use as a model and resource for the proposed regional Crisis Intervention Teams.

Now, Therefore, Be It Resolved that the New Mexico Municipal League seek legislation to provide funding and legislative statutory support for mental health resources, and mandated Regional Crisis Intervention Teams that would be established and utilized to further support the Law Enforcement and First Responder mission of protecting and assisting a person or persons in crisis, protecting the remainder of the New Mexico community from the potential negative effects of contacts with those in crisis, and furthering collaborative efforts that would mitigate the amount and severity of negative contacts with those in crisis, thus avoiding further tragic loss of life.

Passed, Approved and Adopted this 30th day of August at the City of Roswell, New Mexico.

RESOLUTION 2018-35

CONCERNING CERTIFICATION OF POLICE OFFICERS

Whereas, all certified police officers in the State of New Mexico must meet State mandated levels of proficiency and all certified police officers receive the same basic training through an accredited New Mexico Law Enforcement Academy training program, and all Municipal Police Officers must receive certification through the New Mexico Law Enforcement Academy; and

Whereas, currently, if a criminal act occurs in a certified police officers presence outside of his Territorial Jurisdiction, that officer has no official legal police authority to intervene; and

Now, Therefore, Be It Resolved that the New Mexico Municipal League and the New Mexico Association of Chiefs of Police support legislation to clarify that any officer certified as a Police Officer by the State of New Mexico and is commissioned by an authorized appointing authority shall be recognized as a Police Officer within the State of New Mexico.

Passed, Approved and Adopted this 30th day of August at the City of Roswell, New Mexico.

RESOLUTION 2018-36

CONCERNING THE LAW ENFORCEMENT PROTECTION FUND

Whereas, the purposes of the Law Enforcement Protection Fund Act (LEPF) is to provide for the distribution of money to qualified departments, for use in the maintenance and improvement of those departments and to sustain, at a reasonable level, payments to the surviving eligible family members of peace officers killed in the line of duty; and

Whereas, the LEPF was intended to establish, in the state treasury, a dedicated fund for the purpose of law enforcement protection. Such distributions are made to municipal, county, tribal and university police departments; and

Whereas, the LEPF monies may be expended as outlined in NMSA, 1978, Section 29-13-7 Expenditure limitation; and

Whereas, the cost of law enforcement equipment continually increases and expenditures are on the rise. It is imperative that law enforcement improve services with implementation of innovative technology and other resources that are necessary to continue to provide quality service and protection of citizens and their communities; and

Whereas, the costs of mandatory or advanced training and the expenses associated with attending one of the several locally operated law enforcement academies continue to increase every year and an allocation of resources is crucial to public safety; and

Whereas, available federal funding and grants to police agencies have all but vanished and community policing and safety remain a top priority for every agency, however, with such sparse resources, the ability to serve communities is compromised.

Now, Therefore, Be It Resolved that the New Mexico Municipal League seeks legislation to distribute all remaining balances in the Law Enforcement Protection Fund, not otherwise obligated, to the appropriate Law Enforcement Agencies and any remaining balances shall not revert; and

Be It Further Resolved that a new state appropriation be created to be distributed to the satellite academies, including three regional academies, Southeastern New Mexico Law Enforcement Academy in Hobbs, San Juan County Criminal Justice Training Authority in Farmington, and Western New Mexico University Law Enforcement Academy in Silver City to provide for training that is legislatively mandated.

Passed, Approved and Adopted this 30th day of August at the City of Roswell, New Mexico.

RESOLUTION 2018-37

CONCERNING ENHANCING SAFETY IN PUBLIC SCHOOLS

Whereas, the Public Employee's Retirement Act (PERA) requires retired police officers to suspend their retirement cost of living adjustments if they are employed by a school whose employees are included under the Educational Retiree's Act (ERA) making it difficult to hire retired law enforcement officers.

Whereas, current state statutes have making a bomb threat a Felony, but currently state statutes for making a school shooting threat, involving school campuses, or affecting students and school staff are classified as misdemeanors. This includes threats using social media.

Whereas, firearms possession is not regulated by state law for individuals with mental health issues, history of violence, or other demonstrated instability creating situations where currently individuals in crisis lawfully have access to firearms. Those individuals are not under any restriction from purchasing firearms in the unstable, crisis condition they are in.

Whereas, School districts have not been funded to upgrade and/or install any security measures they deem necessary to protect their students and staff including but not limited to technology to enhance school security with card access, surveillance cameras, perimeter fencing, staff/student/visitor ID systems, intrusion alarm systems, security/police on-site personnel, etc.

Whereas, statutes to mitigate bullying have not been effectively enforced.

Now, Therefore, Be it Resolved that the New Mexico Municipal League supports legislation to:

- amend the PERA conditions for retirement to allow retired law enforcement to be employed in public schools without penalty to their PERA benefits;
- fund technology to enhance school safety;
- amend statutes regulating possession of firearms to address **Extreme Risk Protection Orders (Red Flag Laws)** for individuals in crisis and to limit their access to firearms, and their ability to obtain them;
- further increase penalties regarding school shooting threats to a felony;
- support new bullying legislation to include monitoring and follow-up on threats made by social media; and
- provide training through a School Safety Omnibus bill to respond to Active Shooters.

Passed, Approved and Adopted this 30th day of August at the City of Roswell, New Mexico.

RESOLUTION 2018-38

CONCERNING MOVING THE STATE FIRE MARSHAL'S OFFICE OUT OF THE PUBLIC REGULATION COMMISSION

Whereas, the State Fire Marshal's Office (SFMO) currently resides as a division of the Public Regulation Commission (PRC) and is statutorily tasked with providing support for New Mexico's fire services, code enforcement, fire investigations, and firefighter training; and

Whereas, there are 203 certified municipal main stations, 44 certified substations, and 28 certified administrative stations and 361 certified county fire districts, 91 certified substations, and 28 certified administrative stations in New Mexico serving a population of approximately 2.1 million citizens; and

Whereas, local government fire departments rely heavily on the SFMO for guidance, expertise, resources, and funding to provide critical services and equipment for fire protection and response; and

Whereas, one of the primary responsibilities of the SFMO is the administration and distribution of the Fire Protection Fund, created by a three percent premium tax collection on auto and fire insurance; and

Whereas, in FY2017, the Fire Protection Fund distributions included \$21,202,496.00 to 99 municipal fire districts, \$29,777,852.00 to 294 county fire districts, \$750,000.00 to the PERA Firefighter Retirement Fund, \$10,130,127.23 to the Fire Protection Grant Fund, \$558,000.00 to PRC Administrative Budget, \$488,100.00 for PRC Policy and Regulation, \$3,622,200.00 to the State Fire Marshal's Office, and \$15,069,194.23 to the State General Fund; \$250,000 Line of Duty Death Benefit, and;

Whereas, the position of State Fire Marshal was vacant from January through December 2017, along with two bureau chief positions (Fire Services and Code Enforcement), and approximately 1/3 of the remaining positions in the State Fire Marshal's Office are vacant even though sufficient funding is available; and

Whereas, during efforts to coordinate with multiple state agencies and local stakeholders on the transition to move the Fire Protection Fund distributions to an accrual accounting basis, based on HB4 during the 2017 Regular Legislative Session, it became evident that there was limited expertise or understanding of the Fire Protection Fund structure and fiscal needs of the local government fire services within the PRC; and

Whereas, the lack of stability and support of the SFMO within the PRC makes it impossible for fire services to function effectively and creates uncertainty for fire services statewide.

Now, Therefore, Be It Resolved the New Mexico Municipal League supports legislation to remove the State Fire Marshal's Office from the PRC establishing the State Fire Marshal's Office as an independent department of the State of New Mexico reporting to an approved oversight committee of subject matter experts.

Be It Further Resolved the New Mexico Municipal League request that the New Mexico State Legislature take immediate action to ensure stability of the fire services and fire protection for the health, safety, and welfare of the citizens of New Mexico.

Passed, Approved and Adopted this 30th day of August at the City of Roswell, New Mexico.

RESOLUTION 2018-39

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.

Now, Therefore Be It Resolved 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 30th day of August at the City of Roswell, New Mexico.

RESOLUTION 2018-40

CONCERNING LIBRARY BROADBAND INFRASTRUCTURE

Whereas, New Mexico public libraries provide extensive online access to meet the informational, economic, educational, cultural and recreational needs of all New Mexicans; and

Whereas, New Mexico public libraries provide online services including databases and homework help for all New Mexicans; and

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

Whereas, many citizens of the State of New Mexico do not have access to high speed internet in their homes; and

Whereas, New Mexico libraries provide access to internet and online services to hundreds of thousands of citizens who otherwise would not have access to them, and

Whereas, broadband capacity in libraries varies greatly, with rural communities lacking sufficient bandwidth to adequately serve their client's internet needs,

Whereas, access to the internet is now an essential component of education and is critical to today's economy; and

Whereas, the 2018 Legislative Session passed HB 207 to create a Library Broadband Infrastructure Fund to enable the Department of Information Technology to provide matching money for grants to bring broadband infrastructure to publicly-funded libraries; supporting grant application preparation and compliance and providing mapping and support materials for broadband; and

Whereas, although there is federal e-rate money available to assist schools and libraries upgrade their telecommunications and broadband capabilities, many libraries lack the capacity to submit the complex application necessary to receive these grants, and

Whereas, a bill will be presented to the Legislature during the 2019 Legislative Session to appropriate \$500,000 to fund library broadband infrastructure statewide; and

Whereas, as stated in the League's Statement of Municipal Policy, broadband access is a vital component of economic development, education, law enforcement and health.

Now, Therefore, Be It Resolved that the New Mexico Municipal League endorses an appropriation providing \$500,000 to the Library Broadband Infrastructure Fund to support the development of increased broadband capacity in New Mexico libraries.

Passed, Approved and Adopted this 30th day of August at the City of Roswell, New Mexico.

RESOLUTION 2018-41

CONCERNING SUPPORT FOR RESPONSIBLE & AFFORDABLE ENERGY TRANSITION POLICIES

Whereas, PNM has stated on its website and in the public hearing for its 2017 Integrated Resource Plan (IRP) that PNM's plans to shut-down the two remaining units of the San Juan Generating Station will create a loss of jobs and will increase electric rates paid by its customers;

Whereas, PNM specified in a 2005 letter to the Public Regulation Commission (PRC) that the useable life of SJGS could continue through 2053;

Whereas, in 2015 PNM enlisted the support of the San Juan County region to shut-down two units of SJGS and install state-of-the-art pollution control equipment and other improvements in the remaining 2 units with the understanding that the remaining two units would remain open;

Whereas, in January 2017, however, PNM's lobbying team informed the San Juan Legislative Delegation that PNM was no longer going to keep the remaining SJGS units open and instead was going to close the units by 2022;

Whereas, because SJGS is the sole customer of the San Juan Mine, a shut-down of SJGS in 2022 leaves the San Juan Mine without a customer, leading to a shut-down of the Mine;

Whereas, due to representations made by PNM that the plant would continue to operate, educational bonds valued at over \$40 million were issued twenty years into the future based on property tax revenues generated by SJGS and the San Juan Mine;

Whereas, based on independent third-party review, the closure of SJGS and the Mine is anticipated to result in a loss of over 1500 jobs and \$53 million annually in state and local tax revenues;

Whereas, last legislative session PNM introduced SB 49. If enacted, this bill would provide PNM with the opportunity to obtain full cost recovery from ratepayers on the premature closure of these assets, would increase the amount of renewable energy in PNM's generation portfolio to 50% by 2030 and would limit emissions from future operation of SJGS such that the use of coal would essentially be banned. A new version of this bill will likely be introduced in the upcoming session;

Whereas, during the public hearing on PNM's IRP, a representative of PNM admitted that even at 50% concentration, renewables can't meet approximately 70% of customer daily demand. In order to meet demand, PNM will have to build additional natural gas and renewable facilities to replace the electric load currently generated at SJGS by coal resources;

Whereas, during the Interim Committee on Water and Natural Resources in July, 2018, a representative of PNM testified that the cost of solar is \$.03/kW, the cost of natural gas is \$.11/kW and the cost of coal is \$.05/kW. Using this statement, since PNM plans to eliminate the cheaper source of coal, the cost of electricity will necessarily increase;

Whereas, during the public hearing on PNM's IRP, a representative of PNM admitted that at 50% renewable concentration, in order to keep the transmission grid stable, a significant amount of the renewable energy produced would have to be

curtailed – meaning a portion of these resources built and paid for by customers would not be used. PNM also admitted that electric costs to customers rise due to the curtailment of resources;

Whereas, during the public hearing on PNM’s IRP, a representative of PNM admitted that if SJGS remained open beyond 2022, costs of stranded assets (which customers pay) would decrease and impact to the San Juan County region would be minimized;

Whereas, PNM’s assertion with respect to increased costs are consistent with examples seen in other states. Most notably, California ratepayers have experienced between 60% to 80% rate increases;

Whereas, according to a national survey published by Wallethub, New Mexico has one of the lowest monthly average electricity costs;

Whereas, as recognized by the New Mexico Partnership, New Mexico’s low electric rates gives New Mexico a competitive edge in attracting business to the state;

Whereas, electricity is one of the highest costs of extractive, energy, manufacturing industries and other industries;

Whereas, an increase in electric rates will likely reduce the ability of New Mexico to attract business and could ultimately cause an exodus of business from our state, especially businesses, like extractive, energy, manufacturing and other industries that use large quantities of electricity;

Whereas, revenues generated from taxes imposed on extractive, energy, manufacturing and other industries comprise more than half of the state’s budget;

Whereas, the extractive, energy, manufacturing and other industries contribute hundreds of thousands of permanent high-wage jobs in our state;

Whereas, to-date renewables have not added to state revenues. Instead, renewables have actually cost New Mexico taxpayers \$3-5 million annually from the general fund in subsidies. Renewable resources also are not a source of significant permanent jobs;

Whereas, as stated by PNM, since the cost of renewables is \$.03/kW they are cost-competitive and there is no need to mandate increases to the renewable portfolio standard;

Whereas, if electric rates increase and businesses are impacted or leave the state, not only will the state’s budget be severely impacted, the portion of gross receipts tax (GRT) revenues received by municipalities will also decrease significantly; and

Whereas, the percentage municipalities spend on their own electricity costs, aside from labor, is one of the largest expenses borne by municipalities;

Now, Therefore, Be It Resolved, in order to develop responsible and affordable energy transition policies, any legislative proposal including securitization provisions, increases to the renewable portfolio standard, or limitations on emissions of coal-fired electric generation plants shall not be supported until potential impacts of such provisions to state and municipal budgets have been thoroughly studied and resolved.

Passed, Approved and Adopted this 30th day of August at the City of Roswell, New Mexico.

