



# **2023-2024 ANNUAL RESOLUTIONS**

**Adopted By:  
NMML Membership  
August 31, 2023  
Farmington, NM**



## **TABLE OF CONTENTS**

### **2023-2024 ANNUAL RESOLUTIONS**

#### **COMMUNITY, ECONOMIC DEVELOPMENT & GOVERNMENTAL OPERATIONS, PUBLIC INFRASTRUCTURE & HUMAN RESOURCES**

- 1 Concerning Personnel Records and the Inspection of Public Records Act
- 2 Concerning State Grants for Libraries
- 3 Concerning Revisions to the Sale or Lease of Public Property Section for Monetary Thresholds
- 4 Concerning 2020 Bond Issue for Libraries
- 5 Concerning the Powers and Duties of the New Mexico Municipal Boundary Commission
- 6 Concerning International Building Code on Airport Hangars
- 7 Concerning the Return-to-Work Provisions of the Public Employees Retirement Act
- 8 Concerning Acknowledging the Need to Develop Solutions to the Housing Shortages Suffered by Municipalities Across New Mexico
- 9 Concerning Supporting Programs for Increased Awareness Regarding Behavioral Health and Legislation for Additional Funding Support for Behavioral Health Needs in the State of New Mexico

#### **ENVIRONMENT, ENERGY & NATURAL RESOURCES**

- 10 Concerning Nutrient Water Quality Criteria, Permit Limitations and Funding Sources
- 11 Concerning the Water Conservation Fee
- 12 Concerning State and Federal Funding for Communities Impacted by Wildfires

#### **FINANCE, INTERGOVERNMENTAL RELATIONS & TAXATION**

- 13 Concerning State and Local Tax Reform
- 14 Concerning Municipal Hold Harmless Gross Receipts Tax Distributions
- 15 Concerning 1.225 Local Distribution
- 16 Concerning GRT Income Swap Tax
- 17 Concerning Amendments to the Gross Receipts and Compensation Tax Act
- 18 Concerning Municipal Infrastructure Improvement ICIP Requests
- 19 Concerning the Corrective Action Fund Expenditures
- 20 Concerning State Capital Outlay Procedures
- 21 Concerning the Investment of Certain Public Monies by Municipalities with Fewer than Sixty-Five Thousand Persons
- 22 Concerning State Park Reimbursement for Local Services

#### **PUBLIC SAFETY**

- 23 Concerning Amending the Sex Offender Registration and Notification Act
- 24 Concerning EMS Funding
- 25 Concerning the Eligibility of Funds Pursuant to the State Emergency Services Fund Act for Municipalities Implementing an EMS Program for Safe Disposal of Prescription Drugs

**PUBLIC SAFETY - *continued***

- 26 Concerning Including Dispatchers in the Statutory Definition of First Responders in the Emergency Communications Interoperability Act
- 27 Concerning Workers' Compensation Benefits for Public Safety Officers
- 28 Concerning Municipal Courts
- 29 Concerning State Funding to Support Municipalities Joining the Statewide Interoperable Radio Network

## RESOLUTION 2023-1

### 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

**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

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



## RESOLUTION 2023-2

### CONCERNING STATE GRANTS FOR LIBRARIES

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

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

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

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

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

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

**Whereas**, the current state grants-in-aid distribution is \$0.47 per capita; and

**Whereas**, the national average for public library state grants in aid is \$3.47 per capita.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League endorses the passage of legislation to increase the appropriation to the library division of the Cultural Affairs Department to provide grants-in-aid for local library services and operations.

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





## RESOLUTION 2023-3

### 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, facility or property in excess of the threshold shall be subject to referendum provisions; and

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

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

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League supports legislation to adjust the monetary thresholds in the Municipal Sale or Lease of Property Section to reflect the rate of inflation since the last statutory change.

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



## RESOLUTION 2023-4

### CONCERNING 2024 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**, libraries continued to provide critical services throughout the COVID - 19 pandemic including reference and curbside service, access to digital materials, and virtual programming; and

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

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

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

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League endorses legislative passage of a General Obligation bond bill for every thirty-day legislative session to include funding for libraries and supports passage of the GO Bond question for libraries on the election ballot.

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



## RESOLUTION 2023-5

### CONCERNING THE POWERS AND DUTIES OF THE NEW MEXICO MUNICIPAL BOUNDARY COMMISSION

**Whereas**, the New Mexico Municipal Boundary Commission is a State of New Mexico Agency, statutorily defined as an “independent commission” whose primary duties and authorities are described in New Mexico Statutes Sections 3-7-1 *et. seq.*, concerning processes and procedures for the annexation of property contiguous to a municipality; and

**Whereas**, Section 3-7-1 NMSA describes the three methods of annexation, including a method of annexation described in Sections 3-7-11 through 3-7-16, which taken as a whole, permits the Commission to force annexation of property upon a municipality without consideration or deference to the wishes of the municipality; and

**Whereas**, Article X, Section 6(E). [Municipal Home Rule] of the New Mexico Constitution states: “The purpose of this section is to provide for maximum local self-government. A liberal construction shall be given to the powers of municipalities. (As added November 3, 1970.)”; and

**Whereas**, an independent commission forcing annexation upon an unwilling municipality asserting reasonable objections is a usurpation of local government authority to determine the health, welfare, and safety of its community; and

**Whereas**, the New Mexico Court of Appeals in *City of Albuquerque, et al. v. State of New Mexico Municipal Boundary Commission, et al.*, 131 N.M. 652, 41 P.3d 933 (NMCA 2002), the Court stated that the Commission must apply statutory standards under the umbrella of “reasonableness” and that while the Commission has the authority to annex property to a municipality over the objections of that municipality, the Commission should only do so based on a finding that those objections are unreasonable under the circumstances; and

**Whereas**, the current State Statutes are deficient in mandating required findings of the Commission when reasonable objections to annexation have been expressed to the Commission by an unwilling municipality.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League supports amendments to the New Mexico Boundary Commission annexation procedures to include deference to reasonable municipal objections to annexation, and to include within its findings proof that it considered the reasonable objections of the municipality to such annexation; and

**Be It Further Resolved** that additional required considerations of the New Mexico Boundary Commission shall include: financial and other resource allocation factors raised by the municipality.

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



## RESOLUTION 2023-6

### CONCERNING INTERNATIONAL BUILDING CODE ON AIRPORT HANGARS

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

**Whereas**, protected (covered) aircraft storage is accomplished in two types of structures, one in banks of enclosed “bays”, back-to-back, known as T-Hangars, and the second in standalone buildings that are capable of housing a single or multiple aircraft; and

**Whereas**, airports have a finite amount of useful space that has access to ramps, taxiways, fueling and runways and therefore requires buildings to be in closer proximity; and

**Whereas**, the 2015 International Building Code (IBC) requires that aircraft hangar exterior walls less than 30 feet from property lines, individuals 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 but it did not give relief to the interpretation by the Construction Industries Division (CID) of “public way” thereby allowing the more restrictive and costly enforcement for hangars over 2,000 square feet; and

**Whereas**, airport economic growth is dependent on hangar construction and aircraft inventory expansion which has slowed down or stopped in New Mexico due to the extreme construction costs and land use requirements; and

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

**Whereas**, this has been identified as 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 private, commercial and industrial development on their airports.

**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 Albuquerque, New Mexico.





## RESOLUTION 2023-7

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

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

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

**Whereas**, current law forbids public employees from collecting their pensions when they do return to public employment; and

**Whereas**, many municipal departments throughout New Mexico have difficulties in finding eligible candidates who are qualified to serve in such critical positions; and

**Whereas**, public agencies throughout New Mexico may lose invaluable knowledge, insight, professionalism and maturity by not being able to employ retired employees from jurisdictions within the state in critical roles; and

**Whereas**, municipalities in rural areas and smaller communities in New Mexico often employ retired law enforcement, fire service, EMS first responders, water and waste water operators and other critical employees from other jurisdictions; and

**Whereas**, retired employees who return to work would be required to make contributions as if they were current employees and would accrue no additional service credits or retirement benefits; and

**Whereas**, municipalities that hire retired employees who return to work would be required to make municipal contributions as if the returning employees were current employees; and

**Whereas**, sufficient safeguards are available to protect current municipal workers, to ensure the continued solvency of the PERA retirement funds and to ensure return to work employees fill vacant positions while maintaining the ability for current employees to continue their upward career paths.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League supports legislation that allows retired PERA employees to return to work to fill vacant, positions in critical, hard-to-fill municipal roles, potentially including but not limited to patrol-level officers and water and wastewater Levell III and IV operators, in departments with vacancy rates of 20% or higher, while maintaining the solvency of the PERA retirement funds and safeguarding the rights of public employees.

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



## RESOLUTION 2023-8

### CONCERNING ACKNOWLEDGING THE NEED TO DEVELOP SOLUTIONS TO THE HOUSING SHORTAGES SUFFERED BY MUNICIPALITIES ACROSS NEW MEXICO

**Whereas**, the cost of housing can be exorbitant in relation to the area median income for a four-person household in New Mexico; and

**Whereas**, rental rates across New Mexico have risen faster than incomes, resulting in fewer housing options for working-class families in New Mexico, as well as for prospective employees who might otherwise relocate to New Mexico; and

**Whereas**, the lack of housing options in New Mexico has a negative impact on the ability of local employers to attract and retain competent employees; and

**Whereas**, in addition to increased housing costs for working families, our municipalities have experienced reduced housing opportunities as a result of investors purchasing residential properties and converting them to short-term rental properties; and

**Whereas**, residential property owners that once offered their properties to long-term renters have recognized the opportunity to achieve a higher return on investment by converting their properties to short-term rentals, leading to further housing reductions across the state; and

**Whereas**, studies suggest that housing is not affordable for New Mexico families earning below 140% of the area median income; and

**Whereas**, under current law, municipalities are restricted in the amount of relief they can provide to alleviate the damage done to New Mexico's families by the housing shortage; and

**Whereas**, incomes of 120% to 140% of area median income in New Mexico would range somewhere around \$68,000 and \$90,000; and

**Whereas**, affordable rents for those income levels would range between approximately \$1,700 and \$2,200; and

**Whereas**, a survey of average nightly rental rate for homes in New Mexico listed on short-term rental platforms such as Airbnb could be up to \$220 per night. At that rate, the property owner can expect more than three times the income by renting the property on a nightly basis rather than on a monthly basis; and

**Whereas**, many residential rental-property owners have taken note of the income opportunities generated by Airbnb and have increased rates on long-term rental properties, exacerbating the housing crisis across the state; and

**Whereas**, the combination of low interest rates, high construction costs, and skyrocketing inflation has also contributed to the housing shortage in our State.

**Whereas**, rental rates in New Mexico under the \$2200 per month threshold for working families are typically too small to accommodate an entire family on a long-term basis; and

**Whereas**, housing-market conditions have evolved rapidly in recent years along with technology such as Airbnb; and

**Whereas**, many New Mexico municipalities are limited in the availability of land on which to develop housing to serve New Mexico families; and

**Whereas**, under the above-described conditions, the supply of rental housing for New Mexico families is practically non-existent; and

**Whereas**, our state-wide housing shortage has left working New Mexicans in fields as varied as teachers to tradesmen, nurses, firemen, police officers to film crew members and hospitality workers with few options but to live in hotels or spare bedrooms, or else to be out in the cold.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League shall coordinate with the Office of the Governor of New Mexico, the New Mexico Legislature, the New Mexico Finance Authority and all other relevant agencies to develop solutions to the housing shortage in New Mexico, including, but not limited to, amendments to the New Mexico Housing Law (NMSA 3-45-1 et. seq.) to provide relief from the anguish to New Mexico families in the 120% to 140% area median income directly created by the housing shortage in our State.

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

## RESOLUTION 2023-9

### **SUPPORTING PROGRAMS FOR INCREASED AWARENESS REGARDING BEHAVIORAL HEALTH AND LEGISLATION FOR ADDITIONAL FUNDING SUPPORT FOR BEHAVIORAL HEALTH NEEDS IN THE STATE OF NEW MEXICO**

**Whereas**, substance abuse and use disorders, including alcohol and illicit drug use, particularly in youth and young adults, continues to be higher in the State of New Mexico than the regional and national average; and

**Whereas**, unaddressed mental health problem negatively impacts poverty, employment, safety, homelessness, and the local economy; and

**Whereas**, incidence of major depressive episodes continues to increase, placing a greater demand and related challenges to overstretched behavioral health services and families in our communities; and

**Whereas**, the State of New Mexico is disproportionately affected by behavioral health issues, evidenced by its rank in the top five states in the US or suicide deaths; and

**Whereas**, the need to address the behavioral health challenges in New Mexico's communities by providing assistance to address the unmet needs of residents in a timely manner is imperative; and

**Whereas**, funding to support existing programs, and implement new programs is needed to secure the future behavioral health needs of New Mexico's communities.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League supports legislation to increase funding support to adequately address the behavioral health needs in the State of New Mexico.

**Passed, Approved and Adopted** this 1<sup>st</sup> day of September in the City of Albuquerque, New Mexico.



## RESOLUTION 2023-10

### CONCERNING NUTRIENT WATER QUALITY CRITERIA, PERMIT LIMITATIONS AND FUNDING SOURCES

**Whereas**, the New Mexico Municipal League (“NMML”) acknowledges that nutrients exist in all waters of the State but that excessive levels lead to impairment of designated uses; and

**Whereas**, the New Mexico Environment Department (NMED) has developed Total Maximum Daily Load (TMDL) documents with target nutrient levels that are not technologically achievable; and

**Whereas**, the target nutrient thresholds in the TMDLs are based on water quality values from pristine streams in the region (eco-region values); and

**Whereas**, the target values in TMDL waste load allocations must be both technologically achievable and neither over-nor under-protective; and

**Whereas**, the NMED and NMML have formed a Work Group that has evaluated alternative approaches to the implementation of TMDL waste load allocations for municipal point-source discharges that are scientifically based, environmentally sound, and consider the existing facility design, facility age and local economic factors; and

**Whereas**, the Nutrient Work Group has developed a revision to the Water Quality Management Plan that will provide an additional 20 years for qualifying municipal point sources to meet the TMDL target values; and

**Whereas**, the EPA issued the March 16, 2011 memo from Nancy Stoner *Working in Partnership with States to Address Phosphorus and Nitrogen Pollution through Use of a Framework for State Nutrient Reductions*, that includes eight recommended elements of a framework for nutrient reductions that address nutrient reduction holistically, without undue focus on the single point sources of nutrients that do not exceed diversion point levels.

**Now, Therefore, Be It Resolved** that the NMML urges the Governor of New Mexico and the New Mexico Legislature to support municipalities in meeting nutrient target values in their point source discharges by identifying funding sources for such necessary projects; and

**Be It Further Resolved** that the NMML strongly encourages NMED to develop a meaningful nutrient reduction strategy and numeric nutrient criteria based on the *Working in Partnership with States to Address Phosphorus and Nitrogen Pollution through Use of a Framework for State Nutrient Reductions*, which will involve the interaction and coordination of all sources of nutrients to the state’s waters without undue emphasis on municipal point source discharges.

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





## RESOLUTION 2023-11

### CONCERNING THE WATER CONSERVATION FEE

**Whereas**, the Water Conservation Fee Act (the Act) was enacted by the New Mexico Legislature in 1993, with further amendments adopted in 2013; and

**Whereas**, the Act created a water conservation fee imposed on every public water supply system in an amount equal to three cents (\$.03) per thousand gallons of water produced on which the fee imposed by some water systems has not been paid; and

**Whereas**, the Act created the "water conservation fund" in the state treasury to be administered by the Department of Environment. The fund shall consist of water conservation fees collected pursuant to this section. Balances in the fund at the end of any fiscal year shall not revert to the general fund but shall accrue to the credit of the fund. Earnings on the fund shall be credited to the fund; 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 the federal Safe Drinking Water Act (SDWA), and collect chemical compliance samples as required under the relevant 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 [61-33-1 NMSA 1978] and provide training for all public water supply operators; and

**Whereas**, the Taxation and Revenue Department shall provide by regulation for the manner and form of collection of the water conservation fee. All water conservation fees collected by the Taxation and Revenue Department, less the administrative fee withheld pursuant to Section 1 [7-1-6.41 NMSA 1978] of this 1997 act, shall be deposited in the water conservation fund; and

**Whereas**, the fee imposed by this section shall be administered in accordance with the provisions of the Tax Administration Act [7-1-1 NMSA 1978] and shall be paid to the Taxation and Revenue Department; and

**Whereas**, current expenditures under the Water Conservation Fund exceed revenues due to increased analytical fees and personnel costs, as well as additional and more stringent sampling requirements; and

**Whereas**, there are systems that are not paying into the fund but still receiving sampling and analytical services from NMED using Water Conservation Fund monies, thus depleting funding available to those systems paying into the fund.

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

- Urges the Governor of New Mexico and the New Mexico Legislature to support NMED's sampling and analysis efforts through the appropriation of funds to ensure an adequate balance in the Water Conservation Fund;
- Urges the Legislature to modify the Act in a manner requiring the Tax and Revenue Department to collaborate with NMED on a regular basis to identify those systems on a regular basis which are, and are not, paying the required fees into the Water Conservation Fund;
- Urges the New Mexico Legislature to modify the Act to establish requirements that Water Conservation Fund revenues only be expended by NMED on those systems current with their required payments into the fund. Additionally, Water Conservation Fund revenues should not be used to pay for any increased sampling that may be required of systems as a result of their noncompliance with the SDWA;
- Requests that NMED should also provide an annual list of all sampling and analysis required under the provisions of the SDWA, which are covered by the Fund, as intended by the 2013 amendments to the Act;
- Any increase to the Water Conservation fees are justified to the public. If fees are increased, the increase should be scheduled with adequate time provided for water systems to prepare and raise their system fees and/or budgets as appropriate. If the Conservation Fee levels are increased, the increase should be implemented incrementally, and should be sufficient to cover all sampling and analytical requirements of the federal Safe Drinking Water Act; and

**Be It Further Resolved** that the New Mexico Municipal League is committed to continuing its recent collaboration and efforts with the New Mexico Environment Department to address the lack of adequate revenues in the Water Conservation Fund to fulfill the intent purposes of the Act.

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

## RESOLUTION 2023-12

### CONCERNING STATE AND FEDERAL FUNDING FOR COMMUNITIES IMPACTED BY WILDFIRES

**Whereas**, recent wildfires have had devastating impacts on New Mexico communities; and

**Whereas**, the combined Hermits Peak and Calf Canyon Fire is the largest wildfire in state history, burning over 300,000 acres; and

**Whereas**, the combined Hermits Peak and Calf Canyon Fire was the result of controlled burns conducted by the U.S. Forest Service; and

**Whereas**, the Black Fire in the Gila National Forest is the second largest wildfire in state history, also burning over 300,000 acres; and

**Whereas**, many other communities in the state have experienced devastating wildfires as well; and

**Whereas**, wildfires have led to loss of homes, businesses, and economic opportunities, damage to watersheds and drinking water supply, as well as the loss of intangible and irreplaceable cultural heritage.

**Whereas**, New Mexico is in a historic drought, and larger, more destructive fires are likely to become more common in the future.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League supports both state and federal legislation to seek funding to rebuild and rehabilitate all communities impacted by wildfires, including financial support for affected households and businesses.

**Passed, Approved and Adopted** this 1<sup>st</sup> day of September at the City of Albuquerque, New Mexico.

2023 EENR Committee Priority: **HIGH**



## RESOLUTION 2023-13

### CONCERNING STATE AND LOCAL TAX REFORM

**Whereas**, the New Mexico Municipal League is aware of various proposals for tax reform in the state; and

**Whereas**, the New Mexico Municipal League is generally supportive of state and local tax reform that will result in increased revenues for both state and local governments, as well as simplification and modernization of the tax code;

**Whereas**, New Mexico municipalities are heavily reliant on Gross Receipts Tax revenue, with approximately two-thirds, on average, of municipal general fund revenues.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League will continue to participate in the Tax Policy Advisory Committee (TPAC) to develop a tax reform plan for the State of New Mexico; and

**Be It Further Resolved** that the Tax Policy Advisory Committee (TPAC) has representation from the New Mexico Municipal League and the New Mexico Counties in order to give input on state and local tax reform.

**Be It Further Resolved** that the New Mexico Municipal League supports tax reform efforts that will contribute to the diversification and expansion of municipal revenue sources, while protecting existing sources.

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



## RESOLUTION 2023-14

### CONCERNING MUNICIPAL HOLD HARMLESS GROSS RECEIPTS TAX DISTRIBUTIONS

**Whereas**, in 2004, the New Mexico Legislature exempted food and some medical services from Gross Receipt Taxes and provided payments to cities and counties to replace the lost revenue with a Hold Harmless Gross Receipts Tax; and

**Whereas**, in 2013, lawmakers passed a bill to phase out the Hold Harmless payments over a 15-year period beginning in 2015 with some municipalities exempted; and

**Whereas**, in 2022 the Legislature exempted an additional subset of municipalities from the distribution phase-out: and

**Whereas**, many of New Mexico's largest municipalities cannot replace the revenue lost from the State's exemption of the Food and Medical GRT from the tax base.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League opposes any changes to the current schedule of Hold Harmless payment phase-outs and exemptions from phase-outs that would further negatively impact municipalities' revenue.

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





## RESOLUTION 2023-15

### CONCERNING 1.225 LOCAL DISTRIBUTION

**Whereas**, the local share of the state gross receipts tax rate (1.225%) represents a replacement of revenue that municipalities previously received from a municipal sales tax; and

**Whereas**, the local share of state GRT was reduced from 1.35% to 1.225% in 1991; and

**Whereas**, the local share of state GRT is a significant revenue source for municipalities statewide and reductions would have major detrimental effects on municipal budgets.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League supports the local 1.225% share and opposes further reductions to the rate.

**Be it Further Resolved** that the New Mexico Municipal League may, in certain circumstances, support increases to the rate in order to offset loss of municipal GRT revenue as a result of changes to the state's tax code that result in shrinkage of the tax base.

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



## RESOLUTION 2023-16

### CONCERNING GRT INCOME SWAP TAX

**Whereas**, the municipal revenue stream needs to be diversified in order create more consistent municipal budgets; and

**Whereas**, in creating a more stable revenue stream it will allow local governments to provide more consistent service to their citizens; and

**Whereas**, the municipal revenue stream needs to be diversified in order to create healthier revenue streams by allowing for the greater sum of income from tax to be chosen; and

**Whereas**, the municipal revenue stream needs to be diversified in order to create equitability within municipalities and state government.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League supports legislation that will diversify municipal taxing authority.

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



## RESOLUTION 2023-17

### CONCERNING AMENDMENTS TO THE GROSS RECEIPTS AND COMPENSATION TAX ACT

**Whereas**, New Mexico has amended sourcing rules, and location code reporting, from the place of business to the destination of business for gross receipts and compensating tax reporting; and

**Whereas**, this amendment result in a loss of tax revenue to municipal communities across New Mexico, especially rural communities that are heavily dependent upon companies that are registered in the corporate limits of the municipality, yet provide service activities that take place just outside of the municipal limits; and

**Whereas**, municipalities continue to incur costs associated with these local companies, including the costs for public safety, utilities, road maintenance, and other municipal services, yet [will not] receive a fair share of the tax base; and

**Whereas**, municipalities have been told that there will be an offset between lost revenues from service activities and increased revenues from internet sales, yet this data has not been provided to the municipalities; and

**Whereas**, rural communities impacted by the extractive industries have recognized a significant reduction in revenues related to service activities performed just outside the municipal limits, that likely will not be offset by internet sales; and

**Whereas**, an exemption should include “extractive service” companies, which would be similar to an exemption allowed for “professional service” companies; and

**Whereas**, municipalities deserve full access to historical and projected aggregate internet sales data to perform independent analyses.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League opposes the changes to the sourcing rules for gross receipts and compensation tax act and requests an exemption for “extractive services.”

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



## RESOLUTION 2023-18

### CONCERNING MUNICIPAL INFRASTRUCTURE IMPROVEMENT ICIP REQUESTS

**Whereas**, the current state of municipal infrastructure varies greatly across the state; and

**Whereas**, the 2023-2027 ICIP has approximately \$3.5 billion in unfunded project requests, including critical health and safety projects that municipalities are unable to fund through municipal sources; and

**Whereas**, there is a surplus in both the General Fund and Capital Outlay funds.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League supports the full funding of prioritized critical health and safety requests by the General Fund and Capital Outlay funds.

**Passed, Approved and Adopted** this 1<sup>st</sup> day of September at the City of Albuquerque, New Mexico.





## RESOLUTION 2023-19

### CONCERNING THE CORRECTIVE ACTION FUND EXPENDITURES

**Whereas**, HB 19 was signed into law and became effective May 19, 2004; and

**Whereas**, the current practice of the Environment Department is to use fuel tax based Corrective Action Fund to fully fund the personnel costs of 150 FTE across the agency; and

**Whereas**, the Corrective Action Fund was created to finance the clean-up, remediation, and monitoring of leaks and spills across the state that threaten or are already impacting the safety of drinking water; and

**Whereas**, these sites may include gas and service stations, bulk storage facilities; fleet fueling facilities such as school bus yards, equipment rental yards, construction companies, etc.; aviation fueling facilities; and emergency generator systems; and

**Whereas**, there are still over 900 sites statewide that require corrective action; and

**Whereas**, the Corrective Action Fund no longer serves the sole purpose of protecting public health.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League supports the allocation of personnel costs to be taken from the General Fund, as opposed to fee-based funds such as the Corrective Action Fund.

**Be it Further Resolved**, that the New Mexico municipal League supports expanding the list of eligible sites/uses to ensure that all high-risk sites can receive remediation assistance from the Environment Department.

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



## RESOLUTION 2023-20

### CONCERNING STATE CAPITAL OUTLAY PROCEDURES

**Whereas**, the Local Government Division of the Department of Finance Administration (LGD) provides oversight to local governments to assist in the funding of equipment and infrastructure projects to meet the needs of all New Mexicans through appropriations of capital outlay; and

**Whereas**, capital outlay is often times the last funding source available to fund projects for some local governments who provide services to underserved New Mexicans; and

**Whereas**, it is foreseeable that the State of New Mexico will experience an increase in future capital outlay funding and federal funding dedicated to local government projects; and

**Whereas**, it is also foreseeable that New Mexico will experience an increase in the amount of unspent appropriations due to factors such as increasing cost of materials, lack of work force, lack of readiness of projects, improper planning, and underfunded projects; and

**Whereas**, many municipalities lack resources and technical capacity to administer projects effectively and efficiently; and

**Whereas**, the New Mexico EDGE training program provides certified procurement officer (CPO) and Certified Project Management (CMO) training for local Governments; and

**Whereas**, LGD recognizes the value added to local governments who have participated in the New Mexico EDGE training program, through the effective and efficient administration of funds; and

**Whereas**, the New Mexico Municipal League recognizes the ongoing need to develop and improve programs to provide assistance to its members in the administration of capital outlay.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League endorses the passage of legislation which will allow a qualifying municipality to receive from the New Mexico Department of Finance and Administration Local Government Division an amount up to one percent (1%) of all state capital appropriations in a given year for a procurement or grant management program to build capacity within local governments to assist in the administration of appropriations of capital outlay.

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



## RESOLUTION 2023-21

### CONCERNING THE INVESTMENT OF CERTAIN PUBLIC MONIES BY MUNICIPALITIES WITH FEWER THAN SIXTY-FIVE THOUSAND PERSONS

**Whereas**, Section 6-10-10 NMSA 1978 provides for deposit and investment of certain municipal funds; and

**Whereas**, the current iteration of Section 6-10-10 (G) has an arbitrary population threshold of “more than sixty-five thousand” that prevents cities with fewer persons from taking advantage of certain investment opportunities; and

**Whereas**, that arbitrary population threshold prevents equitable application of the statute, thereby harming the investment interests of smaller municipalities; and

**Whereas**, risk with regard to investment is a proportional exercise and financial officials in smaller population municipalities should be trusted with the same responsibilities as their larger municipality peers; and

**Whereas**, the statute can be amended in such a way that remains protective of poor financial policy.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League supports legislation that allows municipalities under the threshold to participate in investment opportunities at a reasonable share of their actual investment portfolios.

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



## RESOLUTION 2023-22

### CONCERNING STATE PARK REIMBURSEMENT FOR LOCAL SERVICES

**Whereas**, local governments adjacent to state parks provide a number of services related to transportation and health and safety of state park visitors.

**Whereas**, roads leading into state parks sustain significant wear and tear as a result of park visitor vehicle traffic, and local governments must address issues such as potholes, bridge condition, ingress and egress safety, and road shoulder safety.

**Whereas**, local fire, emergency medical services, and law enforcement often respond to calls for service in state parks.

**Whereas**, state parks do not reimburse local governments for road maintenance and repair nor for emergency services, despite the significant costs that local governments incur to provide these services.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League supports legislation to seek a means to recover costs incurred by local governments adjacent to state parks, potentially including but not limited to additional fees on day use permits to create a “local government park-adjacent fund” that could be used to reimburse local governments for eligible costs.

**Passed, Approved and Adopted** this 31<sup>st</sup> day of August at the City of Farmington, New Mexico.





## RESOLUTION 2023-23

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

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

**Whereas**, the New Mexico SORNA is not fully compliant with federal law (Title I of the Adam Walsh Child Protection and Safety Act of 2006, Public Law 109-248); and

**Whereas**, legislation to bring our state into federal compliance has been introduced over the past several years, including House Bill 179 (Rep. Herrell) in 2012, but has failed to pass; and

**Whereas**, the legislation needed for compliance includes the incorporation of a more comprehensive group of sex offenders and offenses for which registration is required, tighter and more extensive registration requirements, and expansion of the amount of information available to the public; and

**Whereas**, New Mexico has been losing critical federal funding because of its non-compliance with the federal law; and

**Whereas**, an additional consequence of our state's non-compliance is that New Mexico has become an attractive relocation destination for sex offenders from other states who wish to avoid registering as sex offenders in their new communities; and

**Whereas**, SORNA does not include provisions for sex offender risk assessment that could provide local law enforcement agencies with a scientifically based method for identifying those offenders who are most likely to reoffend; and

**Whereas**, the addition of support or legislative mandate for scientifically based risk assessment will allow law enforcement agencies to devote limited resources to monitoring the behaviors of those offenders who have proven to provide the most significant risk to the community.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League supports amendment of the Sex Offender Registration and Notification Act to bring New Mexico into full compliance with federal law; and

**Be It Further Resolved** that the amendments to SORNA also address the subject of sex offender risk assessment.

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

2023 PS Committee Priority: **HIGH**



## RESOLUTION 2023-24

### CONCERNING EMS FUNDING

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

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

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

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

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

**Whereas**, Fire and EMS services in New Mexico must have adequate financial resources if they are to continue providing critical first response services in a consistent and reliable manner; and

**Whereas**, the majority of EMS first response services in New Mexico are provided by fire-based departments; and

**Whereas**, the New Mexico Municipal League (NMML) and the New Mexico Fire Chiefs Association (NMFCA) participated in and are members of a committee established by the New Mexico Counties (NMC) to develop specific policy recommendations and study issues related to sustainable EMS Services; and

**Whereas**, the NMML and the NMC endorsed priority legislation in 2014 and 2015 for the creation of a study to evaluate the needs of EMS and identify an appropriate state-level recurring revenue stream dedicated to EMS; similar to that used for the Fire Protection Fund without diminishing or impairing the existing Fire Protection Fund.

**Now, Therefore, Be It Resolved** that the NMML supports an appropriation by the New Mexico State Legislature to the State Fire Marshal to conduct a statewide EMS assessment, in coordination with Department of Health EMS Bureau, using monies currently reverted from the Fire Protection Fund, to the State General Fund; and

**Be It Further Resolved** that the New Mexico Municipal League pursue increased distribution through House Bill 2 and any relevant funding formulas to ensure that EMS services are sustainable.

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

2023 PS Committee Priority: **HIGH**



## RESOLUTION 2023-25

### CONCERNING THE ELIGIBILITY OF FUNDS PURSUANT TO THE STATE EMERGENCY SERVICES FUND ACT FOR MUNICIPALITIES IMPLEMENTING AN EMS PROGRAM FOR SAFE DISPOSAL OF PRESCRIPTION DRUGS

**Whereas**, the safe disposal of prescription medicine reduces the access of surplus drugs and protects the safety of ground and surface water by limiting flushing and dumping of meds; and

**Whereas**, the State Local EMS Funding Program allows for an implementation of prevention programs and the training and licensing of local emergency services personnel; and

**Whereas**, the eligibility for funding allows for programs that benefit the public health and safety; and

**Whereas**, the public is benefited by safe disposal of prescription drugs; and

**Whereas**, EMS units are experienced in safe conduct and handling of prescription drugs and the safe disposal thereof.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League seeks legislation for eligible funding pursuant to the State Emergency Services Fund Act for municipalities implementing an EMS program for safe disposal of prescription drugs.

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



## RESOLUTION 2023-26

### CONCERNING INCLUDING DISPATCHERS IN THE STATUTORY DEFINITION OF FIRST RESPONDERS IN THE EMERGENCY COMMUNICATIONS INTEROPERABILITY ACT

**WHEREAS**, the Emergency Communications Interoperability Act (Section 12-10D-1 NMSA 1978 et. seq.) creates a commission with the statutory charge of planning, developing, creating, administering, promoting, and maintaining a statewide interoperable emergency communications plan; and

**WHEREAS**, part of the commission's duties include training appropriate members of the state in matters involved in emergency response and homeland security activities with respect to interoperability; and

**WHEREAS**, the commission also advises and supports the homeland security and emergency management department on emergency response matters and homeland security details relating to interoperability, including the obtaining and use of available funding; and

**WHEREAS**, the commission in fact obtains and makes use of available funding; and

**WHEREAS**, the definition of "first responder" under the Act currently includes law enforcement officers, firefighters and certified volunteer firefighters, and emergency medical services providers, all of which are public safety employees or volunteers whose duties include responding rapidly to an emergency; and

**WHEREAS**, dispatchers are persons whose duties include responding rapidly to an emergency, can contribute to advising the department on emergency response matters relating to interoperability, and can train appropriate members of the state in same.

**NOW, THEREFORE, BE IT RESOLVED**, that the New Mexico Municipal League should seek the introduction of legislation that would add the category of "dispatcher" to the definition of "first responder" under the Act.

**PASSED, APPROVED, AND ADOPTED** this 1<sup>st</sup> day of September at the City of Albuquerque, New Mexico.





## RESOLUTION 2023-27

### CONCERNING WORKERS' COMPENSATION BENEFITS FOR PUBLIC SAFETY OFFICERS

Whereas, public safety officers sustain significant occupationally-induced exposure; and

Whereas, subsequent injury may impact delivery of public safety functions and long-term health; and

Whereas, the New Mexico Occupational Disease Disablement Law (see Section 52-3-1 NMSA 1978 et seq.) and current case law provide no accessible framework for persons sustaining such injuries to establish a clear, causal link to related professions.

Now, Therefore, Be It Resolved that the New Mexico Municipal League supports legislation to establish hearing loss and breast, lung, and prostate cancers as presumptive occupational diseases entitling law enforcement officers, firefighters, emergency medical technicians, and other first responders to statutory workers' compensation benefits provided that such persons have served in their profession for a period of at least five consecutive years.

Passed, Approved and Adopted this 31<sup>st</sup> day of August at the City of Farmington, New Mexico.



## RESOLUTION 2023-28

### CONCERNING MUNICIPAL COURTS

**Whereas**, municipal courts serve an important local function by hearing cases related to violations of municipal ordinances, traffic infractions, and petty misdemeanors; and

**Whereas**, such courts also routinely address quality-of-life issues including personal property, animal and code violations, and varied criminal activity; and

**Whereas**, locally-based judges have the ability to provide careful, considerate attention to community-specific factors that appropriately weigh rights of the accused, accuser, and public; and

**Whereas**, same considerations often provide paths to alternative sentencing programs, such as service in lieu of fines; and

**Whereas**, municipal courts are designed by statute (see Section 35-14-1 NMSA 1978 et seq.) to enhance the types of community-based adjudications referenced above.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League support(s) exclusive, local control of municipal judicial functions.

**Passed, Approved, and Adopted** this 31<sup>st</sup> day of August at the city of Farmington, New Mexico.



## RESOLUTION 2023-29

### CONCERNING STATE FUNDING TO SUPPORT MUNICIPALITIES JOINING THE STATEWIDE INTEROPERABLE RADIO NETWORK

**Whereas**, reliable, interoperable radio communications are critical for public safety across New Mexico.

**Whereas**, radio communications are currently fragmented, with limited interoperability and different agencies using different systems.

**Whereas**, many radio systems lack up-to-date features, leaving first responders without reliable critical communication tools.

**Whereas**, the statewide Digital Trunked Radio System supports reliable, interoperable communications for first responders across the state and provides communications for local, state, tribal, and federal users, reducing duplication of services and costs.

**Whereas**, subscriber fees for the network can be cost prohibitive, especially for smaller agencies, creating an unnecessary obstacle to full statewide adoption of the network.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League supports legislation to provide state funding to cover public safety agencies' subscriber fees for the statewide network in order to ensure widespread adoption and usage.

**Be It Further Resolved**, that the New Mexico Municipal League supports legislation to create a state interoperability oversight board to ensure that the interoperable radio network is appropriately financed and administered.

**Passed, Approved and Adopted** this 31<sup>st</sup> day of August at the City of Farmington, New Mexico.

