

NEW MEXICO
MUNICIPAL LEAGUE

The Municipal Reporter

A Publication of the New Mexico Municipal League

Summer 2024



Ruidoso Sunflowers

NEW MEXICO MUNICIPAL LEAGUE

New Mexico Municipal League



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Municipal Reporter

Summer 2024

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Dear members,

As you know, my community, Ruidoso, along with neighboring communities, experienced devastating wildfires last month that resulted in loss of life, along with loss of homes and businesses. While the fires were eventually contained, ongoing flash flooding in the area continues to threaten lives and livelihoods, causing ongoing disruption to recovery efforts. This has been a difficult and stressful time for our communities, with village staff working long, grueling hours to get us back on our feet, and at the same time, dealing with personal challenges faced as a result of the fires and floods.



During this difficult time, we are grateful for all the support you have shown us. The city of Roswell provided immediate support for displaced residents, while police departments from Alamogordo, Artesia, Carlsbad, Farmington, Hobbs, and Portales sent officers to help ensure public safety. Many other departments also offered to send officers. We also received valuable support from the Municipal League, which set up emergency communication tools, delivered fuel, replaced a police vehicle, and provided supplies for village firefighters, among other support.

Over the past month, we've seen the value of our organization and the support networks that municipalities across New Mexico have built over decades. The strength and unity that define the League and its members truly becomes apparent during the most difficult times. I know we're certainly not the only community to experience devastating wildfires recently, and – unfortunately – we won't be the last. For any communities facing difficult times – whether because of natural disasters or otherwise – please know that League members and staff stand ready to support you. Don't hesitate to ask for help.

On that note, I want to encourage members to take advantage of all the opportunities the League provides to make those connections. In July, I was able to spend some time at the League's Newly Elected Officials Orientation and speak to a group of recently elected mayors and councilors. I emphasized that the relationships they build through the League will be the most valuable tools they can draw on during their time in office. That's never been more apparent to me than during these past few weeks.

I want to express sincere thanks and gratitude to all those who have reached out – it means a lot to know how many people all over the state are here for us. I look forward to connecting with many of you in person at the League's Annual Conference in Clovis and continuing to work towards a future of resilience and strength for all our communities.

Lynn Crawford
Mayor, Village of Ruidoso
President, New Mexico Municipal League

Municipal League News & Events

Municipal League Members Convene for Policy and Resolutions Committee Meetings in Albuquerque

On June 27, the League held its annual Policy and Resolutions Committee meetings in Albuquerque. For this year's meetings, the two committee meetings were held on the same day, and members jointly discussed all policy areas – public safety, community and economic development, finance and taxation, and environment and natural resources – rather than splitting up into separate policy subcommittees.

Discussions highlighted the diverse challenges and opportunities faced by municipalities across the state. Members voted to amend several resolutions, including ones concerning the Inspection of Public Records Act, and housing affordability, and also adopted several new resolutions, including calling for increased funding for water infrastructure.

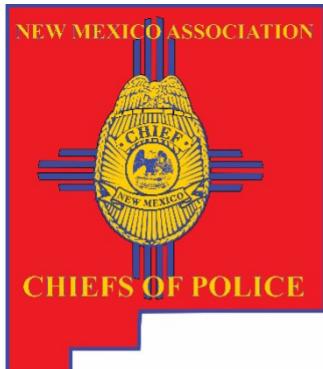


The policy process is an important step in development of the League's legislative priorities, and actions taken at the recent meeting will inform staff's work over the remainder of the interim and into the legislative session in January.

**Thank you to all
members who participated!**

Municipal League Member Police Departments Step in to Support Emergency Response in Ruidoso

The New Mexico Association of Chiefs of Police has been working with local emergency management authorities in the Ruidoso area, as well as the New Mexico Municipal League to provide additional law enforcement assistance following the disastrous fire and its aftermath.



The Association, made up of local departments from across the state, has helped mobilize officers from several agencies to assist during this tragedy. These officers have

UPCOMING EVENTS

For a full list of events, please refer to the Municipal League website

August 13-16
NMML Annual Conference
Clovis

September 11-13
New Mexico League of Zoning Officials Annual Meeting
Carlsbad

September 26-29
New Mexico Fire Service Conference
Ruidoso

October 7-11
New & Future Police Chiefs Training
Portales

October 21-24
Clerks Certification Institute & Master Municipal Clerks Academy
Albuquerque

October 28-30
New Mexico Infrastructure Conference
Albuquerque

27th Annual
New Mexico Infrastructure Finance Conference
"Building Resilient Communities through Infrastructure"

SAVE THE DATE

OCTOBER 28-30, 2024

Location:
Isleta Resort & Casino
11000 Broadway SE
Albuquerque, New Mexico

www.nmifc.com

provided critical support to local law enforcement and New Mexico State Police, helping to ensure the safety of businesses and assisting the community in any way possible during this challenging time.

The New Mexico Association of Chiefs of Police would like to extend special thanks to the following agencies and communities for their invaluable assistance: **Alamogordo, Artesia, Carlsbad, Farmington, Hobbs, and Portales**. In addition to these departments, many other agencies were willing to send officers, although their assistance was no longer needed.

The Chiefs Association continues to monitor the situation closely and remains committed to supporting the Ruidoso community in any capacity necessary. Our thoughts are with the residents of Ruidoso, the surrounding area, and all those affected by the devastating tragedy.



Self-Insurers' Fund to Offer New Learning and Policy Management Tools for Municipal Employees, Law Enforcement Departments

The New Mexico Self-Insurers' Fund recently entered into a contract with Lexipol, a company that provides comprehensive solutions for public safety and other local government agencies that include policy, online learning, wellness resources, grant services, and industry news sites.

Through NMSIF's contract with Lexipol, Fund member police departments will have access to **customizable, state-specific law enforcement policies** that are automatically updated in response to state and federal law changes and court decisions. Lexipol also offers an **online training platform** designed to meet law enforcement training requirements. These tools will make it simpler for municipal police departments to keep policies up to date and in compliance with state and federal law.

Through Lexipol, members will also have access to LocalGovU, an innovative **online learning solution with over 3,300 online courses** for public entities covering topics such as customer service, health and wellness, human resources development, and more. The course content is designed to help public entities reduce liability and manage risk through high-quality training.

Members will receive more information in the coming weeks on Lexipol tools and resources and how best to leverage the range of new services available to members.



67th NMML Annual Conference Preview

We are looking forward to seeing you in Clovis!

Please note that this is a preliminary agenda and session times and content are subject to change. For the most up-to-date information and more details on the conference, please visit the event calendar on our website (www.nmml.org).

Clovis Civic Center - August 13 – August 16, 2024

TUESDAY, AUGUST 13 th	
Community Project: 10:00 am – 3:00 pm	<i>The Salvation Army Social Services cater to the needy, displaced (homeless), young children, and anybody that walks through their door. Be a part of supporting their incredible contribution to the Clovis community by volunteering though the NMML's annual Community Project. Based on participation, you'll have the opportunity to help prepare bags of food for citizens that come in on pantry distribution days, sort toys/clothes for Christmas outreach, help with minimal painting around the Salvation Army building, organize their craft/birthday room, and/or (weather permitting) yard work at Salvation Army building.</i>
Golf Outing at Colonial Park Golf Course: 11:30 – 5:30 pm	<i>Get ready to have some fun as you tee off for this year's 1 PM shotgun start, four-person scramble at Colonial Park. Come early to visit the pro shop, warm up on the driving range, and enjoy your 12-noon lunch inside before heading out on the course to connect, play, and maybe even win a prize and earn some bragging rights. We look forward to seeing you there!</i>
Registration: 3:00 – 6:30 pm	
Exhibitor Welcome Reception: 5:00 – 7:30 pm	<i>Come on down to the Clovis Civic Center to help us officially kick off the 67th Annual NMML Conference by welcoming all our fabulous exhibitors while enjoying some good ol' comfort food.</i>
WEDNESDAY, AUGUST 14 th	
Registration: 8:00 am – 5:00 pm	
Vendor Stroll: 8:00 am – 5:00 pm	
Breakfast: 8:00 – 9:00 am	
Spouse Program: 9:30 – 11:30 am	<i>Spouses, come one, come all, as you're invited to experience five memorable animal encounters at Hillcrest Park Zoo, NM's 2nd largest zoo and home to many animals, including giraffes, kangaroos, tigers, monkeys, camels, zebras, and other wildlife.</i>
Subsection Meetings I: 9:00 – 11:00 am	
Mayors/Councilors/Commissioners/Trustees Caucus	
NMCFOA and NMGFOA Joint Meeting	
Lunch: 11:00 am – 12:30 pm	
Subsection Meetings II: 1:00 – 3:00 pm	
NM City Management Association	
NM Municipal Judges Association	
NM Municipal Court Clerks Association	
NM Association of Chiefs of Police	
NM Environmental Quality Association	
NM Municipal Librarians Association	
Welcome & Opening General Session: 3:00 – 5:00 pm	

Memory Power - Paul Mellor

If there were a magic pill that would improve your memory, would you take it? Fortunately, you don't need to. This interactive session rids your poor memory from forgotten names, misplaced glasses, and statements such as, "I know it's here somewhere," to a mind that's efficient and reliable. You'll learn techniques for organizing your thoughts, speaking without notes, remembering names and faces, and overcoming absent-mindedness. When you're skilled in memory, all your other skills get better. You can improve your memory. This program shows you how.

Credentials Committee: 5:00 – 5:15 pm

Resolutions Committee: 5:15 – 5:45 pm

Fiesta on Main Street: 6:00 – 9:00 pm

Experience a taste of what Clovis's Main Street has to offer during the Fiesta on Main Street. Join us between 4th and 5th Streets to explore the area's bars, restaurants, and shops in between indulging in the Fiesta feast that awaits you.

Exhibitor Breakdown: 5:00 pm

THURSDAY, AUGUST 15th

Fun Run/Walk: 6:30 – 8:00 am

Race into the day by joining our annual 5K Fun Run/Walk! Race begins at 6:30 am sharp at Hillcrest Park and whether you come in first or last, you'll be rewarded by breakfast at the finish line.

Breakfast: 7:45 – 8:45 am

Registration: 8:00 am – 12:00 noon

Concurrent Workshops: 8:30 – 10:00 am

Workshop 1: Long Term Planning and Near-Term Action for Water Security

Presentations from panelists will review the [Governor's 50-Year Water Action Plan](#) elements of Conservation, New Water Supplies, and Water and Watershed Protection, with emphasis on applicability to municipal entities. Workshop discussions will cover existing and proposed new programs and funding to manage and protect water resources across the State. Panelists may include representatives from the Governor's Office, Office of the State Engineer and NM Interstate Stream Commission, the New Mexico Environment Department, and regional or local leaders and/or water project managers.

Workshop 2: Supporting Housing Development in Local Communities

Learn more about how local governments can support housing growth across the income spectrum from best practices around the state. This session will provide an overview of the regulatory frameworks, funding programs, and best practices for capacity building to increase local housing production and promote housing affordability. It will also provide a current overview of efforts from the Governor's housing and homelessness initiative to address larger statewide issues.

Break: 10:00 – 10:15 am

Concurrent Workshops: 10:15 – 11:45 am

Workshop 3: Tech Tactics: Enhancing Municipal Law Enforcement with Innovative Tools

Workshop 4: How to Remember Names

*As Dale Carnegie, author of *How to Win Friends and Influence People*, writes, "A person's name is the sweetest, most important sound in any language. Remember that name and call it easily, and you've given that person a very subtle and effective compliment." This program shows time-tested techniques on how to remember first names, last names, and groups of people. No embarrassing moments, and no one will be put on the spot, in this interactive workshop on recalling names. We deal with people each day. It helps if we can remember them. This program shows how.*

Break: 11:45 am – 12:00 noon

Lunch Honoring Past Presidents 12:00 noon – 1:15 pm (OSA Awards)

Closing General Session 1:15 – 2:15 pm

Something Greater is Always Possible – Devin Henderson

For many individuals and teams, a once-held vision of unlimited possibility gets small and limited as a result of life's daily stressors, persistent insecurities, self-doubt, isolation, and even failure. But what if you and your team could reclaim and even expand your full potential at any time? And what if your truest potential was bigger, richer, and more satisfying than you had previously envisioned? Seasoned speaker and performer Devin Henderson brings an unforgettable experience of impact and inspiration that helps people and organizations take a break from the worries of the day while breaking free from perceived limits. You will discover practices for maintaining mental strength and resilience to realize your greatness like never before. You'll learn how to:

- Be resilient to fears and challenges that sabotage what's possible when left unchecked.
- Attain a seemingly impossible goal without slowing down or giving up.
- Rethink what's possible and uncover untapped potential like never before.
- Collaborate with your teammates to achieve greater things together!

NMML Annual Business Meeting: 2:15 – 4:00 pm

"Clovis Takes the Stage" Dinner/Dance 5:30 – 10:00 pm

Don your best Broadway-worthy attire for your walk down the red carpet! Be transported through time to celebrate Broadway musicals through the years and dine like a star before dancing into the evening to the Full Circle Band, featuring special guest singer Stephanie Chavez, and capping off your night with a Rock of Ages inspired performance.

FRIDAY, AUGUST 16th

Closing Breakfast 8:00 – 10:00 am at Days Inn

Emergency Response

By Your Side: Before, During & After a Natural Disaster

The New Mexico Municipal League (NMML) and the New Mexico Self Insurers' Fund (NMSIF) play a pivotal role in supporting their member cities, towns, and villages during emergencies by providing coordination, resources, and advocacy. Here are several ways the NMML/NMSIF has recently assisted their members:

Coordination and Information Sharing

NMML acts as a central hub for disseminating critical information and coordinating efforts among member municipalities. We can provide platforms for sharing best practices, lessons learned from past disasters, and up-to-date information on emergency protocols and response strategies. This ensures that all member municipalities have access to essential resources and are well-prepared to respond effectively during emergencies.



Training and Capacity Building

NMML offers training programs, workshops, and tabletop exercises designed to enhance the emergency preparedness and response capabilities of member municipalities. These sessions cover topics such as incident command systems, crisis communication strategies, disaster recovery planning, and the utilization of available resources. By investing in the professional development of local government officials and emergency responders, NMML strengthens overall resilience across our membership.

Advocacy and Representation

During emergencies, NMML advocates on behalf of our member municipalities at state and federal levels to secure additional resources, funding, and legislative support. We serve as a unified voice, lobbying for policies that enhance disaster preparedness, streamline emergency response procedures, and ensure equitable distribution of disaster relief funds. By leveraging our collective voices, the League amplifies the needs and priorities of local governments in the aftermath of disasters.

Resource Mobilization

NMML facilitates resource mobilization by connecting member municipalities with state and federal agencies, non-profit organizations, and private sector partners that can provide assistance during emergencies. This includes access to mutual aid agreements, emergency equipment and supplies, volunteer networks, and technical expertise. By fostering partnerships and collaborations, we strengthen the resilience and recovery capabilities of member municipalities.



Post-Disaster Recovery Assistance

Following a disaster, NMML provides ongoing support to member municipalities in navigating the complexities of recovery and rebuilding. This includes technical assistance in assessing damage, securing disaster relief funding, navigating insurance claims, and developing long-term recovery plans. By offering guidance and expertise, we help expedite the recovery process and ensure that communities can rebuild stronger and more resilient than before.

Grant Support for Jemez Springs

In 2023, the Village of Jemez Springs experienced damaging flooding, with flood waters overflowing the banks of the Jemez River and breaking the village's main wastewater line. This break led to water and debris flowing into the wastewater treatment plant, causing a shutdown. Following the damage, League staff and the League's contract grant specialist worked with village staff to apply for a federal Economic Development Administration grant. In June, the EDA announced a \$2.24 million to improve their wastewater infrastructure, including the plant and sewer collection lines, supporting local businesses and job creation.

EDA grants are awarded through a competitive process based upon the application's merit, the applicant's eligibility, and the availability of funds. The EDA grant that Jemez Springs received came from \$483 million in supplemental fundings appropriated for disaster relief and recovery.

The League provides grant-related support to members, including support for submission of grant applications to address emergency and disaster situations. Please reach out to Alison Nichols (anichols@nmml.org) with questions or to request assistance.

On the Ground Support in Ruidoso

NMML/NMSIF staff were on the ground in Ruidoso for two weeks during the recent South Fork and Salt fires and subsequent flooding, offering support to Mayor Crawford and his outstanding team. Assistance provided included:

- **Fuel Procurement:** Assisted with the procurement and delivery of fuel to the Village. When power was lost and normal fuel options were non-existent, fuel was delivered within hours to ensure that emergency operations could continue.
- **Resource Coordination:** Helped coordinate incoming additional emergency resources. Member police agencies assisted the Village of Ruidoso with supplemental police officers, with NMML assisting in the coordination of this task.
- **Police Support:** When the Chief of Police lost his home and police vehicle in the fire, NMML provided a vehicle to maintain emergency police operations.
- **Firefighter Support:** Four Village firefighters lost their homes and all their belongings, including clothing and uniforms. NMML procured sufficient clothing and uniforms to ensure they could continue their duties.
- **Swift Water Rescue:** Procured swift water rescue vests for the fire department to ensure their safety during floods and potential rescues.
- **Damage Assessments:** Conducted damage assessments for NMSIF insured properties, allowing immediate claims to be opened for the insured members.
- **Mental Health Services:** Coordinated with Dr. Rodgers and Public Safety Psychology Group for in-person mental health services for village employees, some of whom had lost their homes.



NMML/NMSIF is here to help our members with emergency preparedness, response, and recovery capabilities of our member municipalities. Through coordination, training, advocacy, resource mobilization, and post-disaster assistance, NMML/NMSIF can help strengthen community resilience and empower local governments to effectively mitigate, respond to, and recover from emergencies.

Cannabis Control Division Changes

New Requirements for Issuance of Cannabis Licenses Took Effect on June 1

The New Mexico Cannabis Control Division (CCD) now requires applicants seeking a CCD Cannabis License to first obtain a business registration/license from the municipality they indeed on doing business in prior to the issuance of a state license.

The amendments to the rule were intended to streamline the process by:

- Restoring authority to municipalities on whether an applicant is viable to be a licensee.
- Prioritizing local requirements to prevent non-compliance from licensees who begin operation with a state license without registering with their locality.
- Avoiding a situation where a business pays for an expensive, non-refundable state license, only to find out that a local zoning ordinance prevents cannabis operations in that location.
- Allowing municipalities to better track unregistered cannabis facilities and ensure proper taxes are paid.

What does this mean procedurally for the cities, towns, and villages?

Each local jurisdiction shall continue to review prospective applications for cannabis businesses for compliance with local requirements of time, place, and manner in the same fashion as they have done; however, the applicant will not receive a cannabis license from CCD until all approvals have been given by the local jurisdiction and a local business registration/license is issued.

You may contact CCD if you have any questions or concerns at (505)-476-4995.



New Mexico Self Insurers' Fund Update

New Mexico Self-Insurers' Fund Update

Linda Calhoun, Mayor, Red River; NMSIF Board Chair

Readers: concerning the recent letters you've received from our underwriting team, we're proud to report the progress we've made on ensuring all member insureds play by the same set of rules. As we've noted previously, continued membership in our program relies on shared membership, and provides a measure of underwriting confidence that delivers on the many programs and initiatives your community needs. We are glad to report that staff has successfully obtained fully-executed joint powers agreements with every single member insured, and made significant progress on accurate exposure reports.

This year, we are going to closely monitor a number of underwriting, loss control, and risk topics to provide for continued improvement within our program. Key areas of focus include: legal needs for local governments, data-driven and analytics-based evaluative tools for property exposures, drug recognition training and expertise for law enforcement, and more robust participation by our core business. Changing risk markets can feel like moving targets, but our team at the Fund is committed to meeting local needs as they evolve in real time.

We've also made some recent adjustments to some of our programs. For body-worn cameras, the Fund reimburses for physical hardware, and not for software, storage, and other associated soft costs. Members should review associated resolutions to identify eligible purchases. We've also expanded requirements for ride-along programs, which are a great way to foster connections between law enforcement and the communities they serve. We encourage you to review these items and take advantage of these programs.

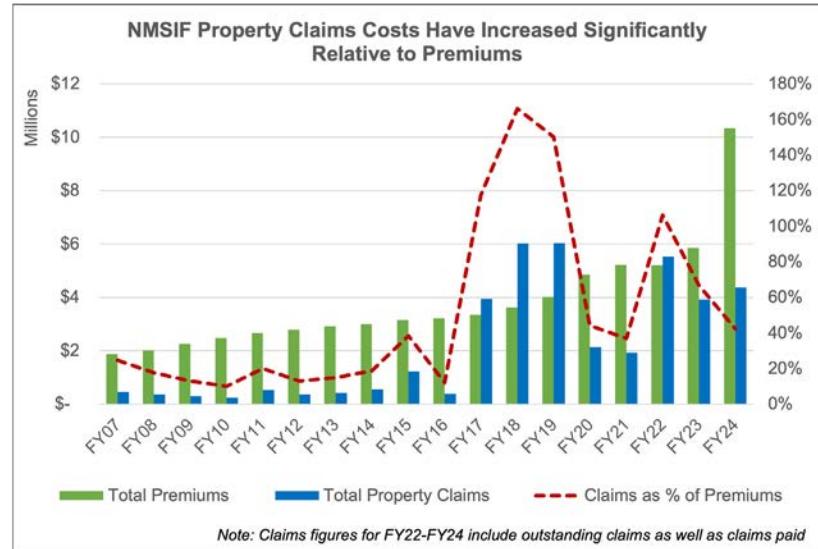
We take our role in providing essential services seriously, which is why we frequently reassess our needs. We recently requested proposals for attorneys and adjusters and plan to continue seeking the best value and service over the next two years. With firms, especially sole proprietors, closing more frequently, it's crucial to re-evaluate our needs regularly. Market forces may dictate these needs, leading to more frequent appraisals and program redesign efforts. We encourage you to contact our team for support following a loss event or to engage in proactive planning efforts.

And now for the fun news: we are looking forward to the New Mexico Municipal League's Annual Conference in Clovis this August. It promises to be packed with educational, training, and networking opportunities. We hope to see you there!

New Mexico Self-Insurers' Fund Paying More for Claims, Reinsurance Due to Severe Weather Events, Requiring Premiums Increase

NMSIF plans to increase member premiums over the next several years in order to keep pace with a rapid increase in property claims costs. The Fund is paying out more in claims and at the same time, facing higher costs for reinsurance and increasing its self-insured retention amount. These factors have led to declining cash balances.

Property claims paid out have increased significantly since FY07, both in absolute terms and as a share of premiums. Severe weather events such as wind, hail, and fire are increasing in both frequency and severity, leading to higher claims paid; premiums have not kept pace accordingly.



New Mexico Self Insurers' Fund Update

Between FY17 and FY23, property claims payments exceeded premiums by a total of \$4.1 million; in the ten prior years, premiums exceeded claims by over \$21.4 million.

Between FY17 and FY23, property claims as a share of premiums averaged 98 percent; over the decade prior, claims averaged 18 percent of premiums.

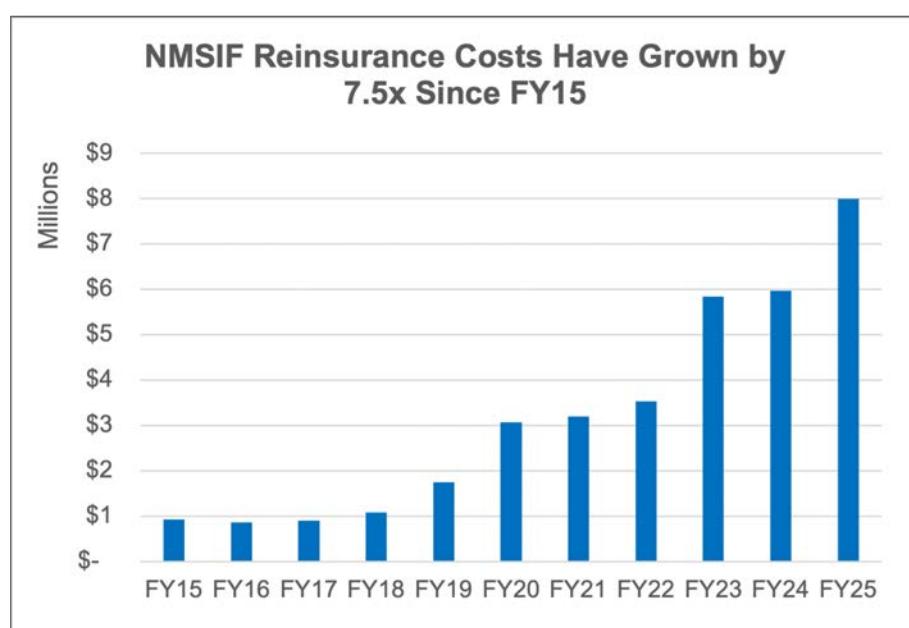
At the same time, reinsurance costs have risen nationwide due to increased claims resulting from natural disasters, mirroring trends in New Mexico. Reinsurers have raised premiums to reflect increased risks. **NMSIF's reinsurance costs have increased by over 750 percent since FY15 and are likely to continue to increase.**

NMSIF's self-insured retention, or the amount of loss that the Fund can absorb before relying on reinsurance, has also increased, further reducing the amount of available cash. NMSIF increased its self-insured retention amount from approximately \$50 thousand to \$250 thousand in FY24 in order to be more responsive to members' claims, allowing for more control over claims approvals.

In FY24, the Fund increased premium rates by approximately 20 percent to keep pace with increasing costs. Increasing claims costs, coupled with higher costs for reinsurance, mean that premiums will continue to increase for Fund members.

Total premiums increased by 76 percent in FY24, but much of the increase was due to the addition of new members, including Clovis and Hobbs. The addition of new members has boosted premiums; however, once claims from new members begin to be paid out, claims will likely begin to outpace premiums once again.

Members can anticipate future premium increases to ensure that the Fund remains financially healthy in the long term. Future increases will align closely with rising reinsurance costs. NMSIF staff is currently working on developing rates estimates for FY26 and will share more information with members over the coming months.



Please reach out to us with any questions about Fund premiums or claims.

Members should use the Online Portal

(<https://www.nmsif.app/account/login>) to maintain asset schedules, create and edit Certificates of Insurance, and change certain profile features.

We recently added access to FY24 policy documents, declarations pages to help enhance efficiency and expand the services already offered to Fund members.

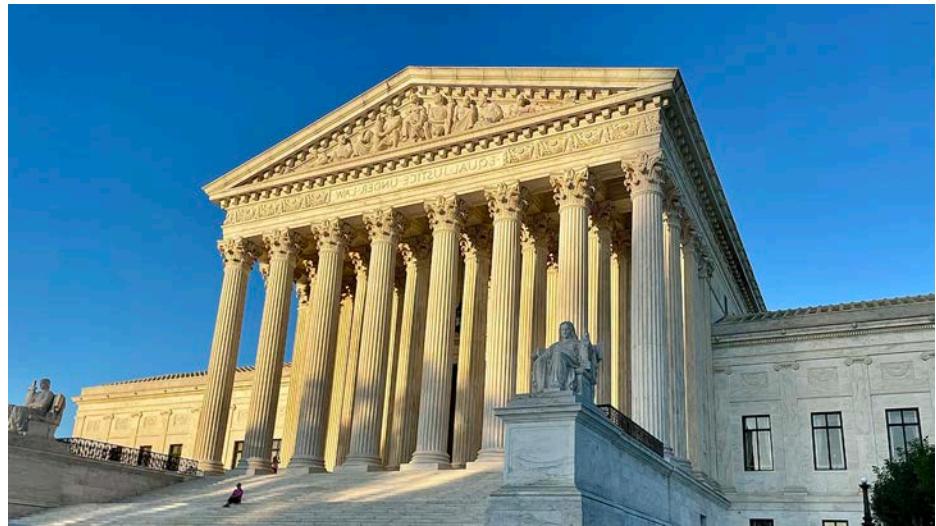
For questions regarding Member Portal access, please contact Allen Fugler at afugler@nmsif.org or 505-992-3536.

SCOTUS Issues Win for Local Control in *Grants Pass v. Johnson*

The following article was originally published by the National League of Cities on its website.

On June 28, the Supreme Court held in *Grants Pass v. Johnson* in favor of preserving local control and upholding local ordinances regulating camping on public property. The Supreme Court held that the Eighth Amendment's Cruel and Unusual Punishment Clause does not prohibit the enforcement of generally applicable laws regulating camping on public property. The decision highlighted the complexities of the homeless crisis and overruled a previous lower court decision in *Martin v. Boise* on this same issue, which had taken "one of [the] tools [needed to address homelessness] off the table." While the facts in this case center around ordinances passed in Grants Pass, the legal question in this case was one of local authority.

In the *Martin* case five years ago, the Ninth Circuit Court held that the Eighth Amendment "prohibits the imposition of criminal penalties for sitting, sleeping, or lying outside on public property for homeless individuals who cannot obtain shelter." As a result of that decision, local governments in the Ninth Circuit could not enforce public-camping ordinances against homeless individuals who lacked "access to alternative shelter." Today's decision provided clarity around whether local governments can regulate for the health and safety of their residents in accordance with local needs and conditions.



The City of Grants Pass has a population of about 38,000 residents, with about 600 individuals experiencing homelessness. The city passed several ordinances related to the regulation of sleeping outside. A violation of these ordinances resulted in fines, which would escalate if left unpaid. Additionally, a "park exclusion" ordinance enabled police officers to issue citations to those in violation of the ordinances, which could eventually escalate to criminal trespass. After the *Martin* decision, Grants Pass amended its camping ordinance to make it clear that the involuntary act of sleeping in a park was not prohibited, rather what was prohibited was "camping" – i.e., sleeping with any bedding/shelter.

As a result of the ordinances, two homeless individuals in Grants Pass filed a class action lawsuit on behalf of those that are "involuntarily homeless" against the city, arguing its ordinances are unconstitutional under the Eighth Amendment's Cruel and Unusual Punishment Clause. The Ninth Circuit affirmed the lower court's holding that "the anti-camping ordinances violated the Cruel and Unusual Punishment Clause to the extent they prohibited homeless individuals from 'taking necessary minimal measures to keep themselves warm and dry while sleeping when there are no alternative forms of shelter available.'" Although the city had four temporary shelters, none were "adequate" for their homeless population.

On June 28, the Supreme Court issued a 6-3 opinion authored by Justice Neil Gorsuch reversing the Ninth Circuit's "Martin experiment." The majority stressed that the "cruel and unusual punishment" clause under the Eighth Amendment has largely applied to legal issues relating to the methods of punishment and not whether a certain conduct can be criminalized. The majority contended that the fines and criminal penalties that are associated with the City of Grants Pass' ordinances do not qualify as "cruel and unusual punishment". Additionally, the decision reasoned that the Eighth Amendment "does not authorize federal judges... to dictate this Nation's homelessness policy." Justice Gorsuch wrote that the task of determining homelessness policy should rather belong to America's people. The majority strongly underscored the important federalism and separation of powers issues inherent in their decision.

Legal Corner

The National League of Cities filed a brief in this case along with founding partners of the Local Government Legal Center (LGLC), the International Municipal Lawyers Association, and the National Association of Counties. The Court used the local government amicus briefs to highlight everything from the scope of the homelessness problem, to how Martin is being interpreted in lower courts to hamstring local governments, to some of the solutions that local governments are seeking to address homelessness. Citing the LGLC brief and naming the National League of Cities as a source, the Court noted "these

public-camping regulations are not usually deployed as a front-line response to criminalize homelessness. Instead, they are used to provide [local government] employees with the legal authority to address encampments that pose significant health and safety risks and to encourage their inhabitants to accept other alternatives like shelters, drug treatment programs, and mental-health facilities."



The Supreme Court and many amici agree that the problem of homelessness is extremely complex. This case returns the hard task of solving the homeless crisis to state and local policymakers, where it belongs, with resource support from the federal government. Rather than spending significant time, money, and resources litigating Martin claims, local governments can focus on expending resources to help the homeless community while ensuring their public spaces are safe and accessible, in a manner consistent with local needs.

From the Archives: Santa Fe New Mexican, December 1, 1900

A Municipal League

A municipal convention was held at Albuquerque in the latter part of October which did not attract the public attention that it deserved. A call had been issued by the city council of Raton for a meeting of representatives of New Mexico municipalities to discuss legislation for cities and towns and to form

a municipal league. Raton, Las Vegas, Albuquerque, Santa Fe and Silver City were represented at the meeting and preliminary steps were taken for the formation of such a league. The addresses made were of great interest and the discussions were instructive. Officers were elected and a committee on constitution and by-laws appointed. It was decided to meet again at Santa Fe,

on January 23, 1901, while the legislature is in session. At that time the organization will be perfected and a constitution and by-laws adopted.

That there is a need for a municipal league and uniform legislation for cities and towns in New Mexico is shown by the fact that several of the towns of the territory find themselves in a deplorable condition and handicapped, by former or present misgovernment, overburdened with debt and general backwardness in municipal progress. A municipal league will be helpful by stimulating town and city authorities to greater and better effort to give their respective towns a good government.

The municipal league by making a special study of proposed municipal legislation can be helpful to the legislature passing such laws as will help along the good government of New Mexico towns and cities. For those reasons every town and city of the territory should be well represented at the municipal league meeting to be held in Santa Fe the latter part of next month.

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Clean Watersheds Needs Survey

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- New Mexico will need to invest approximately \$12 billion dollars to address clean water infrastructure,
- New Mexico has the third highest needs per capita at \$5,799
- The report is publicly available below:
<https://www.epa.gov/cwns>

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The Municipal Reporter

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