

2008-2009



**ANNUAL
RESOLUTIONS**

Adopted By:

NMML Membership

August 14, 2008

Clovis, NM

TABLE OF CONTENTS
2008-2009
ANNUAL RESOLUTIONS

Community, Economic Development, Governmental Operations & Human Resources

- 1 Concerning Forfeited Bond Monies in Non-Felony Cases
- 2 Concerning Increasing the Jurisdictional Amount of Petty Misdemeanor Offenses
- 3 Concerning Inspections by State Certified Municipal Building Inspectors
- 4 Concerning an Amendment to the State Open Meetings Act
- 5 Concerning Legislation Requiring the State of New Mexico to add Municipal Judges to the Language in Section 34-10-1; Providing for a Municipal Judge to Sit on the Judicial Standards Commission
- 6 Concerning Amendments to Section 3-11-5, NMSA 1978 Having to Confirm Persons Who Shall be Employed by the Municipality at Every Organizational Meeting
- 7 Concerning Amending the Land Grant Act to Prohibit Jurisdiction of Land Grant Boards Over Municipalities
- 8 Concerning Building Inspectors
- 9 Concerning Real Estate Disclosure Near Airports
- 10 Concerning Standardized Procedures in the Election Code
- 11 Concerning the Municipal Imposition of a Traffic Safety Fee
- 12 Concerning the Inaccessibility of Housing Programs for Rural Communities
- 13 Concerning 2008 Bond Issue for Libraries
- 14 Concerning State Grants for Libraries
- 15 Concerning the Green Jobs Pledge
- 16 Concerning Maintaining Flexibility in the Tax Increment Development District Statute
- 17 Concerning International Building Code on Airports

Environment, Energy & Natural Resources

- 18 Concerning the Implementation of the Arsenic Rule in Drinking Water
- 19 Concerning the Water Conservation Fee
- 20 Concerning the Adoption of Enforceable Water Quality Protection Requirements without Public Hearing
- 21 Concerning National Pollution Discharge Elimination System Primacy (NPDES)
- 22 Concerning Utility Operator Certification Requirements
- 23 Concerning the Amendment to Section 72-1-9 NMSA 1978 (being Laws 1985, Chapter 198, Section 1, as amended) Relating to the Water Use Planning Period
- 24 Concerning Forty Year Water Planning Process
- 25 Concerning Support of Municipal Water Systems

Finance, Intergovernmental Relations & Taxation

- 26 Concerning Reporting Collections and Gross Receipts Distribution to Municipalities by the Taxation and Revenue Department
- 27 Concerning Fidelity Bonds of Municipal Treasurers
- 28 Concerning State Funding Assistance for Municipal Solid Waste Hauling Costs
- 29 Concerning Federal Payments in Lieu of Taxes to Municipalities
- 30 Concerning Real Estate Transfer Tax for Affordable Housing
- 31 Concerning Municipal Share in Gaming Revenues
- 32 Concerning Mutual Efforts to Increase Compliance with Gross Receipts and Compensating Tax Act and Municipal Business Registration Ordinances
- 33 Concerning the Local DWI Grant Program Funding for Municipalities
- 34 Concerning Continuity in the Issuance and Administration of State Grant Monies
- 35 Concerning Correction Fee Increase for Municipal Courts
- 36 Concerning Expansion of the State Production Tax Credits and Renewal of the Federal Production Tax Credits for Wind and Solar Energy Projects
- 37 Concerning Preservation of Incentives for the Film Industry in New Mexico
- 38 Concerning Telecommunications Franchising, Establishing a Uniform Tax to Assure Competitively Neutral Treatment of Telecommunications Providers

Public Infrastructure & Communications

- 39 Concerning Extending the Time Period for Professional Services Contracts
- 40 Concerning Telecommunications Franchise Ordinances
- 41 Concerning Revisions to the Sale or Lease of Public Property Section for Monetary Thresholds
- 42 Concerning Funding for the Operation of Regional Transit Districts
- 43 Concerning City Broadband Networks
- 44 Concerning Regional Telecommunications Districts
- 45 Concerning Additional Funding for Municipal Streets, Roads, Bridges, Rail and Transit

Public Safety

- 46 Concerning Amendment of the Fireworks Licensing and Safety Act
- 47 Concerning Support of Legislation for the Use of Photo Radar Enforcement and Red Light Cameras
- 48 Concerning Reimbursement for Law Enforcement Training at Satellite Academies
- 49 Concerning Opposition to Proposed Federal Legislation Calling for State and Local Police to Enforce Federal Civil Immigration Laws
- 50 Concerning the Adoption of Appropriate Physical Fitness Standards for Law Enforcement

Public Safety - *continued*

- 51 Concerning Gang Related Crime and Activity in New Mexico
- 52 Concerning Administrative Suspension of Drivers' Licenses of Persons Driving Under the Influence of Drugs
- 53 Concerning Support of Additional Legislation to Attack the Growing Methamphetamine Problem in New Mexico
- 54 Concerning Development of a State Plan to Designate Hazardous Cargo Routes
- 55 Concerning the EMS Fund Act
- 56 Concerning the Law Enforcement Protection Fund
- 57 Concerning Registered Sex Offenders Living or Meeting in Close Proximity to Schools, Parks and other Public Facilities
- 58 Concerning DFA Regulations on Public Safety Answering Points (PSAPs)
- 59 Concerning Drug Testing for Public Assistance Recipients
- 60 Concerning Drug Testing for Students with Truancy Problems

Resolutions Committee

- 61 Concerning DWI Offenses and the Driver's License Revocation Process
- 62 Concerning Part-Time Certified Police Officers Performance Law Enforcement Duties
- 63 Concerning the State Fire Fund
- 64 Concerning Local Option 911 Emergency Communication System Service Fee
- 65 Concerning the Establishment of a Metropolitan Court in Dona Ana County
- 66 Concerning the Creation of Additional Incentives for Residential and Commercial Energy Efficiency Applications

Annual Business Meeting

- 67 Concerning Distribution of Small Cities Assistance Funds by the Taxation and Revenue Department
- 68 Concerning Municipal Emergency Services Gross Receipts Tax Authority

RESOLUTION NO. 2008-1

CONCERNING FORFEITED BOND MONIES IN NON-FELONY CASES

Whereas, Section 31-3-2F NMSA 1978 states that after a surety bond has been forfeited, if the accused later surrendered to the Court and “the apprehension of the accused in some way was aided by the surety’s efforts or by information supplied by the surety” the forfeited amount shall be returned to the surety; and

Whereas, forfeited bond money is deposited into the general fund; and

Whereas, there is no time limit in which this surrender is to take place; and

Whereas, a surety could return an accused to the court ten years after a five thousand dollar bond forfeiture, and the municipality is required to return that money if the surety aided in the accused’s return; and

Whereas, there is no way for a municipality to budget for this possible return of money.

Now, Therefore, Be It Resolved that the New Mexico Municipal League supports an amendment to Section 31-3-2F to establish a two year statute of limitations for the mandatory return of forfeited monies in non-felony cases.

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-2

**CONCERNING INCREASING THE JURISDICTIONAL
AMOUNT OF PETTY MISDEMEANOR OFFENSES**

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

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

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

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

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-3

**CONCERNING INSPECTIONS BY STATE CERTIFIED
MUNICIPAL BUILDING INSPECTORS**

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

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

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

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

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

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-4

CONCERNING AN AMENDMENT TO THE STATE OPEN MEETINGS ACT

Whereas, the New Mexico Open Meetings Act currently provides exceptions to its requirement that all discussion and decisions occur in open meetings attended by the public for ten issues that can be discussed in a closed session; and

Whereas, the above mentioned exceptions fail to protect the confidentiality of certain proprietary information, intellectual property and other forms of critical confidential information which exists in the myriad of businesses investing in and doing business in today's technology; and

Whereas, there is a critical need to bring New Mexico's communities to the forefront in the interstate competition for economic development and equalize the competition for the location of cutting edge technological businesses within New Mexico; and

Whereas, the governing bodies of local municipalities are approached regularly by business entities investigating the suitability of the community for their business development and growth, a project's feasibility and local rules relating to the possible placement of business in the municipality; and

Whereas, during their initial planning stages, many of these businesses must discuss sensitive proprietary, confidential information and intellectual property issues with the local government bodies in order to make informed decisions concerning the potential location of their businesses in or near our communities; and

Whereas, these companies are reluctant to share that information in an environment where they cannot depend on protection of the confidentiality of that information which works to exclude many New Mexico communities from consideration in these important economic development decisions; and

Whereas, the preservation of the confidentiality of this sensitive proprietary, confidential information and intellectual property is protected in other states and in some federal proceedings provided that all decisions are made in open session; and

Whereas, communities in other states have a competitive advantage over New Mexico municipalities with respect to Economic Development because of the inability of New Mexico's communities to protect their sensitive proprietary, confidential information and intellectual property.

Now, Therefore, Be It Resolved that the New Mexico Municipal League urges the state legislature to revise and update the Open Meetings Act exceptions to include discussions where confidential proprietary business information and intellectual property must be discussed.

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-5

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

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

Whereas, complaints are filed against Municipal Judges; and

Whereas, Judicial Standards Commission reviews those complaints; and

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

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

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-6

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

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

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

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

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

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

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

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-7

CONCERNING AMENDING THE LAND GRANT ACT TO PROHIBIT JURISDICTION OF LAND GRANT BOARDS OVER MUNICIPALITIES

Whereas, the current Land Grant Act allows Land Grant Boards to exercise jurisdictional powers, including condemnation and planning and zoning jurisdiction, within a municipality; and

Whereas, the Land Grant Act has unintended consequences on municipalities that may cause unnecessary legal conflicts and litigation; and

Whereas, the Land Grant Act currently allows for zoning conflicts between municipalities and Land Grants to be resolved through the New Mexico Department of Finance and Administration; and

Whereas, zoning conflicts between municipalities and Land Grants should be resolved by the zoning laws of the municipality.

Now, Therefore, Be It Resolved that the New Mexico Municipal League supports legislation to amend the New Mexico Land Grant Act to eliminate jurisdictional overlap between Land Grant Boards and municipalities.

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-8

CONCERNING BUILDING INSPECTORS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-9

CONCERNING REAL ESTATE DISCLOSURE NEAR AIRPORTS

Whereas, airports are valued assets and preservation of programs that support airports is an important part of overall community development; and

Whereas, airports are one of the best economic “engines” a community can have; and

Whereas, communities, along with federal and state agencies, invest substantial amounts of funding to maintain and upgrade airport infrastructure; and

Whereas, municipalities receiving federal funds agree to protect and ensure the viability of the airport through zoning and land use planning; and

Whereas, most noise complaints are associated with new development around existing airports by home buyers that are sometimes unaware of the location of the airport until after they have purchased their home; and

Whereas, other states have successfully adopted legislation to inform buyers which has helped to reduce the number of complaints associated with residential growth around airports; and

Whereas, a majority of Real Estate Brokers, Agents, and Developers presently utilize some type of disclosure form that indicates the condition of the property prior to the sale.

Now, Therefore, Be It Resolved that the New Mexico Municipal League supports state legislation to require disclosure to potential buyers by the seller of real estate property located within three (3) statute miles of the official “reference point” of an airport, or underlying an area of regular aviation activity.

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-10

**CONCERNING STANDARDIZED PROCEDURES IN THE
ELECTION CODE**

Whereas, there have been a number of changes over the past few years both on the state and federal levels concerning the conduct of elections; and

Whereas, municipal elections are governed by a separate election code; and

Whereas, there are sections of the Municipal Election Code that are no longer consistent with the conduct of other elections; and

Whereas, these inconsistencies between the State Election Code and the Municipal Election Code are confusing to the voter; and

Whereas, the municipal and county clerks have appointed a task force to study the feasibility of standardizing the Municipal Election Code.

Now, Therefore, Be It Resolved that the New Mexico Municipal League seeks legislation to standardize procedures for state, county and municipal elections.

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-11

CONCERNING MUNICIPAL IMPOSITION OF A TRAFFIC SAFETY FEE

Whereas, in 1990 the New Mexico State Legislature passed a law granting the State authority to impose a \$3.00 Traffic Safety Fee on all convictions of violations of the Motor Vehicle Code involving the operation of a motor vehicle; and

Whereas, the Traffic Safety Fee is remitted to the state which allocates no less than 50% of the funds to the law enforcement agency that issued the citation, providing the agency has an approved traffic safety program plan; and

Whereas, the funds must be used to purchase equipment, including equipment for making fingerprint impressions of all persons arrested for or convicted of DWI, and support services as are necessary to establish and maintain a traffic safety program; and

Whereas, the 1990 law did not amend Section 35-14-11 NMSA to authorize municipalities to impose the Traffic Safety Fee; and

Whereas, all municipalities should have the same opportunity as the state, counties and the City of Albuquerque to receive funding to establish traffic safety programs.

Now, Therefore, Be It Resolved that the New Mexico Municipal League seeks legislation granting authority to municipalities to impose and municipal courts to collect a \$3.00 Traffic Safety Fee to be used for state-approved traffic safety programs and the purposes specified in current law.

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-12

**CONCERNING THE INACCESSIBILITY OF HOUSING
PROGRAMS FOR RURAL COMMUNITIES**

Whereas, there are numerous State and Federal programs for low-to-moderate and some for above moderate income housing; and

Whereas, the housing stock of numerous rural communities has not kept pace with the age and growth of the community; and

Whereas, the ability to make these housing programs affordable for rehabilitation or potential homeowners or renters, require knowledgeable personnel within non-profit or local government departments that have access to developers, housing contractors, and housing craftsmen that can rehabilitate or construct single or multiple family housing units; and

Whereas, application to the State and Federal agencies require considerable coordination and knowledge of all the programs for the non-profit or local government department in order to pair two or more programs together, with compatibility, to make a housing project affordable to home owners or potential home owner or renter; and

Whereas, communities below the threshold for small populations that the programs are required to help do not have access to any of the personnel that make the programs successful.

Now, Therefore, Be It Resolved that the New Mexico Municipal League support the efforts of the New Mexico Mortgage Finance Authority (NMMFA) to acquire personnel that can be mobilized to rural communities, that are in need of substantial housing refurbishment or built new, to support the development of applications, land developers, housing contractors and craftsmen to support the communities in need of livable, affordable, and energy efficient homes.

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-13

CONCERNING 2008 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, school and college libraries to coordinate the use of scarce library funds within the community and statewide; and

Whereas, the New Mexico Legislature placed a general obligation bond issue on the November ballot to raise \$11 million; and

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

Now, Therefore, Be It Resolved That the New Mexico Municipal League endorses State Bond Issue B for \$11 million for libraries in the November 2008 general election.

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-14

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 2008 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 \$.14 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 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-15

CONCERNING THE GREEN JOBS PLEDGE

Whereas, Mayors and local governments are critical when it comes to leading in practical solutions in job creation, climate change and healthy communities; and

Whereas, the Federal government has already approved funds through the 2007 Energy Independence and Security Act to stimulate the market for and promote the use of renewable energy technologies through the Energy Efficiency and Conservation Block Grant Program that includes specific support for green jobs, and

Whereas, private sector investments in the green economy are growing and can be used to leverage local economic development that benefits all of our residents; and

Whereas, the purchasing power of our local governments can increase the markets for energy efficiencies and other green industries; and

Whereas, we can invest new local government resources into programs and initiatives that align existing public resources, and private sources of capital and finance, toward these same goals,

Now, Therefore, Be It Resolved That, The New Mexico Municipal League shall strengthen and make further progress on our stated commitment to improving the environment in ways that grow both the economy and green jobs locally; and

Be It Further Resolved That, cities strive to work to enhance and develop job training programs in the public and private sector that provide pathways out of poverty for our residents by equipping them for high demand jobs in the green economy; and

Be It Further Resolved That, cities catalyze green job creation and training by supporting policies that drive public and private investment in an inclusive local green economy; and

Be It Finally Resolved That, all municipalities consider signing on to the green jobs pledge (www.usgreenjobspledge.org) and joining together as a movement of local governments across New Mexico to seize the economic, environmental and social opportunities offered by building an inclusive green economy of high quality jobs and a thriving green workforce.

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-16

CONCERNING MAINTAINING FLEXIBILITY IN THE TAX INCREMENT DEVELOPMENT DISTRICT STATUTE

Whereas, the Tax Increment Development District (TIDD) is a valuable economic development tool for local government; and

Whereas, the TIDD has brought thousands of new, high paying, stable jobs in growing industries for the state and local economies; and

Whereas, TIDDs stimulate the creation of jobs, economic opportunities and general revenue for state and local government through the addition of new businesses to the state and the expansion of existing businesses within the state; and

Whereas, TIDDs create both short term and long term benefits for communities, including: increased property values, encourages private investment and development, increases jobs and job retention, creates a stronger and broader tax base and a stronger economic base, development is locally controlled, and stimulates investment outside the TIDD boundaries; and

Whereas, the new urbanist principles in the existing TIDD legislation assures smart and sustainable growth; and

Whereas, the TIDD allows government to incent the smart growth where the infrastructure is built with the development instead of having to manage the effect of sprawl after it has occurred. Catching up on roads, fire and police stations, libraries, and other infrastructure is more expensive in both capital as well as operation and maintenance costs if compared to a planned development; and

Whereas, each TIDD should be analyzed by State and Local Government on a case by case basis. Local government can and has imposed more stringent requirements on developers, such as the requirement that the project will have no financial impact to the existing city in either development or operation; and

Whereas, proposed state regulations for the use of TIDDs should not eliminate the flexibility currently in the TIDD statute. The State should avoid blanket limitations to the existing statute that will result in a loss in flexibility in use of this important development tool. Limits on bond term, equity contribution, social service provision, affordable housing components, etc. should be the result of case by case analysis.

Now, Therefore Be It Resolved, that the N.M. Municipal League urges that the State of New Mexico should not pass laws or policies that will limit the use and flexibility of the existing TIDD statute.

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-17

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; and

Now, Therefore, Be It Resolved that the New Mexico Municipal League supports legislation or clarification from the International Code Council to exempt or clarify the language for airport hangars of this size from the IBC or reinstate the UBC.

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-18

CONCERNING IMPLEMENTATION OF THE ARSENIC RULE IN DRINKING WATER

Whereas, on January 23, 2006 the new arsenic Maximum Contaminant Level (MCL) of 10 parts per billion went into affect impacting many New Mexico municipal public water supplies; and

Whereas, the new MCL affects both large and small New Mexico municipal public water supply systems where naturally occurring source waters contain arsenic above the new MCL; and

Whereas, the new MCL may impact as many as 95 large and small water systems in New Mexico, representing a population of approximately 756,000, or 41% of the State's population; and

Whereas, capital, operation and maintenance costs for New Mexico communities at the new MCL is estimated at \$436 million and \$21 million respectively; and

Whereas, Section 1416 of the Federal Safe Drinking Water Act provided exemption authority allowing additional time and opportunity to gain the resources or take the steps necessary to comply with the new MCL while protecting the public health; and

Whereas, many New Mexico public water supplies lacked the technical expertise to prepare the minimum documentation necessary to meet the State's exemption criteria; and

Whereas, many New Mexico public water supplies sought additional time to comply through the exemption process but were unable to overcome a complicated and burdensome state exemption process; and

Whereas, the period for New Mexico Public Water Supplies to seek an exemption has expired; and

Whereas, only 8 New Mexico Public Water Supply Systems were granted an exemption out of 95 systems that exceed the new MCL; and

Whereas, many New Mexico Public Water Supplies will not be able to comply with the arsenic standard by the end of 2007 and will face enforcement action.

Now, Therefore, Be It Resolved that the New Mexico Municipal League requests that the New Mexico Environment Department:

- develop alternative enforcement approaches outside the exemption process such as bilateral agreements;
- work with state and local officials to update capital and O&M costs to achieve arsenic compliance;

- work with elected state and federal officials to obtain the necessary capital funding;
- provide technical expertise to public water supplies lacking the ability to plan, design and implement appropriate arsenic treatment.

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-19

CONCERNING THE WATER CONSERVATION FEE

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

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

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

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

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

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

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

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

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

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

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

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-20

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

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

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

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

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

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

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

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

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

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-21

CONCERNING NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PRIMACY (NPDES)

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

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

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

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

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

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

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

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

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-22

CONCERNING UTILITY OPERATOR CERTIFICATION REQUIREMENTS

Whereas, 61-33-1 NMSA 1978 requires the New Mexico Water Quality Control Commission (WQCC) adopt rules providing criteria for identification of the minimum number of certified operators needed to operate a public water or wastewater facility; and

Whereas, 61-33-1 NMSA 1978 requires the criteria be based on protection of public health and the environment; and

Whereas, 61-33-1 NMSA 1978 requires the criteria be based on classification of the public water or public wastewater facility; and

Whereas, 20.7.4 NMAC authorizes the WQCC to direct the Utility Operator Certification Board to propose the operator certification criteria.

Now, Therefore, Be it Resolved that the New Mexico Municipal League urge the Utility Operator Certification Board and the New Mexico Environment Department to:

- work with the certified operators throughout the State to develop the criteria;
- work with the regulated community to develop criteria that provides additional protection to the public health and the environment; and
- establish and provide justification to support criteria establishing a minimum number of certified operators.

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-23

CONCERNING AMENDMENT TO SECTION 72-1-9 NMSA 1978 (being Laws 1985, Chapter 198, Section 1, as amended) RELATING TO EXTENSION OF THE WATER USE PLANNING PERIOD

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

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

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

Whereas, HB 1080 died in committee; and

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

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

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

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

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

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-24

CONCERNING FORTY YEAR WATER PLANNING PROCESS

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

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

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

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

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

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

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

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

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-25

CONCERNING SUPPORT OF MUNICIPAL WATER SYSTEMS

Whereas, the United States' municipal water systems are among the finest in the world; and

Whereas, high quality, safe drinking water is already available at most public locations; and

Whereas, mayors are responsible for delivering safe and affordable water to our citizens; and

Whereas, bottled water is regulated by the FDA and municipal tap water is regulated by the EPA and has more stringent requirements for testing; and

Whereas, local governments in the U. S. invest approximately \$82 billion a year to provide water and sewer services; and

Whereas, bottled water often costs more than an equivalent volume of gasoline, equivalent to 1,000 to 10,000 times more than tap water; and

Whereas, up to 40% of bottled water on the market comes from municipal water systems and the bottled water industry generated \$15 billion in revenues in 2006 from U.S. consumers; and

Whereas, bottled water often travels many miles from the source, resulting in the burning of massive amounts of fossil fuels, releasing CO₂ and other pollution into the atmosphere; and

Whereas, plastic water bottles are one of the fastest growing sources of municipal waste; and

Whereas, in the U.S. the production of plastic bottles for bottled water currently requires the energy equivalent of more than 17 million barrels of oil per year – enough to generate fuel for over a million cars for a year – and generates more than 2.5 million tons of carbon dioxide; and

Whereas, we applaud the US Conference of Mayors for its National City Water Taste Test, which recognizes all of the great work municipal water systems do for its residents on a daily basis, year after year; and

Whereas, the US Conference of Mayors, per Resolution #90 adopted in June 2007, has compiled much information regarding the importance of municipal water and the impact of bottled water on municipal waste.

Whereas, the evidence suggests that banning bottled water from government use highlights the importance of municipal water and decreases the impact of bottled water on municipal waste.

Now, Therefore, Be It Resolved, that the New Mexico Municipal League encourages cities to phase out, where feasible, government use of bottled water and promote the importance of municipal water.

Passed, Approved and Adopted this 14th day of August, 2008 in the City of Clovis, New Mexico.

RESOLUTION NO. 2008-26

**CONCERNING REPORTING COLLECTIONS AND GROSS RECEIPTS
DISTRIBUTIONS TO MUNICIPALITIES BY THE
TAXATION AND REVENUE DEPARTMENT**

Whereas, state shared and local option gross receipts taxes are the main revenue component for the operation of municipalities, and municipalities are concerned with the accuracy and timeliness of the distribution of those taxes; and

Whereas, more detailed and timely information regarding distributions of various Gross Receipts Taxes will result in more accurate accounting for local revenues; and

Whereas, municipalities recognize the volatility of gross receipts tax reporting by taxpayers and that the Department faces a daunting challenge in verifying the accuracy of reporting by taxpayers; and

Whereas, inaccurate or incomplete reporting by taxpayers requires additional research by the Department, which leads to delays in the distribution of both state shared and local option gross receipts taxes while unidentified payments are held in a Suspense Fund; and

Whereas, the State of New Mexico Taxation and Revenue Department has continued to receive a qualified audit opinion since audit years ending June 30, 1995 based on the independent auditor's inability to obtain "sufficient evidence regarding the disposition of taxes to payees...due to the inadequacy of accounting records" regarding the balances in the Suspense Fund; and

Whereas, a portion of the funds that are held in the Suspense Fund should rightfully be distributed to municipalities.

Now, Therefore, Be It Resolved that the State of New Mexico Taxation and Revenue Department, working with the Department of Finance and Administration, establish one or more performance measures related to the identification and distribution of payments transferred to the suspense fund within a specified period of time (for example, 75% of funds transferred to suspense in any given month would be identified and distributed within 30 days, 85% within 60 days and 95% within 90 days) and that the Department publish to municipalities at least quarterly actual performance as compared to the performance measures; and

Be it Further Resolved that the New Mexico Municipal League, with the guidance and concurrence of the Office of the State Auditor, the Department of Finance and Administration, and the New Mexico Taxation and Revenue Department identify legislation that would permit distribution to the state and to municipalities of that portion of the Suspense Fund that cannot be reconciled to eliminate the basis for future qualified opinions by the independent auditors of the New Mexico Taxation and Revenue Department.

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

2008 FIRT Committee Priority: **HIGH**

RESOLUTION NO. 2008-27

CONCERNING FIDELITY BONDS OF MUNICIPAL TREASURERS

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

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

Whereas, municipal budgets have increased dramatically since 1967; and

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

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

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

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-28

**CONCERNING STATE FUNDING ASSISTANCE FOR
MUNICIPAL SOLID WASTE HAULING COSTS**

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

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

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

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

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

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

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

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

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

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-29

CONCERNING FEDERAL PAYMENTS IN LIEU OF TAXES TO MUNICIPALITIES

Whereas, pursuant to the "Payments in Lieu of Taxes Act" (PILT), 31 U.S.C. Sections 6901-6907 (1982 and Supp. II 1984), the federal government compensates local government units for loss of tax revenues from certain tax-exempt federal lands ("entitlement lands") located within local government boundaries; and

Whereas, PILT payments are made, generally to counties that provide services such as those related to public safety, environment, housing, social services and transportation; and

Whereas, the lands on which PILT payments are made are limited to National Forest Systems and the National Park System administered by the Bureau of Land Management, lands in federal water resource projects, dredged lands maintained by the U. S. Corps of Engineers, inactive or semi-active army installations, and some lands donated to the Federal government; and

Whereas, some New Mexico municipalities have significant federal and tribal lands and property within the municipal boundaries; and

Whereas, those lands are exempt from the property tax assessments of the municipality.

Now, Therefore, Be it Resolved that the New Mexico Municipal League support federal legislation that would expand the property subject to PILT payments to include those federal and tribal lands located within the municipal boundaries and to require payment to be made to the municipality.

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-30

CONCERNING REAL ESTATE TRANSFER TAX FOR AFFORDABLE HOUSING

Whereas, many New Mexico communities have experienced tremendous inflation in home prices that has hurt the ability of locals to remain in their communities; and

Whereas, if enacted at the local level these funds could be used for affordable housing programs, rehabilitation of homes for qualified homeowners, and infrastructure costs for affordable housing; and

Whereas, a transfer tax on real estate priced at a level set by the municipality could be enacted at the local level with enabling legislation.

Now, Therefore, Be It Resolved that the New Mexico Municipal League urge the legislature to retain the local option real estate transfer tax.

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-31

CONCERNING MUNICIPAL SHARE IN GAMING REVENUES

Whereas, the State of New Mexico has authorized gaming for Tribal Entities, racetracks; and

Whereas, the authorization for gaming includes taxes that go only to the State and not other government entities that are affected by gaming; and

Whereas, legalized gaming can, in some cases, mean economic development, jobs, increased tourism and increased revenues; and

Whereas, gaming also raises concerns about increased crime, traffic impacts, impacts on local business, including the loss of business and resulting in the loss of municipal tax revenues as well as increasing the demands placed on municipal services such as water and wastewater systems, landfills, housing, police, fire and ambulance services, electric and gas services and planning and zoning; and

Whereas, some of the increased business activities are on lands not subject to municipal revenue sources; and

Whereas, compacts entered into between gaming operators and the state generate additional revenues for the state; and

Whereas, gaming operation at race tracks and fraternal organizations as well as tribal casinos impact municipalities in the same manner.

Now Therefore, Be It Resolved that municipalities impacted by gaming share in the revenues generated by gaming in order to provide for municipal services and compensate for the loss of revenue from businesses.

Be it Further Resolved that the State of New Mexico study the impact of gaming on municipalities to determine the economic impact gaming has on business and municipal operations.

Passed, Approved, and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-32

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

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

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

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

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

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

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-33

**CONCERNING THE LOCAL DWI GRANT PROGRAM
FUNDING FOR MUNICIPALITIES**

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

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

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

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

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

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

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

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

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

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-34

**CONCERNING CONTINUITY IN THE ISSUANCE AND
ADMINISTRATION OF STATE GRANT MONIES**

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

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

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

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

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

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

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-35

CONCERNING CORRECTION FEE INCREASE FOR MUNICIPAL COURTS

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

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

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

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

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-36

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

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

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

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

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

Whereas, New Mexico is one of only a handful of states that provides a Production Tax Credit (PTC) for wind and biomass of .01/kWh, and an average of .027/kWh for Solar; and

Whereas, in conjunction with the federal PTC of 0.02/kWh for wind and the federal 30% Investment Tax Credit for solar, State Tax Credits are a significant incentive to locate in new Mexico; and

Whereas, the current wind PTC in New Mexico is completely allocated; and

Whereas, without an increase in the State PTC for wind and solar power projects, those projects will not be commercially viable; and

Whereas, without the renewal of the Federal PTC that is set to expire on December 31, 2008, wind energy production may come to a complete halt in New Mexico.

Now, Therefore, Be it Resolved, that the New Mexico Municipal League requests the New Mexico State Legislature, in partnership with the Governor, raise the current solar PTC, capped at 200,000 MWH per facility, to 400,000 MWH to enable concentrated solar projects (CSPs) to be commercially viable.

Be it Further Resolved, that the New Mexico Municipal League urge the New Mexico State Legislature, in partnership with the Governor, raise the current cap on the wind PTC of 2 million MWH to a minimum of 4 million MWH to enable more wind energy production.

Be it Further Resolved, that the New Mexico Municipal League urge the New Mexico Congressional Delegation to work to renew the Federal PTC prior to its expiration on December 31, 2008.

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

2008 FIRT Committee Priority: **HIGH**

RESOLUTION NO. 2008-37

**CONCERNING PRESERVATION OF INCENTIVES FOR THE
FILM INDUSTRY IN NEW MEXICO**

Whereas, the Governor recently announced "Run for Your Life" was the 100th major film production for New Mexico during his administration; and

Whereas, in the last five years direct spending in New Mexico by the industry has amounted to hundreds of millions of dollars; and

Whereas, good jobs are being created for New Mexicans in the industry itself and to support the film industry in New Mexico; and

Whereas, Albuquerque Studios is the largest studio space in North America; and

Whereas, this is an attractive and competitive industry. The growth of this important and clean industry is largely attributable to the State of New Mexico film tax incentive program which provides a 25% rebate; and

Whereas, over 40 states offer some kind of tax incentives for the film industry. The State of New York recently tripled their incentive (from 10% to 30%, with NYC offering an additional 5% for a total of 35%). Connecticut, Michigan and Alaska offer a 40% credit.

Now, Therefore, Be it Resolved that the State of New Mexico should preserve the existing incentives to attract and grow the Film Industry, including tax incentives; and

Be it Further Resolved that the N.M. Municipal League urges the State of New Mexico to look for ways to expand incentives to build this industry for the future.

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-38

**CONCERNING TELECOMMUNICATIONS FRANCHISING,
ESTABLISHING A UNIFORM TAX TO ASSURE COMPETITIVELY
NEUTRAL TREATMENT OF TELECOMMUNICATIONS PROVIDERS**

Whereas, there has been a profound transformation of the telecommunications industry in recent years; and

Whereas, the transformation of the telecommunications industry away from dial tone service to offerings that include cable, wireless, and broadband services has fundamentally changed the relationship between providers and the municipalities that afford them the rights-of-way, infrastructure and services that enable their businesses to operate; and

Whereas, wire line, wireless, cable, and satellite companies now provide voice, video, internet access, and data services and each are regulated under different programs with different fees ranging from 0 to 5%; and

Whereas, technology has added to the mix of telecommunications, such as cell phones, satellite and broadband services, voice over the Internet protocol (VoIP), fiber to premises (FTTP), wireless attachments to poles and even telecommunications services over electricity lines all make our current system of franchising and regulating telecommunications services ineffective.

Now, Therefore Be It Resolved that the New Mexico Municipal League seek legislation that would streamline the management and regulation of telecommunications services; and

Be It Further Resolved that such legislation establishes a tax or fee structure that would ensure the industry a competitively neutral environment.

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-39

CONCERNING EXTENDING THE TIME PERIOD FOR PROFESSIONAL SERVICES CONTRACTS

Whereas, the State Procurement Code limits the period of time for which professional services contracts can be entered into for a specific public works project to four years; and

Whereas, it is becoming increasingly difficult to bring a project on-line through the process of planning, environmental assessment, public involvement, design and construction services within a four-year period; and

Whereas, continuity through the above-mentioned processes is critical to a project's success; and

Whereas, the termination of one professional services contract and selection of a subsequent architect/engineering firm results in increased costs and efforts to a municipality.

Now, Therefore Be It Resolved that the New Mexico Municipal League supports extension of time for professional services contracts for public works projects from four to eight years, if a determination is made by the contracting agency that it is likely that a project will last for more than four years.

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-40

CONCERNING TELECOMMUNICATIONS FRANCHISE ORDINANCES

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

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

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

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

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

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-41

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

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

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

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

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

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

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-42

CONCERNING FUNDING FOR THE OPERATION OF REGIONAL TRANSIT DISTRICTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-43

CONCERNING CITY BROADBAND NETWORKS

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

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

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

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

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

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-44

CONCERNING REGIONAL TELECOMMUNICATIONS DISTRICTS

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

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

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

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

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

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

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

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

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

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-45

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

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

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

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

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

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

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

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

Be It Further Resolved that municipalities, the Governor and the Legislature collaborate on the development of critical local transportation projects and a comprehensive investment plan; and to fully fund Grip I and II and the Rail runner commuter train.

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-46

**CONCERNING AMENDMENT OF THE FIREWORKS
LICENSING AND SAFETY ACT**

Whereas, Section 60-2C-1 et seq. NMSA 1978, cited as the “Fireworks Licensing and Safety Act” (“Act”) governs the sale and use of fireworks within New Mexico; and

Whereas, the Act authorizes and empowers the governing body of a municipality under certain circumstances to ban the sale and use of certain aerial and ground audible fireworks; and

Whereas, the Act authorizes and empowers the governing body of a municipality under certain circumstances to limit the use within its jurisdiction of other fireworks to only certain areas under certain conditions; and

Whereas, the Act authorizes and empowers the governing body of a municipality under certain circumstances to ban the use and sale of all fireworks within wild lands in its jurisdiction, under certain conditions; and

Whereas, the Act authorizes and empowers the governing body of a municipality under certain circumstances to ban or restrict the use or sale of display fireworks; and

Whereas, many areas of the State of New Mexico are experiencing extremely high fire danger due to long-term lack of rainfall, causing actual or threatened loss of life, property, and environment including in some cases watersheds for municipal water supplies; and

Whereas, all fireworks whether they are aerial, ground audible, or ground or hand-held sparkling and smoke devices, have the potential to cause life-, property-, and environment-threatening fire damage.

Now, Therefore Be It Resolved that the New Mexico Municipal League supports legislation to amend the Fireworks Licensing and Safety Act to allow local governments to impose restrictions on the sale and use of fireworks on all lands within their corporate boundaries and on lands owned by a municipality outside its boundaries up to and including an absolute ban on the sale and use of any type of fireworks any place within the corporate boundaries.

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-47

CONCERNING SUPPORT OF LEGISLATION FOR THE USE OF PHOTO RADAR ENFORCEMENT AND RED LIGHT CAMERAS

Whereas, “photo radar” is a system that combines a photograph of a vehicle and its driver with a record of speed checked by radio microwaves or other electrical device staffed during operation by a police officer; and

Whereas, “ Red Light Cameras” is a system that combines a photograph of a vehicle and its driver with a record of signal violations checked by radio microwaves or other electrical device staffed during operation by a police officer; and

Whereas, the use of photo radar and red light cameras may enable local governments to enforce speed and signal violations and improve safety in local communities; and

Whereas, these photo radar and red light cameras will modify driver behavior; and

Whereas, the use of photo radar and red light cameras could reduce accident rates, deaths, pain, suffering, permanent disabilities, inconvenience of lost income and property damage and decrease insurance rates; and

Whereas, it would benefit law enforcement by increasing traffic law compliance, reducing call outs and reporting which would give officers more time to patrol neighborhoods; and

Whereas, one speed camera has the impact of 19 additional traffic officers; and

Whereas, placing photo radar and red light cameras in certain areas could increase public and officer safety by reducing pursuits, confrontations and exposure to traffic; and

Whereas, speeding and signal violations by drivers of motor vehicles creates serious safety concerns in New Mexico’s local communities and is a frequently occurring driver error-related cause contributing to crashes; and

Whereas, this technology is used in over 70 countries; and

Whereas, after the deployment of photo radar and red light cameras in Mesa, Arizona accident rates were down 22%; in Portland, Oregon speed violations were down 30% after eight deployments; and in Tempe, Arizona school zone speed violations were down 50% in nine months; and

Whereas, current statutory language does not specifically enable the use of photo radar and red light cameras and such language is necessary for implementation; and

Whereas, program implementation would allow law enforcement agencies the opportunity to sell and re-energize traffic safety education to the public.

Now, Therefore, Be It Resolved that the New Mexico Municipal League supports the statutory revisions which will enable implementation of photo radar and red light cameras within municipal boundaries.

Be It Further Resolved that municipalities should be allowed to retain all fines and fees resulting from photo enforcement to support the program.

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-48

**CONCERNING REIMBURSEMENT FOR LAW ENFORCEMENT
TRAINING AT SATELLITE ACADEMIES**

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

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

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

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

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

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

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

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-49

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-50

CONCERNING THE ADOPTION OF APPROPRIATE PHYSICAL FITNESS STANDARDS FOR LAW ENFORCEMENT

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

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

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

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

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

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

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

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

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

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-51

CONCERNING GANG RELATED CRIME AND ACTIVITY IN NEW MEXICO

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

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

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

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

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

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

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

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

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

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

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

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-52

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

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

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

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

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

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

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

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-53

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

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

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

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

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

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

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

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

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

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

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-54

**CONCERNING DEVELOPMENT OF A STATE PLAN TO
DESIGNATE HAZARDOUS CARGO ROUTES**

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

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

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

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

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

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

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

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

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

Be It Further Resolved that funding be provided to reimburse municipal HazMat teams and other responders for costs incurred responding to HazMat incidents on state highways.

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-55

CONCERNING THE EMS FUND ACT

Whereas, Emergency Medical Services is the only health care that is universally available to all of New Mexico's 1.9 million residents regardless of ability to pay; and

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

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

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

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

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

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

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

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

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

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

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

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

2008 PS Committee Priority: **HIGH**

RESOLUTION NO. 2008-56

CONCERNING THE LAW ENFORCEMENT PROTECTION FUND

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

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

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

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

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

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

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

Whereas, LEPF distributions have not been increased since 2000.

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

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-57

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

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

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

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

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

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-58

**CONCERNING DFA REGULATIONS ON
PUBLIC SAFETY ANSWERING POINTS (PSAPs)**

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

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

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

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

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

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

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

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

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

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

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-59

CONCERNING DRUG TESTING FOR PUBLIC ASSISTANCE RECIPIENTS

Whereas, serious problems exist relating to drug use; and

Whereas, the 1996 Welfare Reform Act authorized states to impose mandatory drug testing as a prerequisite to receiving state welfare assistance; and

Whereas, employers in New Mexico report difficulties in locating a workforce capable of passing drug tests; and

Whereas, it is in the interest of municipal governments to promote the safety of all of their citizens.

Now, Therefore, Be It Resolved that the New Mexico Municipal League supports drug testing of public assistance recipients.

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-60

**CONCERNING DRUG TESTING FOR
STUDENTS WITH TRUANCY PROBLEMS**

Whereas, serious problems exist in educating our children these days; and

Whereas, with the “No Child Left Behind Act”, teachers must explain to parents why their children are failing; and

Whereas, if a teacher has many students who fail, even if due to outside influences, they may be considered a poor teacher, and be in danger of losing their job; and

Whereas, often times truancy is an indicator of a change in lifestyle; and

Whereas, the goal of all teachers is to educate and help students with problems, and to reach them before they become involved further in a criminal lifestyle; and

Whereas, many students are currently being drug tested as a condition for participating in extra-curricular activities.

Now, Therefore, Be It Resolved that the New Mexico Municipal League supports amending the Municipal Code and the Children’s Code to allow for drug testing of students with truancy problems.

Be It Further Resolved that this is not intended as punishment, but to get help for the student before a bigger problem develops.

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-61

**CONCERNING DWI OFFENSES AND
THE DRIVER'S LICENSE REVOCATION PROCESS**

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

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

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

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

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

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

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

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-62

**CONCERNING PART-TIME CERTIFIED POLICE OFFICERS
PERFORMING LAW ENFORCEMENT DUTIES**

Whereas, the employment pool for full-time, salaried law enforcement officers has diminished to the point that many agencies in New Mexico have difficulty keeping their force fully staffed; and,

Whereas, agencies may have a greater chance to provide necessary law enforcement services to their citizens by utilizing the services of persons who wish to work part-time; and,

Whereas, the legislature has made some changes in the statutes to allow part-time personnel to handle traffic duties of a law enforcement officer (i.e. §66-8-124); and,

Whereas, the statutes still require, in some instances, that other duties are to be performed by full-time, salaried police officers; and,

Whereas, both the state and local agencies would be able to ensure that these duties are properly performed by requiring part-time officers to be certified and requiring the officers to maintain certification through training.

Now, Therefore Be It Resolved that the New Mexico Municipal League seeks legislation to amend any sections of the New Mexico statutes which require a duty to be performed by a full-time, salaried law enforcement officer to also allow that duty to be performed by a part-time, salaried, certified law enforcement officer.

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-63

CONCERNING THE STATE FIRE FUND

Whereas, the State's Fire Fund was established to assist fire departments across the State with expenses incurred while protecting the lives and property of the citizens of the State of New Mexico; and

Whereas, the money that makes up this fund comes from homeowners property insurance in the form of \$3 from every \$100 spent; and

Whereas, the fire service of the State of New Mexico has worked extremely hard over the past 18 years to receive all monies generated from this fund and was successful over the past two years legislative sessions; and

Whereas, with the recent legislative changes, a Grants Fund was established to assist fire departments with money for large projects such as apparatus and station construction, lessening the financial burdens on most municipal and county governments; and

Whereas, fire departments needs are growing at a pace that is more than the fund is producing; and

Whereas, revenue generated from this fund has actually decreased during the past fiscal year, meaning less money for some departments in the distribution formula that is currently used; and

Whereas, with increasing responsibilities being handled by the fire service, in the form of wildland efforts, Haz Mat, EMS, code enforcement, fire investigations, public fire safety programs, and many other functions, additional money is needed to fund all of these programs; and

Whereas, the fire departments are charged with improving or maintaining their ISO ratings in order to provide lower insurance costs to the citizens of the State of New Mexico.

Now Therefore Be it Resolved, that the New Mexico Municipal League recognizes the needs of the fire departments across the state and how hard we have all worked to get the money in the hands of the fire departments to assist with expenditures and the establishment of the Grants Fund;

Be it Further Resolved, that the New Mexico Municipal League supports retention of the Fire Fund for fire service purposes.

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-64

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

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

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

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

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

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

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

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-65

**CONCERNING THE ESTABLISHMENT OF
A METROPOLITAN COURT IN DONA ANA COUNTY**

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

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

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

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

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

Now Therefore Be It Resolved, that the New Mexico Municipal League supports legislation establishing a Metropolitan Court in Dona Ana County.

Passed, Approved and Adopted this 14th day of August 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-66

CONCERNING THE CREATION OF ADDITIONAL INCENTIVES FOR RESIDENTIAL AND COMMERCIAL ENERGY EFFICIENCY APPLICATIONS

Whereas, policies to improve energy efficiency can reduce oil imports and natural gas usage, improve the reliability of the New Mexico electric grid, save consumers money, reduce air pollution, create jobs, and reduce prices; and

Whereas, the New Mexico Efficient Use of Energy Act requires electric utilities to achieve at least 5% energy efficiency savings from 2005 electricity sales by 2014 and 10% by 2020, authorizes the Public Regulation Commission to approve energy efficiency programs designed to reduce the burden of energy costs on low-income consumers, and offers the opportunity for utilities to earn financial incentives for implementing energy efficiency programs that are cheaper than building new power plants; and

Whereas, according to the Southwest Energy Efficiency Project, New Mexico's primary energy consumption in 2004 was 0.68 quadrillion BTU'S; and

Whereas, according to the Southwest Energy Efficiency Project, New Mexico's total energy consumption in 2004 was ranked at 21 out of 51 states; and

Whereas, according to the Southwest Energy Efficiency Project, New Mexico's primary energy expenditures per capita in 2004 were \$2,745; and

Whereas, according to the Southwest Energy Efficiency Project, New Mexico's total energy expenditures per capita in 2004 were ranked at 37 out of 51 states; and

Whereas, increased energy efficiency incentives carved out specifically for homeowners, businesses owners, and the agriculture sector in rural New Mexico could serve to lift a portion of the strain from rising energy costs.

Now Therefore Be It Resolved, that the New Mexico Municipal League requests the New Mexico State Legislature and the Governor of New Mexico to pass enabling legislation for increased energy efficiency incentives for New Mexicans specifically:

- 1.) Expanded funding for energy efficiency education, training, demonstration, and technical assistance programs conducted by state energy agencies, local agencies, or the private sector.
- 2.) Tax credits for consumers and businesses that purchase innovative energy efficiency measures such as super efficient appliances, hybrid and fuel cell capable vehicles, and fuel cell cogeneration systems, or construct highly energy-efficient new homes and commercial buildings.

- 3.) The creation of a zero or low interest loan program for energy efficient upgrades and alterations to homes, commercial buildings, and to be applied to capital investments for the agricultural sector, such as investments in efficient machinery for irrigation.
- 4.) Emissions standards and emissions trading and credit schemes that encourage and recognize the benefits of energy efficiency improvements as part of pollution reduction efforts.
- 5.) Integrated resource planning and other techniques for identifying and pursuing cost-effective energy efficiency options in the context of overall energy and environmental planning.

Passed, Approved and Adopted this 14th day of August 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-67

**CONCERNING DISTRIBUTION OF SMALL CITIES ASSISTANCE FUNDS BY THE
TAXATION AND REVENUE DEPARTMENT**

Whereas, the Small Cities Assistance Fund was created to assist communities that have a small gross receipts tax base; and

Whereas, each year the New Mexico Department of Finance and Administration certifies the population of each municipality to Taxation and Revenue; and

Whereas, the New Mexico Taxation and Revenue Department calculates the distribution amounts using formulas specified in section 3-37-A-1 et seq. NMSA 1978; and

Whereas, the distributions are made each February; and

Whereas, the Small Cities Assistance Funds are used to pay for basic operating cost of the municipalities; and

Whereas, the beginning of the fiscal year is challenging to most small municipalities that have limited funds to pay for operating expenses; and

Whereas, a partial distribution of these funds would greatly assist municipalities to meet its operating obligations.

Now Therefore, Be It Resolved that the New Mexico Municipal League work with the New Mexico Department of Finance and Administration and the New Mexico Taxation and Revenue Department to establish an optional distribution of two payments to eligible municipalities.

Passed, Approved and Adopted this 14th day of August 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-68

**CONCERNING MUNICIPAL EMERGENCY SERVICES
GROSS RECEIPTS TAX AUTHORITY**

Whereas, the majority of emergency services are provided by municipalities; and

Whereas, the cost continues to escalate in providing those emergency services;
and

Whereas, the delivery of the actual emergency responses is not provided by a regional authority; and

Whereas, the State has provided the authority for county governments to enact an emergency services gross receipts tax to fund county emergency services.

Now Therefore, Be It Resolved that the New Mexico Municipal League seek legislation to grant municipal authority for an emergency services gross receipts tax;
and

Be It Further Resolved that such tax be subject to a positive referendum.

Passed, Approved and Adopted this 14th day of August 2008 at the City of Clovis, New Mexico.