

New Mexico
Municipal
League

The Municipal Reporter

A Publication of the New Mexico Municipal League

Summer 2022



New Mexico Municipal League

New Mexico Municipal League



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Municipal Reporter

Summer 2022

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President's Message

Recently, I attended the Municipal League's Municipal Officials Leadership Institute & Newly Elected Officials Training in Santa Fe. Meeting new city officials is always inspiring - it's exciting to see them start their journeys and hear what they will bring to their communities and to the state. In some ways, the past year has felt like the beginning of a journey for the Municipal League as well.



After the disruptions, challenges - and in some cases, heartbreak - of COVID-19, we've finally had the opportunity to gather in person again, at events such as Municipal Day in Santa Fe, subsection meetings around the state, and professional development opportunities like MOLI. If you attended these events, you may have seen some new faces among the staff. Over the past year, we said goodbye to some long-time, valued employees, and welcomed several new employees at both the League and the New Mexico Self Insurers' Fund. Along with new people and new roles came a rethinking of our operational and organizational structures to ensure that we're serving members as effectively as possible. We're proud of the progress we've made in submitting timely audits and remedying issues identified in past audits. We've also relaunched the Municipal Reporter (this newsletter) after a nearly two-year hiatus - an important tool to enhance communication with members.

On the legislative side, the past few months have felt like a continuation of a (long) journey. We scored a big legislative win in House Bill 68 (the omnibus crime bill), which included significant increases in Law Enforcement Protection Fund distributions to our municipal police departments, along with increased funding for benefits for families of fallen officers - the highest level in the country. Passing this important legislation didn't happen overnight - the Municipal League has been working on law enforcement modernization in some form since 1983, scoring several wins along the way - a reminder that successfully passing legislation is often a marathon, rather than a sprint. We also successfully pushed back on an attempt to impose a moratorium on local governments setting their own gross receipts tax increments - a proposal that would have severely infringed on elected officials ability to govern.

The marathon nature of the legislative process means that we're already focused on the 2023 legislative session. Looking ahead, priorities include securing increased funding for emergency medical services in our communities and continuing to prioritize law enforcement modernization efforts, such as refining laws around use of body cameras and developing a database to aid law enforcement agencies in hiring.

I'm excited for the next stage of the journey for the League, and I'm especially optimistic after meeting some of our newest elected officials recently. I look forward to working with many of you - newly elected officials, not-so-newly elected officials, and municipal staff - during the rest of my time as League President to ensure that the League is serving your needs, and to continue building an organization that helps our communities thrive.

A handwritten signature in dark ink, appearing to read 'Javier Perea'.

Javier Perea, NMML President
Mayor of Sunland Park

UPCOMING EVENTS

June 22-24

City Managers Conference
Ruidoso

June 25

Municipal League Policy Committee Meetings
Albuquerque

July 30

Municipal League Resolutions Committee Meeting
Albuquerque

August 5

Airport Managers Association Meeting
Ruidoso

August 31-September 2

Municipal League Annual Conference
Albuquerque

September 14-16

Zoning Officials Annual Meeting
Location TBD

Key Dates for NMML Board Nominations & Declarations

May 24 - Written notice sent to municipalities soliciting nominations

June 27 - Letter declaring board candidacy must be received at the NMML Office

June 28 - If no nominations/declarations received, President appoints a nominating committee

July 1 - Report of declared candidates sent to all members

July 19 - Nominating committee meets (if necessary)



Save the Date!

New Mexico Municipal League Annual
Conference

August 31 - September 2 in Albuquerque

Agenda and registration coming soon

We Want Your Photos!

If you've visited the Municipal League offices in Santa Fe recently, you may have noticed that our walls are pretty bare. We'd like to fill them with art that reflects the beauty and diversity of New Mexico.

So, a request - **can you send us a photo from your community or region?** We'd love to receive photos that showcase the natural, cultural, historical, and architectural uniqueness of communities around the state.

If you're interested in sharing a photo, you can send a digital version via email to Alison Nichols at anichols@nmml.org. Files should be jpeg and ideally at least 200 dpi (dots per inch, or resolution).

We will print and frame photos that we receive. Thank you for sharing the beauty of your communities with us!

Municipal League Attends National League of Cities Conference in Washington

After a two-year hiatus, the National League of Cities Congressional City Conference returned to Washington D.C. in March. Members of the Municipal League's Executive Committee, along with League staff, attended the conference to attend workshops, listen to speakers, and meet with members of New Mexico's Congressional delegation.

Nearly 2,400 attendees came to Washington for the event. General sessions included addresses by President Joe Biden, Secretary of Transportation Pete Buttigieg, and Speaker of the House Nancy Pelosi. Many of the sessions and workshops focused on the American Rescue Plan Act (ARPA) and the Bipartisan Infrastructure Law (BIL) and how municipalities can take advantage of significant funding opportunities for infrastructure and other projects.

The Municipal League delegation was also fortunate to be able to meet with **Senator Martin Heinrich, Senator Ben Ray Lujan, Congresswoman Teresa Leger Fernandez**, and **Congresswoman Yvette Herrell**, along with their staffs (a scheduled meeting with Congresswoman Melanie Stansbury unfortunately had to be canceled due to Covid-19). The Municipal League delegation discussed federal legislative issues of importance to New Mexico communities, particularly the importance of direct infrastructure funding for cities and towns.

The NLC City Summit will take place from **November 17-19** in Kansas City, and next year's Congressional City Conference will take place from **March 27-29** in Washington D.C.



The Municipal League delegation meets with Congresswoman Leger Fernandez



Executive Committee members and staff at the U.S. Capitol

Grant Writing Webinar Series Focuses on Crafting Competitive Federal Grant Applications

In March, the Municipal League launched a series of grant writing webinars to guide communities through the process of developing competitive project applications for federal funding opportunities. The series also covers the most common federal grant programs available to public entities. The series is taught by experienced grant writer Chuck Thomas, who has over 30 years' experience working for public agencies in New Mexico and has directed the successful application and award of almost \$23 million in federal funds to the Southern Sandoval County Arroyo Flood Control Authority.

For more information about the series and to sign up for webinars, visit the Municipal League's website at <https://nmml.org/grant-writing-webinars/>. Webinars will also be recorded and posted at the same link.



New Mexico's Congressional delegation employs a funding specialist to help public entities, including municipalities, identify funding opportunities, obtain letters of support for grant applications, and liaise with federal agencies. The funding specialist, Lisa Van Theemsche, also sends out weekly grant updates. To get on the distribution list or seek support with a funding opportunity, you can reach out to Lisa at lisa_vantheemsche@heinrich.senate.gov

We're Hiring!

Loss Control Associate: New Mexico Self Insurers' Fund

The New Mexico Self Insurers' Fund is hiring!

GENERAL JOB DESCRIPTION

Performs a variety of complex clerical and routine administrative duties as needed to expedite the processing of certifications, trainings, and seminars for insureds. Performs as a general information resource to Fund insureds.

REPORTING STRUCTURE

Works under general supervision of Risk Services Director.

RESPONSIBILITIES

- Identifies, assesses, reviews, and monitors risk management and safety services for the New Mexico Self-Insurers' Fund's existing members to reduce exposures, improve workplace safety, and lessen the frequency and severity of claims. Conducts risk management and safety assessments as required by policy/statute/regulatory authorities.
 - Assists with planning, organizing, directing, and development of workshops, seminars, training sessions, and conferences for Fund insureds; coordinates with insureds in the development of specialized curriculum and materials to be taught and provided; facilitates involvement of outside professionals and subject matter experts where appropriate.
 - Promotes the acquisition of certifications and credentials to enhance professional loss control municipal functions; reviews eligibility for participation, verifies certification achievement and issues certificates where appropriate; provides technical support, memos, letters, and reports on performance. Maintain expertise in risk management and safety principles/techniques by attending related classes/seminars, and pursue professional designations and continuing education; and
 - Helps determine training and conference sites; identifies available resources and meeting centers; meets with operators and managers of facilities; negotiates use of facilities and related services.
 - Assists with development and production of program, promotion, and advertisement materials; helps monitor production and distribution schedules to assure timely enrollment and participation of target groups; produces variety of correspondence as needed.
- Performs other duties as assigned.

QUALIFICATION CONSIDERATIONS

Candidates should possess a high school diploma and one (1) year of administrative or similar duties or any combination of above.

Candidates should demonstrate knowledge of computer operations and technical software applications; copying and printing equipment operation; filing systems related to alphabetical and numeric files; interpersonal communication skills; mailing regulations; office practices and procedures; grammar, spelling, and punctuation; and telephone etiquette. Candidates should expect to drive a privately-owned motor vehicle to and from meetings, consultation activities, training, and other work assignments, participate in ensuring safe and efficient operating conditions that safeguard employees and facilities.

Candidates should demonstrate ability to learn loss control best practices; principles and practices of municipal government; public speaking, technical writing, and interpersonal communication; principles of salesmanship; principles of organizational design, supervision, and motivation; drafting of technical reports, documents, and agreements; leadership principles; analyze a variety of program issues and problems to make recommendations; communicate effectively in writing and orally; establish and maintain effective working relationships with professionals, executives, department heads, co-workers, and the public; work independently

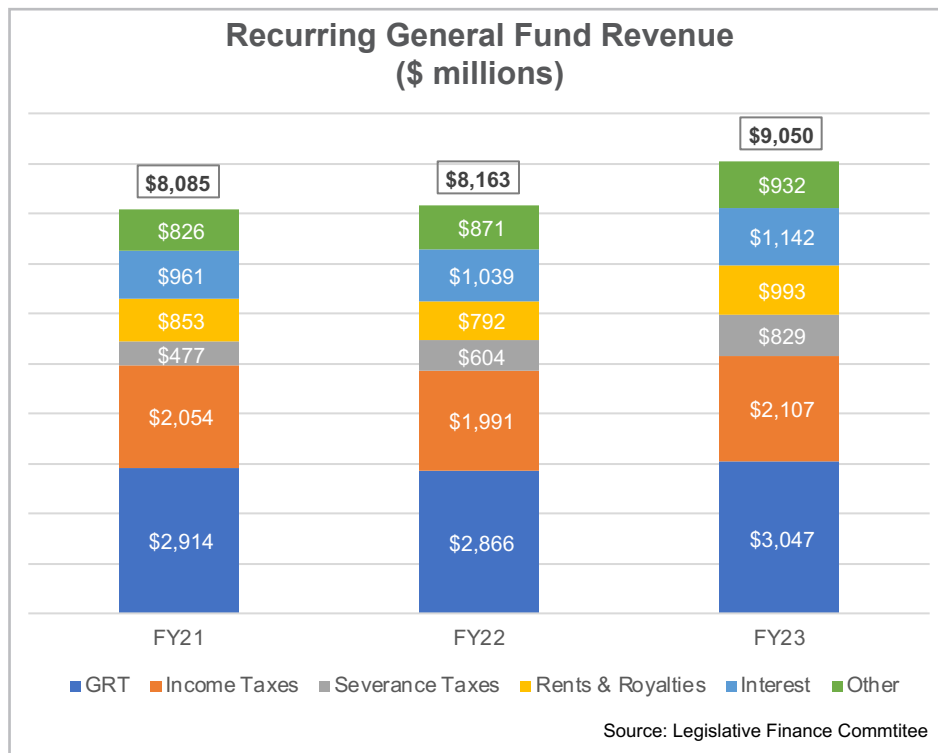
Training will be provided.

To apply, please send a resume and a one-page cover letter to Clinton Nicley, Risk Services Director, at cnicley@nmsif.org

Revenues Forecast at Record-High Levels for FY23, with Risks on Horizon

The state is likely to see record-high revenues in FY23, bolstered by rising oil prices and wage growth, according to the Legislative Finance Committee's post-session review. The state's recurring general fund revenues are projected to increase by nearly 11% in FY23, to over \$9 billion, with oil and gas revenues accounting for 60% of the growth. Oil and natural gas prices are currently at near-record levels, a result of national and global economic and political conditions, which has led to an increase in oil and gas production in the state. A \$1 change in the price of oil translates into a \$30 million revenue impact to New Mexico, while a \$0.10 change in the price of natural gas has a \$14 million revenue impact to the state.

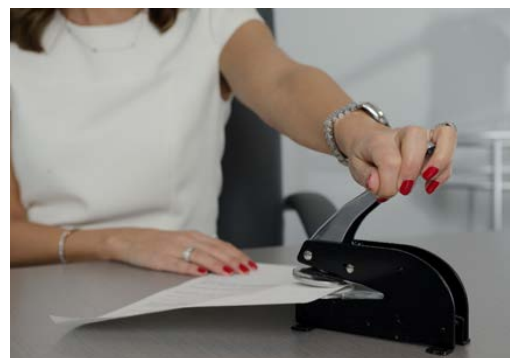
The LFC's fiscal outlook notes that while the state is experiencing record revenue growth, several risk factors could affect continued revenue growth. Heavy reliance on oil and gas revenues creates a volatile economic outlook, sensitive to the boom-and-bust cycles of the industry. In addition, tax changes in recent years have narrowed the tax base through implementation of credits, deductions, and exemptions. On the positive side, the state has strengthened mechanisms to stabilize revenues and increased reserve levels. General fund reserves are projected to be 25% of recurring appropriations for FY23, covering the amount that a recent stress test estimated the state would need in the event of a moderate recession and oil market downturn.



New Law on Notarial Acts in Effect

Following 2021 legislation enacting the **Revised Uniform Law on Notarial Acts**, all notaries public are required as of January 1, 2022 to maintain a record of notarial acts and use an official stamp conforming to new statutory requirements. Stamps must

- ✓ Be in 10 point font
- ✓ Contain the words "State of New Mexico" and "Notary Public"
- ✓ List the notary's name as listed on the issued Certificate of Commission
- ✓ Include the commission number and expiration date
- ✓ NOT contain the New Mexico State seal



Notaries must also file a copy of their official stamp with the New Mexico Secretary of State's office before using the stamp. Notaries under an existing commission as of January 1 have until June 30 to obtain and register their stamp.

Notary public applicants are also required to take the New Mexico Notary Education course. Existing notaries must take the required training and exam in order to renew their commission.

For more details, see frequently asked questions on the New Mexico Secretary of State's website:

<https://www.sos.state.nm.us/notary-and-apostille/notary-commissions/rulona-faqs/>

Loss Control Corner

By Erica Moncayo, Loss Control Specialist, NMSIF



If an employer has just one employee who utilizes one chemical, the employer must follow OSHA's Hazard Communication standard

Employers that have hazardous chemicals in their workplaces are required by OSHA's Hazard Communication Standard (HCS), 29 CFR 1910.1200, to implement a hazard communication program. The program must include labels on containers of hazardous chemicals, safety data sheets for hazardous chemicals, and training for workers. Each employer must describe in a written program how it will meet the requirements of the HCS in each of these areas.



OSHA adopted the Globally Harmonized System (GHS) in 2012. The Globally Harmonized System of Classification and Labelling of Chemicals is an internationally agreed-upon standard managed by the United Nations that was set up to replace the assortment of hazardous material classification and labeling schemes previously used around the world.

For further assistance or information on how to meet the standard's requirements, please call the New Mexico Self Insurers' Fund Loss Control Department at 505-490-7098 or email our Loss Control Specialist Erica D. Moncayo, MBA, MCRM, MCSH at emoncayo@nmsif.org.

There are five critical elements to OSHA's Hazard Communication Standard that must align with GHS:

- ▶ Chemical Inventory
- ▶ Safety Data Sheets
- ▶ Written Program
- ▶ Training
- ▶ Labels

New Mexico Self Insurers' Fund Update

Improving Client Service Through Premium Setting and Process Improvement

by Clinton Nicley, Risk Services Director, NMSIF

Aligning Premiums with Risk Profiles

Given the struggles COVID-19 wrought on our insureds over the last several years, we cut liability premiums again - in half - and conducted a number of program-specific studies through our external actuarial firm to help us identify some room for growth as we consider how best to build premiums into the future.

Those studies were illuminating because they helped us, among other things, paint the picture of where we needed to go as a program. What we found was that our initial observations were basically correct: long-term, we need modernized premiums that are based on two sets of data, **what you have** and **what happens with what you have**.

When we keep in mind that adjusters, examiners, attorneys, risk services directors, and executive directors can all have differing views on the value of a claim, the importance of making sure that everyone clearly understands what's in that what-you-have category becomes critical.

For some coverages, the **what-you-have** category was previously your population, or simply the number of

persons in a certain role. We now use payroll for exposure, which is verifiable, meaning that we can look at your audit and make sure that we have the right number. Another plus is it captures the right class of persons. When you use population, some of those numbers are reliant on old census data or not internally confirmable. This approach also equalizes financial disparity and helps avoid double counting in some of the liability categories.

Despite our insureds adding tens of millions in payroll, we should collect about 16% less than what we charged in our last normal rate year. When we build in behavior, or **what-happens-with-what-you-have**, we'll need to be thoughtful about how some of our laws change our risk profile. For example, the Civil Rights Act created new exposures across local government, including for contractors and volunteers.

Property coverage is an evolving phenomenon. The Fund purchased an appraisal software database in late January and conducted an internal desk appraisal of roughly 1,700 property fixtures between February and March. Unsurprisingly, traditional fixtures reflected consistent across-the-board increases in value. The result of the study

showed an overall exposure increase of 12% against FY22 figures. Perils including fire and hail are likely to steadily increase the cost of writing coverage.

Program and Process Improvements

Of course, building premiums only accounts for part of what we do, and while perhaps most visible, we think it important to ask more of ourselves too. In October, the Fund began underwriting work with the express purpose of **developing a new web-based application**. Deliverables in this project will include: reinsurance/excess reimbursement **application** and tracking; auto-reporting tools and applications; auto-issuance of certificates, evidence of insurance, loss runs, and claims files; and perhaps most excitedly, an online exposure survey for use by all insureds. Beta testing starts soon.

In November, NMSIF invited NLC and Northshore to audit its claims handling practices including the state of its program, and to collaborate on how program improvements can drive better results for its members in years to come. Management began evaluation of claim

assignment methodology in January. The Fund began its first-ever internal reserve analysis on the state of each of its over 600 active and non-litigated claims. It published its first-ever filehandling manual in March, prescribing procedures to ensure stability and standardization of its program.

The **Loss Control team** has been remarkably active, visiting nearly twenty cities in 2022 and instructing on topics including defensive driving, first aid/CPR, claims, site visits, safety trainings, hazard communications, and use of personal protective equipment to nearly 600 students across the state. We will also share formal loss control reports with clients, incorporating specific references to statute/rule and pictures that provide how-to assistance on many of our insureds' safety concerns.

I've personally had the pleasure of meeting with clients in Jal, Carlsbad, Sunland Park, Deming, Lordsburg, Clovis, Portales, Santa Rosa, Estancia, Rio Rancho, and Red River so far this year. Risk management is at its core a customer service industry, and we are committed to meeting your needs where they reside: in your community.

Tax Talk

Municipal Distribution of State GRT Revenues: From Local Sales Tax to "State Share"

by Janet Peacock, Tax Policy Consultant

The distribution to municipalities of a portion of state gross receipts tax (GRT) revenues is a longstanding feature of the municipal revenue system. The distribution amounts to over \$500 million a year and provides on average approximately one-quarter of municipal general fund revenues. The distribution currently equals 1.225% of the revenues generated from taxable gross receipts in the municipality and paid through the State GRT levy. Because of this structure, the amount of the municipal distribution does not depend on the State tax rate, but rather on the taxable activity of businesses in the municipality. Counties do not receive the distribution.

From Municipal Sales Tax to Municipal Distribution

The bones of the state GRT go back to at least 1934, when the state enacted a one-year Emergency School Tax (EST), imposed on certain categories of retail sales. Tax rates ranged from 1 % to 2%. Numerous changes to the state tax were enacted from 1936 through 1966, including making the tax a permanent levy and broadening the number and types of activities subject to the tax.

During this time, municipalities had separate taxing authority. A municipal occupation tax on most business in the city of \$25 or 0.01 % of gross business volume was authorized in 1937. In 1955, municipalities were also authorized to impose a retail sales tax of up to 1 % of business sales, tied to the EST structure. In 1966, as part of a broad restructuring

of the state's tax system, the EST was repealed and replaced by the state GRT system. The new tax was broader in its scope and the tax rate was set at 3%, compared to the 1 % to 2% rates that applied

under the EST. In the following year, the rate was increased to 4% and authority for municipalities to impose separate sales taxes was repealed. To replace the lost municipal revenue, a municipal distribution of state GRT revenues equal to 1 % of taxable value was implemented.

During the 1970's, municipalities struggled under the limited GRT state distribution and explored other ways to raise revenues. In 1972, these efforts were thwarted when a law was enacted barring municipalities from enacting any sales or gross receipts taxes, among other measures. Municipalities pushed back and in 1975, 1978, and 1979 they were granted authority to impose local GRT taxes of 0.25% in each year, for a total authorization of 0.75%.

By 1981, state tax revenues far exceeded budgeted

The Municipal League recently updated its reference document, **Primary Municipal Revenue Sources in New Mexico**. The document includes details on many of the main revenue sources that cities rely on. See the Municipal League website to access the document: <https://tinyurl.com/38b3xvpM>

Tax Talk continued...

expenditures and the State enacted the sweeping "Big Mac" tax cut package, which eliminated the state's use of property taxes for operational purposes, cut the GRT rate to 3.5% and increased the municipal GRT distribution to 1.35%. Along with the increase came restrictions eliminating 0.25% of the municipal option taxing authority previously granted and removing the authority for imposing municipal occupancy taxes. By 1986, it was clear that the 1981 tax cut could not be sustained and lawmakers passed a series of tax increases. In 1986, the state GRT increased to 4%, and to 5% in 1990. A limited number of additional municipal option taxes were also authorized during this period.

Arriving at a 1.225% Distribution

Further state revenue enhancements became necessary in 1991 and, among other things, the 1.35% municipal distribution was reduced to 1.225%. No specific rationale, other than the State needing additional resources, seemed to underlie this reduction.

The 1.225% distribution has continued since 1991. However, too often, both the legislative and executive branches of state government view the "State Shared Gross Receipts Tax" as a revenue-sharing program adopted by the state, rather than the incorporation into the state GRT rate of taxes previously imposed by municipalities. This misunderstanding of the distribution increases the potential that policymakers could consider reductions in the distribution percentage, especially during times of fiscal shortfalls in state revenues.

An Alternative Proposal for Local Control and Transparency

While the rationale for the municipal distribution is well grounded in the context of the development of New Mexico's GRT system, it may be time to consider an alternative structure. During the last decade or more, the Legislature has discussed the need for comprehensive tax reform, with several proposals put forward. For example, House Bill 412 in 2017 included, among a number of measures, a proposal to convert the municipal distribution to regular tax increments imposed by the municipality - seemingly the first statutory proposal for this idea.

The New Mexico Municipal League has endorsed the idea of changing the distribution to a local increment. The 2020-2021 Statement of Municipal Policy specifically calls on the legislature "to adopt legislation to change the 1.225% state shared gross receipts tax to a local municipal tax." Changing the distribution to a local incremental would provide municipalities with appropriate local control over these revenues, improve the transparency of the tax, and reduce the risk of state reductions to the distribution amount. Such a shift is also likely to be revenue neutral for both municipalities and the state.

To make this change, the state would likely want to reduce the state GRT rate that applies within municipalities to offset the increase in local rates. While the mechanics of how to enact these changes haven't been worked out yet, shifting the municipal GRT distribution to a local municipal tax remains a good policy option to consider, particularly as the talk of comprehensive tax reform continues to be heard around the State Capitol.



From the Bench: Recent Court Decisions with Implications for Municipalities

by Laura Vega, Litigation Counsel, NMSIF and Dillon Fisher-Ives, Litigation Attorney, NMSIF

Two recent U.S. Supreme Court decisions - one on malicious prosecution and another on warrantless entry - could affect how courts analyze similar cases in the future, with potential impacts on municipalities.

Malicious prosecution without a conviction

In a 6-3 decision in *Thompson v. Clark*, the U.S. Supreme Court held that a plaintiff need only show that his or her prosecution ended without a conviction to demonstrate a favorable termination of a criminal prosecution to bring a Fourth Amendment malicious prosecution case. Larry Thompson's sister-in-law, who lived with him and suffers from mental illness, reported to 911 that he was sexually abusing his one-week-old daughter. Thompson refused to let police in his apartment without a warrant. After a "brief scuffle," police arrested Thompson and charged him with obstructing governmental administration and resisting arrest. Medical professionals at the hospital determined Thompson's daughter had diaper rash and found no signs of abuse. Before trial, the prosecutor moved to dismiss the charges and the trial judge agreed to do so without explaining why. Thompson then sued the officers who arrested him for malicious prosecution under the Fourth Amendment. Following Second Circuit precedent, a malicious prosecution case could only be brought if the prosecution ends not merely without a conviction but with some affirmative indication of innocence. In the Thompson opinion, written by Justice Kavanaugh, the Supreme Court disagreed with the Second Circuit and held that a Fourth Amendment malicious prosecution case may be brought if there is no conviction.

Thompson brought his Fourth Amendment malicious prosecution case under 42 U.S.C. §1983, which was adopted in 1871. This federal statute allows state and local government officials to be sued for money damages when they violate constitutional rights. One of the elements of a malicious prosecution claim is "favorable termination" of the underlying criminal prosecution. The other elements include whether the prosecution was "instituted without any probable cause" and was motivated by "malice."

According to the Court, to determine what favorable termination entails—a prosecution ending merely without a conviction or instead with an affirmative indication of innocence—the Court had to determine what courts required in 1871. The parties "identified only one court that required something more, such as an acquittal or a dismissal accompanied by some affirmative indication of innocence." As such, the Supreme Court reasoned that no conviction is enough to meet the element of "favorable termination" in a malicious prosecution claim.

The decision could change how New Mexico courts analyze claims related to malicious prosecution of abuse of process, potentially making it easier for plaintiffs to bring these claims.

Reinforcing warrant search requirements

In *Lange v. California*, 141 S. Ct. 2011, 2013, 210 L. Ed. 2d 486 (2021), the U.S. Supreme Court unanimously held that pursuit of a fleeing misdemeanor suspect does not always justify entry into a home without a warrant. Rather, "[a]n officer must consider all the circumstances in a pursuit case to determine whether there is a law enforcement emergency."

Arthur Lange drove by a California highway patrol officer while playing loud music and honking his horn. The officer followed Lange and put on his overhead lights signaling Lange to pull over. Lange kept driving to his home, which was about 100 feet away. The officer followed Lange into the garage and conducted field sobriety tests after observing signs of intoxication. A later blood test showed Lange's blood-alcohol content was three times the legal limit. Lange argued that the warrantless entry into his garage violated the Fourth Amendment. California argued that pursuing someone suspected of a misdemeanor, in this case failing to comply with a police signal, always qualifies as an exigent circumstance authorizing a warrantless home entry. The California Court of Appeals agreed. The Supreme Court, in an opinion written by Justice Kagan, rejected a categorical approach. Instead, in instances of a misdemeanants' flight,

"[w]hen the totality of circumstances shows an emergency—such as imminent harm to others, a threat to the officer himself, destruction of evidence, or

escape from the home—the police may act without waiting." The Court noted that "when it comes to the Fourth Amendment, the home is first among equals."

In *United States v. Santana* (1976), the Court upheld a warrantless entry into a home of a fleeing felon but said nothing about fleeing misdemeanants. Notably, misdemeanors vary widely and may be minor. In *Welsh v.*



Wisconsin (1984), the "Court has held that when a minor offense alone is involved, police officers do not usually face the kind of emergency that can justify a warrantless home entry." Likewise, "[t]hose suspected of minor offenses may flee for innocuous reasons and in non-threatening ways." Finally, the Court pointed out that "[t]he common law did not recognize a categorical rule enabling such an entry in

every case of misdemeanor pursuit."

The Court's decision upholds an individual's right under the Fourth Amendment to "be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures," and reinforces the need for a warrant to properly execute a search.

Community Spotlight

Portales: A Small Town with a Big Heart

by Mike Miller, Mayor Pro Tern, City of Portales



When you think of Portales, New Mexico, you should picture a charming city in Southeast New Mexico's Llano Estacado that offers a wide variety of culture and kindness. Portales is a small town in the beautiful plains with a big heart. The City of Portales offers a family friendly ambiance with serene city parks, a place full of economic development opportunities to start and grow a prosperous business, where beautiful sunsets in an agricultural community are the new gateway to your good life. We are a unique destination on Highway 70 where visitors can have a respite or newcomers can settle in to a place with a small town feel in a city that is quickly building larger community amenities.

There are many core strengths that our hometown has to offer:

- We have a **strong agribusiness presence**, with agricultural and dairy industries a crucial part of the vibrant local economy.
- Our rural setting has **modern conveniences** such as the readily accessible Portales Area Transit services, up-to-date healthcare options from the Roosevelt General Hospital and Clinics and La Casa Family Health Care, and well-situated hospitality accommodations.
- **Entertainment** is at your fingertips with high-speed internet and great venues offering museums to explore, fine arts performances to attend, an arena and stadium for sports, and the annual Peanut Valley Festival, Heritage Days, Roosevelt County Fair, or the new Portales Fun Center, opening soon.
- Portales is home to a welcoming 433-acre campus of **Eastern New Mexico University**, which is New Mexico's largest regional comprehensive university with a 17 to 1 student-to-faculty ratio, offering more than 60-degree options ranging from associate to master's, and a diverse enrollment of nearly 5,000 students. Eastern New Mexico University is nestled in Portales and offers a community spirit, growth, development, and has ample prospects to obtain a fulfilling career after graduation. "
- Located a short distance from Portales, **Cannon Air Force Base** not only employs our country's finest, but offers employment opportunities to civilians. Cannon Air Force Base is home to the 27th Special Operations Group. Our open skies hold the promise to see exciting single or squadron flights from your own backyard.
- The City of Portales works closely with the Roosevelt County Economic Development Corporation to sustain current business opportunities, grow expansion from within, and recruit new developments. Redevelopment in the downtown district is ongoing and storefronts are available for new and innovative business incubation within a business-friendly environment. Our Local Economic Development Act can provide grant funds to enhance an existing business or provide support to get a new business venture started. Our focus is to have diverse business ventures grow with us in the warm heart of the sun belt.
- The **Portales Municipal Schools** offer exceptional facilities and faculty, a low student-to-teacher ratio, and future-oriented curriculum for growing minds in which to develop and engage in learning. Students in Portales all attend the same school at the same grade level. Eastern New Mexico University and the Portales Municipal School offer dual credit courses to build on strong academic programs for students ready to kickstart their future. The **Portales Public Library** offers programming to enrich learning and the Golden Student Success Center has the resources to help every learner expand their horizons. In Portales, educational opportunities are second to none.

- Our **effective and dedicated police, fire and emergency medical services** departments are at the community's service 24/7. Our well-trained public safety employees are dedicated to ensuring Portales is a safe and wonderful community. Portales is also home to the Portales Public Safety Explorers, where young people ages 14 to 21 can gain hands-on experience, career development training, and networking prospects to step up into a future career in public safety.

A pleasant rural atmosphere with big opportunities on an open horizon, combined with incredible cultural, educational, and economic development resources make Portales the gateway to a good life. Come visit us!



Tell us what makes your community special!

We'd like to feature a different community in each edition of the Municipal Reporter. Send us your contributions and share what's going on in your community, why visitors should check out your town, or tell us about an exciting economic development project. Share photos with us well! Send your contributions to Alison Nichols at anichols@nmml.org.

From the Archives: Municipal League History

League Meeting Attended by Many. Las Vegas Optic, January 16, 1913

**LEAGUE MEETING
ATTENDED BY
MANY**

**NUMEROUS NEW MEXICO CITIES
SEND DELEGATES TO SAN-
TA FE TO BOOST STATE.**

The Santa Fe New Mexican of yesterday contains the following account of the opening of the two days' session of the New Mexico Municipal league:

Declaring that municipalities are corporations and that they must seek legislation for the good of the entire community so that "the city beautiful, the city wholesome and the city useful" may be a reality instead of a glittering assertion, Dr. J. J. Shuler, mayor of Raton, N. M., today opened the meeting of the Municipal league.

The sessions are being held at the Santa Fe court house and are well attended by mayors, ex-mayors, city attorneys and representatives from city councils.

The following cities sent delegates or lengthy communications encouraging the league: Las Vegas, Artesia, Raton, Albuquerque, Santa Fe, Carlsbad, Farmington, Silver City, Clayton, Clovis, Alamogordo and Roswell.

Representatives from these different places include some prominent men. Mr. Osborn represents Artesia, Mayor Sellers and two others are here for the Duke City's interests, Mayor Lopez and former Mayor Sparks stood for Santa Fe, Frank Staplin came from Farmington, Senator W. B. Walton from Silver City, Mr. Easterwood from Clayton, State Engineer T. J. Mabry from Clovis, State Senator Bowman from Alamogordo, W. A. Atkinson represented Roswell, and H. W. Clark, Las Vegas.

H. L. Rickley of Raton served as secretary and read numerous letters and telegrams from all over the state congratulating the league on its session in the ancient capital in which legislation is to be enacted during the next 60 days.

Mayor Shuler's Address.

In his opening address Mayor Shuler said: "I congratulate this league on having so many cities of New Mexico represented here today. It is true that several places were not able to have delegates come here at this time, but the letters of encouragement and advice they sent instead cannot be but an inspiration to us in our deliberations.

"Much has been said in recent months about planning of cities and the 'ideal' every city maker should have in view.

"We are all in favor of a city beautiful but we want also a city practical and to carry out our ideas we must not neglect helpful legislation. Banded together, the head and officers of cities can do much toward procuring helpful legislation, and I am convinced that the legislation such a league as ours will ask will be for the best of the communities we represent."

(Applause.)

Other mayors followed the representative of Raton. Mayor Sellers offered a motion that the minutes of the league be sent to all the cities represented in order to show the work of the league and keep the various cities of the Sunshine state in touch with the movement.

The session adjourned at noon but will be resumed this afternoon and tomorrow.



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