



**2011-2012**

**ANNUAL**

**RESOLUTIONS**

*Adopted By:*

*NMML Membership  
September 1<sup>st</sup>  
Roswell, NM*

# TABLE OF CONTENTS

## 2011-2012 ANNUAL RESOLUTIONS

### Community, Economic Development, Governmental Operations & Human Resources

- 1 Concerning Increasing the Jurisdictional Amount of Petty Misdemeanor Offenses
- 2 Concerning Inspections by State Certified Municipal Building Inspectors
- 3 Concerning the Provision for a Municipal Judge to Sit on the Judicial Standards Commission
- 4 Concerning Confirmation of Appointive Officials at the Organizational Meetings
- 5 Concerning International Building Code on Airports
- 6 Concerning 2012 Bond Issue for Libraries
- 7 Concerning Personnel Records and the Inspection of Public Records Act
- 8 Concerning the Return to Work Provisions of the Public Employers Retirement Act
- 9 Concerning Amendment to the Local Economic Development Act (LEDA)
- 10 Concerning Amendment to the Procurement Code Allowing Municipalities to Award Long Term Contracts for Maintaining Water Storage Tanks
- 11 Concerning the Application of Municipal Zoning Regulations to State, County, School and Special District Properties
- 12 Concerning the Sale, Transfer and Issuance of Liquor Licenses in New Mexico

### Environment, Energy & Natural Resources

- 13 Concerning the Water Conservation Fee
- 14 Concerning the Adoption of Enforceable Water Quality Protection Requirements without Public Hearing
- 15 Concerning the Establishment of a State Engineer Rule on Precipitation Capture and Use
- 16 Concerning Enforcement of PCB Criteria and Analytical Methods
- 17 Concerning Inland Desalination

### Finance, Intergovernmental Relations & Taxation

- 18 Concerning the Local DWI Grant Program Funding for Municipalities
- 19 Concerning Use of State Grant Monies to Defray the Cost of Administration
- 20 Concerning Correction Fee Increase for Municipal Courts
- 21 Concerning Imposition of the Environmental Services Gross Receipts Tax
- 22 Concerning Amending the Convention Center Financing Act
- 23 Concerning State Tax Policy and Its Effect on Local Governments

**Finance, Intergovernmental Relations & Taxation - *continued***

- 24 Concerning Municipal Emergency Regional Communications and  
Emergency Medical Services Gross Receipts Tax Authority
- 25 Concerning a Special Task Force on Infrastructure Financing
- 26 Concerning Creation of a Broad Based Task Force to Examine and Make  
Recommendations Regarding the Municipal Tax System

**Public Infrastructure & Communications**

- 27 Concerning Telecommunications Franchise Ordinances
- 28 Concerning Revisions to the Sale or Lease of Public Property Section for  
Monetary Thresholds
- 29 Concerning City Broadband Networks
- 30 Concerning Funding for Municipal Streets, Roads, Bridges, Airports, Rail and  
Transit
- 31 Concerning the E-911 Act Revision

**Public Safety**

- 32 Concerning Opposition to Proposed Federal Legislation Calling for State and  
Local Police to Enforce Federal Civil Immigration Laws
- 33 Concerning Support of Additional Legislation to Attack the Growing  
Methamphetamine Problem in New Mexico
- 34 Concerning Development of a State Plan to Designate Hazardous Cargo  
Routes
- 35 Concerning the EMS Fund Act
- 36 Concerning the Law Enforcement Protection Fund
- 37 Concerning DFA Regulations on Public Safety Answering Points (PSAPs)
- 38 Concerning DWI Offenses and the Driver's License Revocation Process
- 39 Concerning the E911 Fund – A State and Local Partnership
- 40 Concerning Amending the Sex Offender Registration and Notification Act
- 41 Concerning Municipal Authority to Regulate Fireworks

**Resolutions Committee**

- 42 Concerning the Time Limit for Municipalities in a Class A County to Act on  
Annexation Petitions
- 43 Concerning the Promotion of Beneficial Reuse of Wastewater
- 44 Concerning a Statewide Water Supply Network
- 45 Concerning Curfews for Juveniles
- 46 Concerning Regulations That Allow For Travel by Mexican Visitors

## RESOLUTION 2011-1

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

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

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

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

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

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

## RESOLUTION 2011-2

### CONCERNING INSPECTIONS BY STATE CERTIFIED MUNICIPAL BUILDING INSPECTORS

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

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

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

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

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

**Whereas**, the many municipalities have an immediate need for multiple certified residential and commercial, and “Residential Combination” and “Commercial Combination” inspectors; and

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

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

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

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

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

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

**Be It Further Resolved** that CID rules should be amended to allow residential and/or commercial multiple disciplined or “ICC Combination” inspector candidates to qualify for additional inspection certifications with field experience in only one trade.

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

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

**RESOLUTION 2011-3**

**CONCERNING THE PROVISION FOR A MUNICIPAL JUDGE TO SIT ON THE  
JUDICIAL STANDARDS COMMISSION**

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

**Whereas**, complaints are filed against Municipal Judges; and

**Whereas**, Judicial Standards Commission reviews those complaints; and

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

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League shall introduce legislation to amend Section 34-10-1 to allow for a Municipal Judge to be appointed to the Judicial Standards Commission.

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

## RESOLUTION 2011-4

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

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

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

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

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

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

- A. At the organizational meeting of the governing body, which shall be scheduled pursuant to Section 3-8-33 NMSA 1978 of the Municipal Election Code, the mayor shall submit, for confirmation by the governing body, the names of the persons who shall fill the appointive offices as determined by the municipality. If the governing body fails to confirm any person as an appointive official of the municipality, the mayor shall submit the name of another person to fill the appointive office.
- B. Any person holding an appointed office at the time of the municipal election shall continue in that office until his/her successor has been appointed and qualified.

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

## RESOLUTION 2011-5

### CONCERNING INTERNATIONAL BUILDING CODE ON AIRPORTS

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

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

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

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

**Whereas**, the 2006 IBC was amended to exempt T-Hangars banks but it did not give any relief to the interpretation by the 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 urges the State Construction Industries Division to exempt internal airport properties from the definition of "public way" or to seek appropriate legislation.

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

## RESOLUTION 2011-6

### CONCERNING 2012 BOND ISSUE FOR LIBRARIES

**Whereas**, New Mexico public libraries provide books and other materials to meet the informational, educational, cultural and recreational needs of all New Mexicans; and

**Whereas**, the effectiveness of a library is determined by its ability to deliver current, accurate information in a timely manner through books and materials answering community needs; and

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

**Whereas**, the demand for library resources continues to rise while the cost of providing the resources is beyond local funding capacity; and

**Whereas**, publicly funded libraries have increased their effectiveness by sharing their resources electronically, enabling public, tribal, school and college libraries to coordinate the use of scarce library funds within the community and statewide; and

**Whereas**, a bill will be presented to the Legislature during the 2012 Legislative Session to place a general obligation bond issue on the November 2012 ballot to raise \$29.6 million for libraries statewide; and

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

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League endorses legislative passage of a General Obligation bond bill for \$29.6 million for libraries on the November 2012 general election ballot.

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

## RESOLUTION 2011-7

### CONCERNING PERSONNEL RECORDS AND THE INSPECTION OF PUBLIC RECORDS ACT

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

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

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

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

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

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

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

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

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

## RESOLUTION 2011-8

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## RESOLUTION 2011-9

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

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

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

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

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

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

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

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

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

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

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

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

## RESOLUTION 2011-10

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

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

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

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

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

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

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

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

## RESOLUTION 2011-11

### CONCERNING THE APPLICATION OF MUNICIPAL ZONING REGULATIONS TO STATE, COUNTY, SCHOOL OR SPECIAL DISTRICT PROPERTIES

**Whereas**, state, county, school or special district land and projects on state, county, school or special district owned properties are exempt from municipal zoning ordinances; and

**Whereas**, a local government may not regulate a private entity on state, county, school or special district land without the state's, county's, school's or special district's approval; and

**Whereas**, state statute grants general zoning power to a municipality, however, it does not give the local body express authority to enforce zoning ordinances on state, county, school or special district land; and

**Whereas**, NMSA 3-21-1 for the purpose of promoting health, safety or the general welfare, a county or municipality is a zoning authority and may regulate and restrict within its jurisdiction the: height, number of stories and size of buildings and other structures; percentage of a lot that may be occupied; size of yards, courts and other open space; density of population; and location and use of buildings, structures and land for trade, industry, residency or other purposes; and

**Whereas**, municipal zoning regulations should conform with comprehensive plans; and

**Whereas**, the purpose of a comprehensive master plan is to promote the rational development of a municipality in the interest of health, welfare and safety of its inhabitants; and

**Whereas**, the inability of a municipality to enforce zoning regulations on state, county, school or special district land and projects on state, county, school or special district owned properties is contrary to rational development and the health, welfare and safety of a municipality's inhabitants;

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League supports a change to the law to provide for municipal zoning authority on state, county, school or special district land and projects on state, county, school or special district owned properties.

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

## RESOLUTION 2011-12

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

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

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

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

**Whereas**, these are the only state licenses treated as commodities and sold on the open market; and

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

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

**Whereas**, none of the states surrounding New Mexico have such a restrictive form of licensing, resulting in greater economic opportunities in those states, and

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

**Whereas**, while the existing system benefits existing license holders it is not in the best interest of economic opportunity within the State of New Mexico or in communities outside of the metropolitan areas of the state; and

**Whereas**, several bills have been introduced during recent legislative sessions, including HB 541 in the 2011 regular session, that have attempted to modify or change this system of licensing and regulation, and

**Whereas**, due to these efforts, the New Mexico House of Representatives passed House Memorial 54 during the 2011 regular session requiring a house interim committee to discuss and gather information on this issue.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League urges all communities in the state to participate in this process and move the State of New Mexico to a more fair, affordable and competitive environment in dealing with the sale, transfer and ownership of Retailer and Dispenser licenses in the state.

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

## RESOLUTION 2011-13

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

## RESOLUTION 2011-14

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

2011 EENR Committee Priority: **HIGH**

## RESOLUTION 2011-15

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## RESOLUTION 2011-16

### CONCERNING ENFORCEMENT OF PCB CRITERIA AND ANALYTICAL METHODS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## RESOLUTION 2011-17

### CONCERNING INLAND DESALINATION

**Whereas**, drought conditions, contamination, watershed damage due to fire hazard and other potential causes of water supply shortages may endanger the health, safety, and welfare of a significant number of New Mexico's citizens; and

**Whereas**, water supply shortages have created or threaten to create problems greater in scope than municipal governments alone may resolve; and

**Whereas**, it is important to ensure a dependable water supply during emergencies and to ensure present and future domestic and industrial use; and

**Whereas**, a lack of dependable water supply impacts on retaining and encouraging the expansion of the state's present businesses, the attraction of new business, and the promotion of the desirable economic growth of the entire state; and

**Whereas**, the New Mexico Municipal League recognizes the importance of comprehensive water emergency planning and the value of effectively sharing our current water resources through well-considered redundancy and interconnection planning; and

**Whereas**, the New Mexico Municipal League recognizes the abundance of brackish water available in New Mexico; and

**Whereas**, many municipalities will need adequate state support and guidelines provided by the appropriate state agencies to help assess the cost, environmental impact, and implement demonstration projects for inland desalination in New Mexico; and

**Whereas**, the U.S. Bureau of Reclamation has established the Brackish Groundwater National Desalination Research Facility to bring together researchers from other federal government agencies, universities, the private sector, research organizations, and state and local agencies to work collaboratively in a partnership to pursue research into supply-enhancing technologies for brackish groundwater.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League supports inland desalination to mitigate the risk of emergency water shortages faced by many New Mexico Communities; and

**Be It Further Resolved** that the New Mexico Municipal League request that the office of the State Engineer convene a Task Force to develop an appropriate funding mechanism that results in the expeditious development of clear guidance and funding for demonstration projects that promote inland desalination to mitigate the risk of emergency water shortages faced by many New Mexico communities. The Task Force shall include representation from the Governor's office, the Department of Environment, the New Mexico Municipal League and the Association of Counties; and

**Be It Further Resolved** that the Task Force present its findings to the appropriate Legislative Interim Committees; and

**Be It Further Resolved** that the State of New Mexico and applicable federal agencies collaborate on a community demonstration project to support the cost effective implementation of this technology for communities that lack sufficient fresh water supplies.

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

## RESOLUTION 2011-18

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

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

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

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

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

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

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

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

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

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

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

## RESOLUTION 2011-19

### CONCERNING USE OF STATE GRANT MONIES TO DEFRAY THE COST OF ADMINISTRATION

**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

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

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

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

## RESOLUTION 2011-20

### CONCERNING CORRECTION FEE INCREASE FOR MUNICIPAL COURTS

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

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

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

**Whereas**, small municipalities with police departments and municipal courts have been and continue to accumulate corrections fees in a separate fund because so few of their cases involve either transportation or housing of prisoners.

**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.

**Be it Further Resolved** that the New Mexico Municipal League seek legislation that would expand the allowable uses of corrections fees for municipalities under 3,500 in population to defray the cost of providing police protection within the municipality.

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

## RESOLUTION 2011-21

### CONCERNING IMPOSITION OF THE ENVIRONMENTAL SERVICES GROSS RECEIPTS TAX

**Whereas**, municipalities are charged with providing a wide variety of environmental services to the citizens of the municipality; and

**Whereas**, among those services are water/wastewater delivery and treatment, solid waste collection and disposal services and abatement of other environmental hazards; and

**Whereas**, the laws, rules and regulations regarding standards that must be met by municipalities are complex and require large expenditures of public funds to comply with; and

**Whereas**, during the 2009 session of the Legislature, the Legislature passed and the Governor signed legislation that allows two municipalities in the state to impose an Environmental Services Gross Receipts Tax in the amount of up to  $\frac{1}{2}$  of one percent; and

**Whereas**, the current authorized rate of the Environmental Services Gross Receipts Tax, at  $\frac{1}{16}$ <sup>th</sup> of one percent, is inadequate to fund the environmental services necessary to provide for the health, safety and welfare of the citizens of a municipality.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League seek legislation authorizing all municipalities to impose an Environmental Services Gross Receipts Tax in an amount up to  $\frac{1}{2}$  of one percent.

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

## RESOLUTION 2011-22

### CONCERNING AMENDING THE CONVENTION CENTER FINANCING ACT

**Whereas**, the Legislature passed and the Governor signed the Convention Center Financing Act in 2003; and

**Whereas**, the Act allows a municipality with a population between seventy thousand and one hundred thousand to impose a Convention Center Financing fee of \$2.50 for the use of a room within the area in which the fee is imposed; and

**Whereas**, municipalities of various sizes in the state operate or wish to operate convention centers and arenas and may desire to construct new or expand existing centers and arenas; and

**Whereas**, those municipalities do not meet the population requirements of the Convention Center Financing Act.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League seek legislation to amend the Convention Center Financing Act to allow any municipality that wishes to construct, expand or operate a convention center, civic center or arena to impose a fee of up to \$2.50 per room to defray the cost of such construction, expansion or operation.

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

## RESOLUTION 2011-23

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

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

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

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

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

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

**Whereas**, New Mexico municipalities continue to be negatively impacted by the current economic situation in the United States; and

**Whereas**, municipalities continue to take steps to balance their budgets such as implementing hiring freezes, forced furlough days for employees, reduced services to the community, facility closures and expenditure reductions like travel freezes, reduced energy consumption or overall cuts in departmental budgets; and

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

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

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

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

2011 FIRT Committee Priority: **HIGH**

## RESOLUTION 2011-24

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

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

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

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

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

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

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League seek legislation to grant municipal authority for an emergency medical and communication services gross receipts tax in 1/8% increments up to a total of ¼% by positive referendum; and

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

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

## RESOLUTION 2011-25

### CONCERNING A SPECIAL TASK FORCE ON INFRASTRUCTURE FINANCING

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

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

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

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

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

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

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

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

## RESOLUTION 2011-26

### CONCERNING CREATION OF A BROAD BASED TASK FORCE TO EXAMINE AND MAKE RECOMMENDATIONS REGARDING THE MUNICIPAL TAX SYSTEM

**Whereas**, since the 1990's broad use of the internet by the American Public has led to a dramatic change in the way business is conducted; and

**Whereas**, in an even more dramatic way the advent of "smart phones" is changing the manner in which we communicate and transact business; and

**Whereas**, in calendar year 2009 U.S. retail ecommerce sales reached \$145 billion, up from a revised \$142 billion in 2008- an annual gain of 2.1%, according to U.S. Census Bureau data; and

**Whereas**, from 2002 to 2009 retail e-sales increased at an average annual growth rate of 18.1 percent compared with 2.2 percent for total retail sales, according to U.S. Census Bureau data; and

**Whereas**, in 2009, e-sales were 4% of total retail sales, according to U.S. Census Bureau data; and

**Whereas**, the vast majority of e-sales would be subject to the Gross Receipts Tax if the sales were made at a physical location within the State of New Mexico; and

**Whereas**, the advances in technology and changes in consumer behavior are causing leakage of taxable transactions; and

**Whereas**, all levels of government must examine tax structures related to excise, income and property taxes to assure sufficient revenues to defray the cost of providing services to citizens.

**Now, Therefore, Be it Resolved** that the New Mexico Municipal League create a special task force, charged with examining the current tax structure and making recommendations regarding modernization of the New Mexico municipal tax system.

**Be it Further Resolved** that the task force, in making its examination and recommendations, is encouraged to be creative in its recommendations and consider the impact that changes in technology, portability and mobility have had on whom different levels of government serve.

**Be it Further Resolved** that after the recommendations are developed for reforms of the New Mexico municipal tax structure the task force may be expanded to include representatives of the Legislature, Governor and the New Mexico Association of Counties.

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

2011 FIRT Committee Priority: **HIGH**

## RESOLUTION 2011-27

### CONCERNING TELECOMMUNICATIONS FRANCHISE ORDINANCES

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

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

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

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

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

**Be It Further Resolved** that a memorial be introduced to bring the two parties together for discussion and negotiations.

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

**RESOLUTION 2011-28**

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

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

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

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

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

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

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

## RESOLUTION 2011-29

### CONCERNING CITY BROADBAND NETWORKS

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

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

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

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

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

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

## RESOLUTION 2011-30

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

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

**Whereas**, other critical infrastructure projects still need to be addressed; and

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

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

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

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

**Be It Further Resolved** that a comprehensive plan of investment for critical transportation projects be developed with municipal input and that such plan identify alternative funding resources as identified in House Memorial 35, 2007 Legislative Session and House Memorial 9, 2009 Legislative Session necessary to finance such plan including matching funds and in-kind services in rural areas; and

**Be It Further Resolved** that municipalities, the Governor and the Legislature collaborate on the development of critical local transportation projects and a comprehensive investment plan.

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

## RESOLUTION 2011-31

### CONCERNING THE E-911 ACT REVISION

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

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

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

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

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

## RESOLUTION 2011-32

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Be It Further Resolved** that the New Mexico Municipal League opposes any state or federal legislation that would prohibit or require local law enforcement from assisting federal agencies in the enforcement of federal immigration laws; and

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

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

2011 PS Committee Priority: **MEDIUM**

## RESOLUTION 2011-33

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

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

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

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

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

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

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

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

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

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

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

2011 PS Committee Priority: **HIGH #2**

## RESOLUTION 2011-34

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

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

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

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

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

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

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

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

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

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

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

## RESOLUTION 2011-35

### CONCERNING THE EMS FUND ACT

**Whereas**, Emergency Medical Services (EMS) is the only health care that is universally available to all of New Mexico's residents and visitors regardless of ability to pay; and

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

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

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

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

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

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

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

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

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

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League supports 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 1st day of September at the City of Roswell, New Mexico.

2011 PS Committee Priority: **MEDIUM**

## RESOLUTION 2011-36

### CONCERNING THE LAW ENFORCEMENT PROTECTION FUND

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

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

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

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

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

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

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

**Whereas**, LEPF distributions have not been increased since 2000.

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

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

## RESOLUTION 2011-37

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

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

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

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

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

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

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

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

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

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

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

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

2011 PS Committee Priority: **LOW**

**RESOLUTION 2011-38**

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

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

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

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

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

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

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

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

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

## RESOLUTION 2011-39

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

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

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

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

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

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

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

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

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

## RESOLUTION 2011-40

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

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

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

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

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

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

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

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

**Be It Further Resolved** that the amendments to SORNA also address the subject of registered offenders living or meeting in close proximity to schools, parks or other government owned facilities frequented by children.

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

## RESOLUTION 2011-41

### CONCERNING MUNICIPAL AUTHORITY TO REGULATE FIREWORKS

**Whereas**, Section 60-2C-1 et seq., NMSA 1978, the “Fireworks Licensing and Safety Act” comprises the State of New Mexico’s regulation of the sale and use of fireworks; and

**Whereas**, this Act, by requiring the State Fire Marshall to enforce its provisions, recognizes that fireworks and their associated dangers are matters directly relevant to fire control and public safety in general; and

**Whereas**, the current Act fails to adequately weigh the potential danger to citizens and financial costs of fires that may be caused by fireworks; and

**Whereas**, the extreme weather conditions experienced by our state have clearly shown that even one spark, no matter the cause, can result in catastrophic fires that have destroyed homes, threatened lives and tainted municipal watersheds; and

**Whereas**, the Fireworks Licensing and Safety Act grants certain limited powers to municipalities to restrict the sale and use of fireworks during extreme or severe drought conditions upon hearing and subsequent issuance of a proclamation; however, these powers are limited and do not cover all fireworks, and do not permit municipalities to ban the sale and use of all fireworks within their borders in the interest of public safety; and

**Whereas**, the state legislature has granted municipalities the power to define and abate nuisances, to pass ordinances providing for the health, safety and welfare of its inhabitants, and to take such actions as are necessary and proper to protect persons and property; thus recognizing that local government best knows of current and local conditions affecting public safety; and

**Whereas**, municipalities must be afforded the greatest latitude in the regulation of the sale and use of all types of fireworks and must be permitted the appropriate authority to take such actions as are necessary to protect the health, safety and welfare of its inhabitants and property.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League seeks legislation to grant municipalities the authority to enact ordinances at any time regulating the sale and use of any firework, up to and including a complete ban.

**Be It Further Resolved** that the legislation also grant municipalities the option to issue an emergency proclamation at any time declaring extreme or severe drought conditions if the governing body determines such conditions exist; the proclamation shall describe the restrictions on the sale and use, up to and including a ban, of any firework deemed by the governing body as necessary for the protection of the health, welfare and safety of persons and property.

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

2011 PS Committee Priority: **HIGH #1**

## RESOLUTION 2011-42

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

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

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

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

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

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

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

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

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

## RESOLUTION 2011-43

### CONCERNING THE PROMOTION OF BENEFICIAL REUSE OF WASTEWATER

**Whereas**, drought conditions, contamination, watershed damage due to fire hazard and other potential causes of water supply shortages may endanger the health, safety, and welfare of a significant number of New Mexico's citizens; and

**Whereas**, it is important to ensure a dependable water supply during emergencies and to ensure present and future domestic and industrial use; and

**Whereas**, a lack of dependable water supply impacts on retaining and encouraging the expansion of the state's present businesses, the attraction of new business, and the promotion of the desirable economic growth of the entire state; and

**Whereas**, there is an interest in promoting the cost-effective conservation and efficient use of natural resources, including existing drinking water supplies and in developing cost-effective and environmentally responsible alternative sources of water supply; and

**Whereas**, the citizens of New Mexico desire the most secure and reliable water supply system possible; and

**Whereas**, the State of New Mexico, through the enactment of guidelines should encourage the development of wastewater reclamation for a variety of beneficial uses by providing for the funding of various projects; and

**Whereas**, the use of reclaimed wastewater as a substitute for potable water in some industrial, sanitation and irrigation applications could increase regional water supply system reliability while helping to preserve and protect our high-quality drinking water supplies.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League supports promoting the Beneficial Reuse of Wastewater; and

**Be It Further Resolved** that the New Mexico Municipal League request that the office of State Engineer convene a Task Force to develop an appropriate funding mechanism that results in further development of reclaimed wastewater as a substitute for potable water in the appropriate application to mitigate the risk of emergency water shortages faced by many New Mexico communities. The Task Force shall include representation from the Governor's office, the Department of Environment, the New Mexico Municipal League and the Association of Counties; and

**Be It Further Resolved** that the Task Force present it findings to the appropriate Legislative Interim Committees.

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

2011 Resolutions Committee Priority: **HIGH**

## RESOLUTION 2011-44

### CONCERNING A STATEWIDE WATER SUPPLY NETWORK

**Whereas**, drought conditions, contamination, watershed damage due to fire hazard and other potential causes of water supply shortages may endanger the health, safety, and welfare of a significant number of New Mexico's citizens; and

**Whereas**, water supply shortages have created or threaten to create problems greater in scope than municipal governments alone may resolve; and

**Whereas**, it is important to ensure a dependable water supply during emergencies and to ensure present and future domestic and industrial use; and

**Whereas**, a lack of dependable water supply impacts on retaining and encouraging the expansion of the state's present businesses, the attraction of new business, and the promotion of the desirable economic growth of the entire state; and

**Whereas**, the New Mexico Municipal League recognizes the importance of comprehensive water emergency planning and the value of effectively sharing our current water resources through well-considered redundancy and interconnection planning; and

**Whereas**, through collectively combining the water supply capacity of participating systems, the overall risk of failure is lowered.

**Now, Therefore, Be It Further Resolved** that the New Mexico Municipal League supports a statewide Water Supply Network; and

**Be It Further Resolved** that the New Mexico Municipal League request that the office of the State Engineer convene a Task Force to develop an appropriate funding mechanism that results in developing a statewide or a national water supply network or other viable alternatives to mitigate the risk of emergency water shortages faced by many New Mexico communities. The Task Force shall include representation from the Governor's office, the Department of Environment, the New Mexico Municipal League and the Association of Counties; and

**Be It Further Resolved** that the Task Force present its findings to the appropriate Legislative Interim Committees.

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

## RESOLUTION 2011-45

### CONCERNING CURFEWS FOR JUVENILES

**Whereas**, juveniles in every community in New Mexico are losing their chance to be success in life; and

**Whereas**; Truancy, low test scores, dropping out, teen pregnancy rates are all increasing in New Mexico; and

**Whereas**; the dangers associated with children being unsupervised outside the home late at night are much greater; and

**Whereas**, serious problems exist relating to crimes committed by juveniles; and

**Whereas**, jurisdiction over juveniles rests with the Children's Court except for minor traffic offenses; and

**Whereas**, allowing municipalities to establish a curfew would reduce the amount of unsupervised time away from the home for juveniles; 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 amending the Municipal Code and the Children's Code to allow municipalities to establish curfew times for juveniles; and

**Be It Further Resolved** to allow concurrent jurisdiction in municipal court, magistrate court and children's court over juvenile misdemeanor offenders; and

**Be It Further Resolved** that the punishment allowed by municipal courts be limited to a fine and/or community service so as not to jeopardize federal funding for juvenile programs; and

**Be It Further Resolved** that the New Mexico Municipal League work with the Children's Crime and Delinquency Task Force to address this issue.

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

**RESOLUTION 2011-46**

**CONCERNING REGULATIONS THAT ALLOW FOR TRAVEL  
BY MEXICAN VISITORS**

**Whereas**, federal department of homeland security regulations for Arizona ports of entry extend the distance that Mexican nationals may travel into the United States without obtaining additional immigration documentation; and

**Whereas**, the ports of entry of Sasabe, Nogales, Mariposa, Douglas and Naco allow visitors to travel within seventy-five miles of that border region of Arizona; and

**Whereas**, this rule is intended to promote commerce in the southern Arizona border area while still ensuring that sufficient safeguards are in place to prevent illegal entry into the United States; and

**Whereas**, New Mexico also has a border with Mexico and has cultural and economic exchange needs that are similar to those of Arizona.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League request the Legislature of the State of New Mexico to introduce a Memorial requesting the Federal Department of Homeland Security to approve regulations allowing for seventy-five miles of travel within the radius of ports of entry into New Mexico by Mexican nationals; and

**Be It Further Resolved** that copies of this Resolution be transmitted to the secretary of the Department of Homeland Security and to the New Mexico Congressional Delegation in support of regulations allowing for seventy-five miles of travel within the radius of ports of entry into New Mexico by Mexican nationals to be approved by the Federal Department of Homeland Security.

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