



2016-2017

ANNUAL

RESOLUTIONS

**Adopted By:
NMML Membership
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RESOLUTION 2016-1

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

RESOLUTION 2016-2

CONCERNING INTERNATIONAL BUILDING CODE ON AIRPORTS

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

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

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

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

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

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

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

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

Now, Therefore, Be It Resolved that the New Mexico Municipal League urges the State Construction Industries Division to amend the 2009 or subsequent IBC to exempt internal airport properties from the definition of “public way” or to seek other appropriate legislation.

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

RESOLUTION 2016-3

CONCERNING PERSONNEL RECORDS AND THE INSPECTION OF PUBLIC RECORDS ACT

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

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

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

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

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

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

Now, Therefore, Be It Resolved that the New Mexico Municipal League should seek the introduction of legislation that would exempt from disclosure, the names of individuals applying for high-ranking appointive positions with municipal governments until those individuals become finalists in the recruitment process; and

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

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

RESOLUTION 2016-4

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; and

Whereas, that has driven the price for existing licenses as high a \$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, 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 and competitive environment in dealing with the sale, transfer and ownership of Retailer and Dispenser licenses in the state.

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

RESOLUTION 2016-5

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

RESOLUTION 2016-6

CONCERNING THE ELECTION PROCESS WHERE ALL CANDIDATES ARE UNOPPOSED

Whereas, municipal government is led by officials who are required by the New Mexico Constitution, to be elected by the citizens of their respective communities; and

Whereas, the New Mexico Municipal Election Code provides that municipal officers be elected for four year terms on staggered cycles; and

Whereas, the New Mexico Municipal Election Code provides that in order to maintain the staggered terms of municipal officials, municipal election shall occur every two years; and

Whereas, the New Mexico Municipal Election Code provides that candidates that wish to appear on the ballot must declare their candidacy 56 days prior to the date set for the municipal election; and

Whereas, the New Mexico Municipal election Code provides that a write-in candidate for a municipal office must declare their candidacy 49 days prior to the election; and

Whereas, the New Mexico Municipal Election Code precludes running for office unless a candidate is either a declared candidate or a declared write-in candidate; and

Whereas, the officially recognized candidates for municipal officer are established 47 days prior to the election; and

Whereas, the New Mexico Municipal Election Code provides that no person may be elected as a write-in candidate unless that person has declared their candidacy and has been certified by the municipal clerk; and

Whereas, many New Mexico municipalities conduct elections where all the candidates for municipal offices are running unopposed; and

Whereas, the expense and procedure of conducting a municipal election must be completed, even if all the candidates for municipal office are running unopposed; and

Whereas, the cost of conducting municipal elections continues to rise.

Now, Therefore, Be It Resolved that the New Mexico Municipal League supports a change in the Constitutional and statutory requirements of holding municipal elections when there are no candidates or when all the candidates for municipal office are running without opposition and there are no questions on the ballot.

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

RESOLUTION 2016-7

CONCERNING 2016 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 8, 2016 ballot.

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

RESOLUTION 2016-8

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

RESOLUTION 2016-9

CONCERNING SERVICE OF MUNICIPAL WARRANTS

Whereas, municipal warrants are currently enforceable only within the county in which they are issued; and

Whereas, many municipalities are close to other counties in which offenders reside and evade arrest; and

Whereas, if those who evade arrest by virtue of such residency could be served, justice itself would ultimately be better served; and

Whereas, on May 6, 2016 a proposal was made to the Chief Judges Council of the Supreme Court where a motion was presented and voted upon to recommend to the Supreme Court that the jurisdiction of municipal arrest warrants be extended to adjoining counties; and

Whereas, on May 18, 2016, the New Mexico Supreme Court met and agreed to support legislation to expand municipal arrest warrant jurisdiction to adjoining counties.

Now, Therefore, Be It Resolved that the New Mexico Municipal League seek legislation to amend Section 35-15-4 NMSA 1978 to read:

Section 35-15-4: **[Authority of constable or sheriff to serve process and make arrests.]**

Any constable or sheriff of the county in which the municipality is located or a county adjacent to the county in which the municipality is located may serve any process or make any arrests authorized to be made by the city or town officer of the municipality where the violation occurred, except for parking violations.

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

RESOLUTION 2016-10

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

RESOLUTION 2016-11

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.

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

RESOLUTION 2016-12

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

RESOLUTION 2016-13

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

RESOLUTION 2016-14

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

RESOLUTION 2016-15

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 unopposed 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 1st day of September at the City of Hobbs, New Mexico.

RESOLUTION 2016-16

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

RESOLUTION 2016-17

CONCERNING IRREVOCABLE TRUSTS SET UP BY MUNICIPALITIES AND COUNTIES

Whereas, GASB 45 requires all public sector employers offering post-employment benefits, other than pensions, to reflect the costs of the benefits in their financial statements and to disclose the amount of any unfunded liability; and

Whereas, the cost of the OPEB liabilities include the accrual of the costs of the OPEB benefits over the career of an employee; and

Whereas, bond ratings could be negatively affected by the results of the GASB valuations and the unfunded recorded liabilities; and

Whereas, GASB 45 allows for a separate irrevocable trust to be set up to fund the liability and to increase the discount rate at which the funds can be invested thus reducing the overall liability; and

Whereas, the New Mexico State statute, NMSA 1978, Section 6-10-10 limits investments for municipalities and counties to fixed income securities and specific debt instruments which reduces the expected amount of return the trust is able to earn; and

Whereas, irrevocable trusts set up by municipalities and counties should be regulated by the New Mexico State Statute, NMSA 1978 Fiduciaries and Trusts Article 9A – Uniform Prudent Management of Institutional Funds, Section 46-9A-3 Standard of conduct in managing and investing an institutional fund Section 46-9A-3 (2013) rather than NMSA 1978, Section 6-10-10; and

Whereas, municipalities and counties that have set up irrevocable trusts for OPEB benefits would be able to increase investment earnings using the NMSA 1978 Fiduciaries and Trusts rule as opposed to NMSA 6-10-10.

Now, Therefore, Be It Resolved that the New Mexico Municipal League urges the legislature and governor to allow municipal and county trusts to be governed under NMSA 1978 Fiduciaries and Trusts Section 46-9A-3.

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

RESOLUTION 2016-18

CONCERNING STATE AND LOCAL TAX REFORM

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

RESOLUTION 2016-19

CONCERNING HOMESTEAD EXEMPTIONS FOR PROPERTY TAX PURPOSES

Whereas, current law does not allow a municipality to, by ordinance, establish a residential homestead exemption for property tax assessment; and

Whereas, municipalities should have the right to establish residential homestead exemptions for the benefit of residential property taxpayers; and

Whereas, municipalities recognize that the homestead exemption would apply only to municipal property tax levies.

Now, Therefore, Be It Resolved that the New Mexico Municipal League support legislation that would allow municipalities to grant a residential homestead exemption up to \$50,000 for municipal property tax levies.

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

RESOLUTION 2016-20

CONCERNING THE BUSINESS REGISTRATION FEE AS AUTHORIZED BY SECTION 3-38-3, NMSA, 1978

Whereas, Section 3-38-3, NMSA, 1978 authorizes a municipality, by ordinance, to impose a Business Registration Fee of up to \$35.00 annually on each place of business within the municipality; and

Whereas, Section 3-38-4, NMSA, 1978 provides for the business registration by ordinance and allows such fee to be prorated for the remainder of the calendar year the business is to be operated and to renew such business registration annually; and

Whereas, Section 3-38-5, NMSA, 1978 provides that a municipality may charge \$10 annually for a late fee which does not incentivize some businesses to comply by registering annually; and

Whereas, municipalities welcome the opportunity to support new and renewed business activity and to ensure that services are available and provided at the business location; and

Whereas, municipalities desire to prevent improper conduct, zoning and occupancy that may occur at the designated location that would negatively impact the health and welfare of surrounding businesses and property owners; and

Whereas, municipalities also issue Business Registrations for the purpose of protecting the state and local tax base by insuring that businesses in a municipality have a Combined Reporting System Identification Number; and

Whereas, some business owners choose not to register their businesses and operate out of compliance with State Law and local ordinances causing the municipality to take appropriate action through enforcement activities as provided for in 3-38-5 NMSA, 1978; and

Whereas, the costs incurred by municipalities to process, verify and enforce business registrations greatly exceed \$35.00 annually and the business registration fee has not been increased since 1988; and

Whereas, municipalities desire to impose a fee of up to \$100 annually and to, by ordinance establish fee categories based on services provided by the municipality; and

Whereas, enforcement provisions in state statutes need to be strengthened to provide that a municipality not issue a business registration for conduct of commercial activity to any person whose records reflect any unresolved noncompliance with the businesses registration provisions or any other municipal ordinance or regulations; and

Whereas, a municipality should have the ability to take appropriate legal action against any business being conducted in violation of state law or local ordinance and to prevent the conduct of business or to restrain, correct or abate a violation, including for non-payment of the business registration fee for issuance or renewal by the deadline date; and

Whereas, a municipality should have the power to, by certified mail, order the appearance of the business owner before the Municipal Clerk within 30 days from date of notice, to show cause why the municipalities should not initiate legal proceedings.

Now, Therefore, Be It Resolved that the New Mexico Municipal League support legislation to provide for a Business Registration Fee of up to \$100.00 per year and to strengthen the enforcement penalties for those businesses in non-compliance including a late fee not to exceed \$100.00 annually.

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

RESOLUTION 2016-21

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 necessary 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, 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 1st day of September at the City of Hobbs, New Mexico.

RESOLUTION 2016-22

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

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

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

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

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

RESOLUTION 2016-23

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 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 municipalities, the Governor and the Legislature collaborate on the development of critical local transportation projects and a comprehensive investment plan.

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

RESOLUTION 2016-24

CONCERNING MUNICIPAL TECHNOLOGY INFRASTRUCTURE FEES

Whereas, computerized technology touches every point in municipal government; and

Whereas, new communication channels are appearing and being used while the older channels, i.e., public office space, letters and phone systems must continue to be maintained; and

Whereas, economic indicators prove that municipalities that embrace, provide and encourage the use of modern technology and communication channels will continue to thrive and prosper; and

Whereas, municipal departmental funding for computerized technology is not sufficient to meet the public's demand; and

Whereas, the necessity to secure, protect and analyze current and expanding data and networks creates a burden on existing departmental budgets.

Now Therefore Be It Resolved that the New Mexico Municipal League supports legislation allowing local governments a local option election to impose a technology infrastructure fee to further communication technology at the local level.

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

RESOLUTION 2016-25

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 Hobbs, New Mexico.

RESOLUTION 2016-26

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

RESOLUTION 2016-27

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

RESOLUTION 2016-28

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 frequently 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 1st day of September at the City of Hobbs, New Mexico.

RESOLUTION 2016-29

CONCERNING TAMPERING, DISABLING OR OTHERWISE MISUSING A FIRE ALARM, ALARM SYSTEMS OR SUPPRESSION SYSTEMS

Whereas, currently, no penalty exists in state law for tampering with, disabling or otherwise misusing a fire alarm, alarm system or suppression system; and

Whereas, tampering with, disabling or otherwise misusing a fire alarm, alarm system or suppression system could place the public in danger and become a life safety issue due to the fire alarm, alarm system or suppression system not functioning properly or at all; and

Whereas, false alarms caused by tampering with, disabling or otherwise misusing a fire alarm cause fire departments to deploy manpower and equipment when that deployment is unnecessary, wasting taxpayer resources and placing firefighters in danger while responding to an unknown hazard; and

Whereas, in order to deter persons from tampering with, disabling or otherwise misusing a fire alarm, alarm system or suppression system a penalty on the order of a misdemeanor should be imposed on persons tampering with, disabling or otherwise misusing a fire alarm.

Now, Therefore, Be It Resolved that the New Mexico Municipal League supports legislation making tampering with, disabling or otherwise misusing a fire alarm, alarm system or suppression system a misdemeanor for penalty purposes.

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

RESOLUTION 2016-30

CONCERNING THE EXTENSION OF THE NEW MEXICO SOLAR MARKET DEVELOPMENT TAX CREDIT

Whereas, solar installations provide clean and affordable electricity, use less water than other power sources and provide an important driver of employment and economic growth; and

Whereas, the solar industry employs an estimated 1,900 people in New Mexico and added 300 jobs in 2015 alone; and

Whereas, the New Mexico Solar Market Development Tax Credit is scheduled to expire on December 2016 and was fully allocated by June of 2016; and

Whereas, the state's solar tax credit budget of \$3 million per year has proven extremely cost effective, leveraging an estimated \$30 million in private investment, creating high-quality jobs, diversifying our energy portfolio and preserving water; and

Whereas, the State of New Mexico has codified its commitment to diversify energy production in the Renewable Portfolio Standard and requires that, when energy sources are equal in cost, state agencies must choose energy from renewable sources.

Now, Therefore, Be It Resolved, that the New Mexico Municipal League supports the extension of the New Mexico Solar Market Development Tax Credit.

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

RESOLUTION 2016-31

CONCERNING EXTENDED JURISDICTION OF MUNICIPAL POLICE OFFICERS

Whereas, within the State of New Mexico, municipal police officers and county sheriffs are bound to “Territorial Jurisdiction,” regardless of the type and size of the law enforcement agency, and State legislative law enforcement authority exists only within those jurisdictions, with the exception of an agreement referred to as “Cross Commission”; and

Whereas, within the State of New Mexico the State Police, County Sheriffs, and Municipal Law Enforcement agencies are limited in authority based upon “Territorial Jurisdiction.” The State Police have state wide jurisdiction, the County Sheriffs have county wide jurisdiction, and Municipal Agencies have sole jurisdiction within the city boundaries, unless a “Cross Commission” agreement exists. The authority of a certified law enforcement officer to investigate crimes which have an absolute “Nexus” to their “Territorial Jurisdiction” is limited should the witnesses and or suspect(s) reside or have fled outside of the employing agency’s “Territorial Jurisdiction.” Based on the lack of authority, in such cases the investigating agency must seek assistance from the jurisdictional agency in which the investigation has led them to in the course of their duties. Based upon man power shortages and the unavailability of resources of that agency; they may not be able to accommodate the request, or the time frame for accommodation is unreasonable; and

Whereas, within the State of New Mexico there currently are an estimated 2000 vacant certified law enforcement positions statewide, with that number expected to increase in the future. Many law enforcement agencies statewide are experiencing a lack of personnel and limited resources; many do not have the availability to adequately accommodate requests from outside agencies to assist in their investigations; and

Whereas, the lack of law enforcement authority experienced by County Sheriffs, and Municipal Police Agencies have been the direct cause of solvable cases becoming inactive simply because law enforcement officers are limited in authority to “Territorial Jurisdiction.” Many cases never see the light of a courtroom and many victims are left without justice. Currently, should a law enforcement officer outside their “Territorial Jurisdiction” engage in any type of law enforcement activity excluding Mutual Aid or a Cross Commission agreement, they could potentially face criminal prosecution based on the lack of law enforcement authority; and

Whereas, the term “Nexus” as referred to, is defined as having a direct connection to, or linked to a crime committed in the “Home Jurisdiction” of the investigating law enforcement agency; and

Whereas, the term “Policy & Procedure” is defined as an operational guideline, overall plan embracing the general goals and acceptable procedures, a definite course or method of action in light of given circumstances; and

Whereas, this resolution is the general model of legislative law enforcement authority for individual States within the United States of America. Nothing in this resolution is in contrast to or minimizes guaranteed individual rights which are protected under the State of New Mexico Constitution.

Now, Therefore, Be it Resolved that the New Mexico Municipal League and the New Mexico Association of Chiefs of Police seek legislation to extend the territorial jurisdiction of municipal police officers by providing that, any fulltime employed law enforcement officer within the State of New Mexico, who has met the State Legislative uniform requirements as outlined in 29-7-6 NMSA 1978 (Law Enforcement Training), and is certified as a peace officer through the State of New Mexico, shall have uniform law enforcement authority to conduct, within any extended jurisdiction adopted by the municipal governing body, any investigation and arrest which has a direct “Nexus” to the “Territorial Jurisdiction” of his/her employing agency, and the prosecution venue of such crimes is within their “Territorial Jurisdiction”; and

Be it Further Resolved within the State of New Mexico that each municipality may develop and implement policy and procedures to accommodate extended law enforcement authority, and place guidelines in which the primary goal is the focus of criminal investigations and prosecution for crimes that have a direct “Nexus” to their specific “Territorial Jurisdiction.” The “Policy and Procedures” should include, but not be limited to addressing each agency’s personnel are primarily responsible for enforcing laws within their own “Territorial Jurisdiction.” This includes notification to the appropriate jurisdictional agency when an investigation has led them to an outside jurisdiction. Every municipality has the ability to develop policy and procedure defining guidelines for their law enforcement personnel.

Be it Further Resolved that the New Mexico Municipal League and the New Mexico Association of Chiefs of Police seeks legislation to address general liability as the result of a New Mexico certified law enforcement officer exercising his/her authority, within the scope of his/her duties as being incurred by the employing agency, should the foundation for such liability take place in an outside jurisdiction. This shall be addressed in each municipality’s “Policy & Procedure Manual” for law enforcement personnel.

Be It Further Resolved that the New Mexico Municipal League and the New Mexico Association of Chiefs of Police supports legislation to amend NMSA 1978 Section 3-13-2 as follows:

3-13-2. Police officers.

A. The police officer of a municipality shall:

- (1) execute and return all writs and process as directed by the municipal judge of the municipality employing the police officer;
- (2) execute and return all criminal process as directed by the municipal judge of any incorporated municipality in the state if the criminal process arises out of a charge of violation of a municipal ordinance prohibiting driving while under the influence of intoxicating liquor or drugs;
- (3) serve criminal writs and process specified in Paragraphs (1) and (2) of this subsection in any part of the county wherein the municipality is situated; and

- (4) within the municipality:
 - (a) suppress all riots, disturbances and breaches of the peace;
 - (b) apprehend all disorderly persons;
 - (c) pursue and arrest any person fleeing from justice; and
 - (d) apprehend any person in the act of violating the laws of the state or the ordinances of the municipality and bring him before competent authority for examination and trial.

B. In the discharge of his proper duties, a police officer shall have the same powers and be subject to the same responsibilities as sheriffs in similar cases.

C. The jurisdiction of a municipal police officer provided for in subsection A may be extended beyond the municipal limits provided that the governing body of the municipality employing the police officer has adopted a policy, including rules and regulations that specify the geographical jurisdiction of its officers and the conditions and limitations of any extended jurisdiction. This authority shall only apply to the investigation and arrest of individuals accused of committing a criminal offense that was committed within the municipality seeking the extended jurisdiction.

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

RESOLUTION 2016-32

CONCERNING AN OFFENDER'S POSSESSION OF FIREARMS WHILE SUBJECT TO AN ORDER OF PROTECTION OR FOLLOWING CONVICTION FOR A DOMESTIC VIOLENCE OFFENSE

Whereas, the Violence Policy Center ranked New Mexico as the third most dangerous state for women in 2013, the year in which twenty-one women were killed by their intimate partners, fourteen of which were committed with a firearm; and

Whereas, a woman is five times more likely to be killed by a domestic violence offender if the offender owns a gun; and

Whereas, a firearm was used in 64% of reviewed CY2012 homicides and 86% of reviewed suicides; and

Whereas, six reviewed CY2012 cases involved a prohibited person in possession of a firearm and three had convictions for misdemeanor domestic violence and all six had at least one felony conviction; and

Whereas, all 13 judicial district courts combined issued 3,523 domestic violence orders of protection during calendar year 2013 and the following year 3,512 orders were issued; and

Whereas, a law is needed that will reduce the threat women and children experience from domestic violence offenders; and

Whereas, New Mexico Intimate Partner Violence Death Review Team has urged for the creation and passage of such state legislation actively supported by New Mexicans to Prevent Gun Violence, Coalition to Stop Gun Violence, The Office of the Attorney General, District Attorney Jennifer Padgett and domestic violence awareness groups throughout the State of New Mexico; and

Whereas, twenty-eight states have enacted similar legislation that prohibits possession of, or sales to, any person subject to an order of protection under the Family Violence Protection Act; and

Whereas, such bill, called "Relating to Domestic Violence; Prohibiting Individuals Subject to Orders of Protection from Possessing or Purchasing Firearms," has been prepared by the New Mexico Legislative Council Services that mirrors Federal statute; and

Whereas, this legislation will aid law enforcement in keeping the peace in volatile domestic relationships, reinforce the importance of removing firearms from the hands of domestic violence offenders, may provide resources for retrieving and storing these weapons and create a comprehensive system for monitoring compliance.

Now, Therefore, Be it Resolved that the New Mexico Municipal League supports legislation relating to Domestic Violence; “Prohibiting Individuals Subject to Orders of Protection from Possessing or Purchasing Firearms.”

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

RESOLUTION 2016-33

CONCERNING THE STATE DEADLINE FOR FINAL BUDGET APPROVAL

Whereas, the New Mexico Department of Finance Administration and the New Mexico State Auditor require New Mexico Municipalities to submit a final budget for the new year by July 31st each year; and

Whereas, New Mexico Municipalities have limited resources and personnel dedicated to finance and budget preparation; and

Whereas, New Mexico Municipalities sometimes have difficulty hiring qualified staff in accounting, finance and budget; and

Whereas, the deadline, July 31st, required by the NM Department of Finance Administration is burdensome and stressful for New Mexico Municipalities due to closing the accounting books for the previous year; and

Whereas, thirty-one days is not enough time for New Mexico Municipalities to close the books and compile a budget for the new year; and

Whereas, New Mexico Municipalities realize that the Department of Local Government, New Mexico Department of Finance Administration has a deadline of September 6th to review and submit Municipal Budgets which causes a deadline crunch;

Now, Therefore, Be It Resolved that the New Mexico Municipal League support a reform in the budget deadline required and work with the New Mexico Department of Finance Administration and the New Mexico State Auditor to develop a plan that is acceptable to New Mexico Municipalities.

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

RESOLUTION 2016-34

CONCERNING STATE GRANTS 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, school and college libraries to coordinate the use of scarce library funds within the community and statewide; and

Whereas, a proposal will be presented to the 2017 New Mexico Legislature to increase the appropriation from the general fund to the library division of the cultural affairs department to provide grants-in-aid for local library services and operations; 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 1st day of September at the City of Hobbs, New Mexico.

RESOLUTION 2016-35

CONCERNING MUNICIPAL RECALL ELECTIONS

Whereas, NMSA 3-14-16 provides that in any commission-manager municipality, any elective officer is subject to a recall election; and

Whereas, a recall may be held in a commission-manager municipality without cause or justification; and

Whereas, upon petition seeking the recall of an elective officer, signed by the qualified electors in a number more than twenty percent of the average number of voters who voted at the previous four regular municipal elections or more than twenty percent of the number of voters who voted at the previous regular municipal election, whichever is greater, the commission shall call a special election unless the regular municipal election occurs within sixty days, in which case the qualified electors shall vote on the recall at the regular election; and

Whereas, holding a special election is an unbudgeted and substantial expense for many municipalities; and

Whereas, the removal of any municipal official has the potential to create a substantial disruption in the regular operations of the municipality; and

Whereas, NMSA 10-4-2 outlines causes for removal of local officers which may include; conviction of any felony or any misdemeanor involving moral turpitude, failure, neglect or refusal to discharge the duties of the office, or failure, neglect or refusal to discharge any duty devolving upon the officer by virtue of his office, knowingly demanding or receiving illegal fees as such officer, failure to account for money coming into his hands as such officer, gross incompetency or gross negligence in discharging duties of the office, and any other act or acts, which in the opinion of the court or jury amount to corruption in office or gross immorality rendering the incumbent unfit to fill the office; and

Whereas, the Constitution of the State of New Mexico Article X Section 9 states that, an elected official of a county is subject to recall by the voters of the county, and that a petition for a recall election shall cite grounds of malfeasance or misfeasance in office or violation of the oath of office by the official concerned. Article X Section 9 further provides for a hearing by the district court to determine that probable cause exists for the grounds for recall;

Now, Therefore, Be it Resolved that the New Mexico Municipal League urges the New Mexico Legislature to study, review and make changes to NMSA 3-14-16 incorporating language requiring petitions for recall in a commission-manager municipality to cite grounds of malfeasance or misfeasance in office or violation of the oath of office by the official concerned and providing an opportunity for a hearing to determine that probable cause exists for the grounds for recall.

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

2016 Resolutions Committee

RESOLUTION 2016-36

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