

NEW MEXICO
MUNICIPAL LEAGUE

The Municipal Reporter

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New Mexico Municipal League



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President's Message

Dear members,

I hope this finds you well and in good spirits. As we embark on a new year and I begin my service as president of this esteemed group, I want to express my excitement about working with the NMML on the opportunities and challenges that lie ahead. I think we all share a vision of fostering vibrant and prosperous municipalities throughout the state. It is this shared dedication to the betterment of our communities that is and has been the driving force behind the success of the NMML.



Since I have been involved in the league, I have seen significant milestones achieved thanks to the collaborative efforts of our members and the leadership team. As the Mayor of Ruidoso, I have been fortunate enough to see what can happen when collaboration and cooperation come together for the betterment of all. I encourage all members to actively participate in our initiatives, share your insights, and contribute to our success. Let's embrace the spirit of partnership and service to do positive things for our membership. Your feedback is invaluable to me, and I will always welcome suggestions or ideas to improve our effectiveness.

In addition to opportunities, there is no doubt we will face challenges. However, I am confident that with resilience and determination, we will overcome them. Let's not forget that challenges can often be opportunities in disguise!

Reflecting on the past year, we can take pride in our collective achievements. In 2023, we had great attendance at our NMML sessions, including the recent Municipal Officials Leadership Institute and the Newly Elected Officials Training. We encourage everyone to mark your calendars and plan to attend the upcoming sessions in July. Your continued participation is a testament to the commitment and passion that each of our members brings to the table.

Looking forward, we have exciting plans and ambitious goals. Our focus will remain steadfast on our legislative priorities which include directing motor vehicle tax to road funds, EMS funding, and the importance of educating legislators on local decision making and preemption. I would encourage everyone to get to know your legislators continue to reach out to them on municipal issues.

In closing, I want to thank you for your continued support, your trust, and your dedication to our shared vision for the New Mexico Municipal League. I am excited to get to work and look forward to serving the NMML.

Lynn Crawford

Mayor, Village of Ruidoso

New Mexico Municipal League President

Municipal League News & Events

Elected Officials Attend Newly-Elected, MOLI Trainings in Santa Fe

Elected officials from across the state convened in Santa Fe for three days of training from January 9-11. Close to 100 newly elected officials attended a one-day Newly Elected Officials orientation that covered essential topics including parliamentary procedure, Open Meetings Act compliance, forms of municipal government, and ethical requirements in local governance. Following the orientation, the League held a two-day Municipal Officials Leadership Institute, with over 100 newly and experienced elected officials joining. The MOLI training covered topics including social media use, risk management, municipal audits, and Inspection of Public Records requirements.

League President Lynn Crawford, Mayor of Ruidoso, and Immediate Past President Mike Miller, Mayor of Portales, kicked off the events, and several other current and former members of the League's executive committee joined to share their perspectives on municipal governance and leadership.

Thanks to all who joined!

The League will hold another Newly-Elected Officials orientation in the summer, as well as a Level II MOLI training – stay tuned for more details about dates and locations.



Over 100 elected officials attended the Newly Elected Officials orientation on January 9

Sierra Blanca Regional Airport in Ruidoso Completes Key Upgrade Project, Using NMDOT Grant Funds for Local Airports

Local leaders from Ruidoso, a state senator, representatives from the New Mexico Department of Transportation, League staff, and others celebrated the completion of a major runway renovation at Sierra Blanca Regional Airport on December 19. Senator George Muñoz of Gallup, the main sponsor of 2023 legislation that directed \$55 million to airports statewide, attended to cut the ribbon.

The project included a reconstruction of Runway 12/30 and a rehabilitation of Taxiway B, for a total project cost of nearly \$13 million, with \$9 million allotted for the runway and \$4 million for the taxiway. Sierra Blanca Regional Airport was the first airport to receive a fully funded grant from NMDOT, funded through the legislative appropriation sponsored by Senator Muñoz. The grant allowed for simultaneous work on both projects, leading to cost savings, as well as reduced airport closure time. The airport implanted a 21-day closure between Memorial Day and Independence Day, which minimized disruptions to operations.

Multiple crews from Mesa Verde Enterprises, Inc. carried out paving activities, and design and construction operations were managed by Armstrong Consultants in coordination with the Village of Ruidoso Fire Chief, Joe Kasuboski, and Airport Manager, Lee Baker. The project also resulted in the installation of new airfield lighting systems. Improved pavement conditions and lighting upgrades will enhance safety for both pilots and passengers.

As of December, NMDOT had awarded 42 airport projects totaling \$40 million in grant funding.



A newly renovated runway at Sierra Blanca Regional Airport will benefit pilots, passengers, and the local community

UPCOMING EVENTS

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

February 6
Aviation and Aerospace Day at the Capitol
Santa Fe

February 7
New Mexico Association of
Chiefs of Police Meeting
Santa Fe

February 7-8
Municipal Day
Santa Fe

February 8
NMML Board Meeting
Santa Fe



Senator George Muñoz of Gallup and Ruidoso Mayor and League President Lynn Crawford celebrate the completion of the runway



New Mexico 2024 Legislature

Legislature Opens for 30-Day Session with Record Revenue Levels; League Priorities Focus on Funding for Emergency Medical Services and Roads

The Second Session of the 56th Legislature opened on January 16. For the third year in a row, the Legislature convenes with record revenues, with over \$3.5 billion in “new money” for the state’s general fund. Topics likely to dominate the discussion include crime and public safety, affordable housing, and oil and gas activity. Municipal League priorities for the 30-day session focus on increasing funding for chronically underfunded emergency medical services across the state and directing more funding to improve the state’s poor roads.

Budget Outlook. The state projects record general fund revenue for a fourth consecutive year, primarily a result of continued record oil and gas productions. Recurring general fund revenues are projected to reach \$13 billion in Fiscal Year 2025, which represents almost \$3.5 billion of “new money,” or a 36 percent increase from the FY24 operating budget. However, revenue growth is slowing, from over 20 percent growth in FY23 to 8 percent growth in FY24 and a projected 3.5 percent growth in FY25. The slowing growth reflects the volatile nature of the state’s energy-driven economy, annewd economists cite risks of sudden energy market price collapse, as well as longer-term risks from slowing energy demand.

Both the Executive and Legislative Finance Committee (LFC) budgets top \$10 billion in recurring general fund spending, with the LFC budget recommending a 5.9 percent increase from last year, at \$10.1 billion, and the Executive budget recommending a \$10.5 billion budget, a 9.9 percent increase. The LFC budget includes an average 4 percent raise for state employees and educators, increases in Medicaid spending to offset declining federal support, increased spending on public schools, courts, district attorneys, and public defenders, as well as a new \$300 million expendable trust fund to pilot and evaluate new programs, among other priorities. Priorities in the Executive budget include an average 3 percent pay increase for state employees and 14 percent increase for state police officers. The governor’s budget also includes \$500 million in one-time spending for housing initiatives. A key difference between the two budgets is the amount set aside for tax cuts - \$500 million in the executive budget and \$200 million in the legislative budget.

Key 2024 Legislative Session Dates

Opening day (noon): January 16

Deadline for introduction: January 31

Session ends (noon): February 15

Legislation not acted upon by governor is pocket vetoed: March 6

Your legislator can be reached by name through the legislative switchboard: (505) 986-4300 in Santa Fe. The Legislature’s website (www.nmlegis.gov) also contains legislator’s email addresses. You can also check the League’s website (www.nmml.org) for other League information.

The League tracks bills with potential impacts on municipalities. Beginning this session, **you can view a real-time list of all tracked bills by policy area on our website**, under Legislative Information. Please note that tracking of a bill does not indicate any League position on the bill. For more information on specific legislation, please contact us!

Legislative Corner

Legislative and Executive Priorities. In addition to passing a state budget, top issues in the 30-day session include addressing crime and bolstering public safety, potential limitations on oil and gas activity, climate initiatives and expansion of electric vehicle charging capacity, and addressing housing affordability. In a 30-day session, any proposed legislation must either have a budget impact or be on the Governor's agenda.

League Priority Legislation

The League is supporting several key bills in the 2024 legislative session:

- **Senate Bill 151 would distribute an additional \$22 million to the Emergency Medical Services Fund, to support EMS services across the state.** Currently, the EMS Fund receives approximately \$2.9 million annually, which is insufficient to support emergency services across the state. EMS service is critical for communities across the state, providing lifesaving interventions, transportation to healthcare facilities, overdose response, and support for disaster response, as well as for the state's growing outdoor recreation industry. The bill redirects 10 percent of revenues from health insurance premium taxes from the General Fund to the EMS Fund and would not increase taxes on insurance providers or consumers.



The League supported a similar bill in the 2023 legislative session, which failed to make it through committee. [Please help us communicate to legislators the importance of strengthening EMS services in your community – let your legislators know how increased funding would benefit your community's health and safety.](#)

- As in previous years, the League is advocating for more **money for roads, by directing 100 percent of Motor Vehicle Excise Tax revenues to state and local road funds.** Currently, 59 percent of MVEX revenues go to the General Fund, 22 percent go to the State Road Fund, and 19 percent go to the Transportation Project Fund, a source of funding for local road projects. MVEX taxes are projected to generate approximately \$280 million in FY24.



New Mexico's road infrastructure is chronically underfunded, with 56 percent of major roads and highways in poor or mediocre condition, and investments in roads benefit communities across the state. Adjusting the distribution so that all motor vehicle excise tax revenues go to the general fund would mean an additional \$170 million for the road funds annually. **Senate Bill 65 sets the distribution to direct 60 percent of revenue to the state road fund and 40 percent to the Transportation Project Fund.**

- **The League is also supporting Senate Bill 148, which would remove an improper fee on local governments assessed by the Taxation and Revenue Department.** A 3 percent fee on tax distributions for local governments costs cities and counties over \$50 million annually, with revenue going to the general fund. Fees collected by TRD are likely significantly higher than costs attributable to administration of local government GRT and compensating taxes. In FY22, fees on counties and municipalities were approximately \$51.5 million; compared to TRD's general fund budget of \$65.3 million. It is unlikely that administration of local government GRT and compensating tax accounts for 79 percent of agency services funded through general fund revenues.

Is a Bad Guy Worth a Good Guy? Police Vehicular Pursuit Policies and Practices

Tim Johnson, Public Safety Director, New Mexico Self-Insurers' Fund

New Mexico police pursuit policies and practices must come into line with community expectations, national best practices, and state law. While most policies likely do mirror law, many pursuit practices likely do not. Far too often, our pursuits are not in compliance with the New Mexico Law Enforcement Safe Pursuit Act (Section 29-20-4 NMSA 1978).

The most important parts of this statute are:

A law enforcement officer may initiate a high-speed pursuit to apprehend a suspect who the officer has reasonable grounds to believe poses a clear and immediate threat of death or serious injury to others or who the officer has probable cause to believe poses a clear and immediate threat to the safety of others that is ongoing and that existed prior to the high speed pursuit;

A law enforcement officer shall not initiate or continue a high-speed pursuit when the immediate danger to the officer and the public created by the high-speed pursuit exceeds the immediate danger to the public if the occupants of the motor vehicle being pursued remain at large;

When deciding whether to initiate or continue a high-speed pursuit, the following factors, at a minimum, shall be taken into consideration:

- a. The seriousness of the offense for which the high-speed pursuit was initiated;*
- b. Whether a suspect poses a clear and immediate threat of death or serious injury to others.*

National data from a 2023 Police Executive Research Forum (PERF) study on police pursuits found that 90 percent of pursuits are initiated because of traffic violations, and that there were an average of 370.5 fatal crashes per year due to police pursuits between 2015 and 2020. PERF data also tells us that 90 percent of pursuits are initiated because of traffic violations. With a few exceptions, pursuit because of a traffic infraction is in violation of the New Mexico Safe Pursuit Act.



Given these complexities, it's important to ensure our pursuit policies and practices are lawful, morally acceptable, and fiscally responsible. To be clear – **an officer must believe or have probable cause to believe the suspect poses a clear and immediate threat to the safety of others that is ongoing and that existed prior to the high-speed pursuit.**

The law also states that an officer shall not initiate or continue a high-speed pursuit when the danger to the officer and the innocent public outweighs the necessity to arrest the suspect driver. Again, 90 percent of pursuits are for traffic violations and on average over 370 people die per year as a result of this law enforcement action. This should alert us to the fact that pursuits are dangerous and may not always follow the law. Of particular importance is the fact that it is not just the bad guy dying during pursuits, it is also our officers and uninvolved citizens.

From a financial perspective, bad pursuits can also be damaging. New Mexico Self Insurers' Fund data indicates that municipalities have paid out \$7.3 million in tort claims since 2019 for pursuit related incidents. The New Mexico Civil Rights Act, enacted in 2021, created a new type of claim, increasing the potential liability for a bad pursuit resulting in a death or serious injury.

I know that it can sometimes be difficult to change police culture. By no means am I disparaging the profession I love or the people doing it, whom I love equally, but a pursuit policy or practice change will take strong leadership, officer and supervisor accountability, and ongoing education. An adjustment must be made, and our officers need to know the reasons why.

Risk Management

One of the barriers to change is emotions and ego, often cloaked in the mission and the desire to make a difference. Men and women become police officers because they want to make a difference in their communities. Sometimes that difference comes by way of shortsighted decision-making, such as an in-the-moment decision with the belief that the only thing between the bad guy and the innocent public is the police officer. A part of the mission of any police department is to arrest those who break the law. At times these decisions, often done for the right reasons, can transform into a dangerous ego. Emotions and ego must be removed before and during a pursuit to ensure that the right decisions are being made in the moment.

First line leaders must embrace a new direction on police pursuits if officers are to do so as well. Within every police agency there are levels of supervision. We must understand this dynamic if we want a change to be embraced and successful. First line supervisors (often sergeants) must play an important role. They have the strongest and most frequent interactions with line level officers. Sergeants are well-situated to communicate change and monitor compliance, and are also best situated to correct decision-making deficiencies.

It's likely that some police officers will be averse to any necessary changes to pursuit policies and practices. Acceptance and buy-in can be accomplished if the policy adjustment is accompanied with data on the safety to officers, suspect drivers, and uninvolved public. It should also be communicated that if an officer conducts his or her police activities outside the bounds of the law they will not be protected by qualified immunity. Chiefs and police officers must understand that an illegal pursuit policy needs to be adjusted to protect the officers, the department, the local government, and our taxpayers.

A pursuit policy adjustment must be immediately followed by the necessary training. The training for a police pursuits is less physical and more mental. We should always be training for the physical skills involved in police work, but in this instance, we must train with a heavy emphasis on decision-making. When can an officer pursue a driver? When must an officer disengage from a pursuit? If we take a high-level look at our pursuit data, we will find that much of the risk involved with police pursuit is a result of decisions made before and during the pursuit. Fix the decision-making and we will see a drastic reduction in not only the number of pursuits, but more importantly, a reduction in fatalities and injuries.

Officer Johnson viewed police pursuits very differently than Chief Johnson did. Officers will not always understand the reasons for change, but in this case it's for their benefit and for the benefit of our communities and government pocketbooks.

Law enforcement has been on the receiving end of a lot of scrutiny of late. As a profession, we can either shape the future course of policing or we can allow those that have never done this line of work to shape it for us. Is the apprehension of the bad guy right now worth the potential risks involved in said apprehension? In some cases, I would say yes, but more often than not, it is likely not worth it.

The Municipal League and New Mexico Self-Insurers' Fund stand ready to assist all member departments with review and adjustment of policies and procedures. Please contact us for support.

New Year, New Fund Members

Linda Calhoun, Mayor of Red River, NMSIF Board Chair

I hope this message finds you doing well in your new year and staying busy during our state's legislative session. While our tremendous leadership at the New Mexico Municipal League Board of Directors is invested heavily in positive outcomes for local government across our state, the New Mexico Self-Insurers' Fund Board of Trustees is similarly dedicated to delivery of high-quality risk management services that leave our communities safer and healthier.

Safe and healthy communities require true and accurate descriptions of valuations within your program. That's why we've provided for an extended exposure survey period this year. As a reminder, the exposure survey is designed to complement rate accuracy by ensuring that you've reported every single widget you'd like to be covered by your program. For property, this could include everything from traditional fixtures and buildings to automobiles. With a rapidly hardening reinsurance marketplace, communication matters; particularly where large losses can be complicated by competing cost estimates. Reporting your values prioritizes fidelity to your program and your fellow insureds.

Within your liability program, we're mindful of continuing our conversation on the state's Civil Rights Act. As we anticipated, the Act has mostly grown claims sounding elsewhere in existing law. In other words, instead of claimants pursuing single-count suits under a unique civil rights theory, claimants now simply add a civil rights count on top of what are already large-scale lawsuits. It was important to appropriately hedge against this emergent risk, which is why the Board of Trustees authorized the purchase of additional limits for member insureds. Public officials and law enforcement liability claims now appreciate default limits of \$2 million with an option to purchase up to \$5 million. Make sure to meet with your team to discuss the right fit for you.

Notably, it's been a year of considerable growth for our core business: traditional municipalities. In the last year, we've admitted additional business with the Village of Questa and the cities of Hobbs and Clovis, the last of which serves as the host municipality for the League's annual conference later this year. We've been assertive in discussing the value of our programs and how they can make a meaningful contribution to municipalities that may not appreciate the same level of care or number of initiatives elsewhere. And now that we have additional partners at the table, we can strengthen our commitments to statewide risk care.

Statewide risk care contemplates reactive competency in situations both slow and quick-to-develop. You should consider our program a round-the-clock response team, available to assist on more than just the adjustment of a claim. For after-action on law enforcement shootings or active shooter situations, the Board recognizes that mental health for those involved in some of life's darkest moments has to be a priority. I'm thankful that we have the ability to put boots on the ground right away to ensure that our heroes have an outlet to process grief in the most productive way possible.

I hope you share my enthusiasm for what's just beyond the horizon in 2024: the realization that our best days haven't happened yet. I look forward to seeing you at Municipal Day!

New Mexico Self Insurers' Fund Update

The Importance of Maintaining Asset Schedules

Allen Fugler, Jr., Underwriting Director, NMSIF

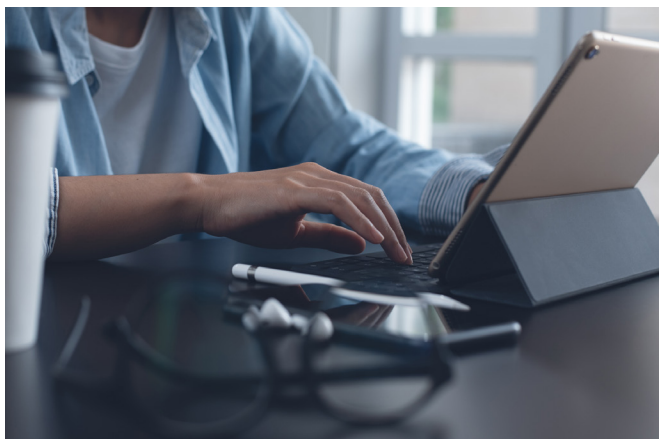
As the new Underwriting Director for the New Mexico Self Insurers' Fund, it's been my privilege to work alongside dedicated professionals and to serve the members of the Fund as they serve our fellow citizens of New Mexico. In my experience in the private insurance sector, I have garnered experience with numerous insurance carriers in underwriting property, commercial auto, general liability, workers compensation and employment practices liability, all of which is applicable to the portfolio of coverages available to Fund members. I admire and fully embrace the mission of the Fund, which is to serve members and is reflected in a more cooperative approach to claims settlements, and in providing in-person, hands on loss control resources designed for our public-entity members. It is a refreshing change from the profit-driven focus of commercial carriers.

In furtherance of the Fund's service to members, I **encourage everyone to maintain current values and listed assets** for auto liability and physical damage, payrolls and employment information for Public Officials, Law Enforcement Liability and Workers Compensation, volunteer activities, special events, and buildings and contents. Coverages written outside of core Fund offerings as "passthrough" coverage for Fine Arts, Contractors Equipment, Aviation Liability and Storage Tank Liability require separate applications and/or special attention due to their listed or "scheduled" assets status for coverage determination. Annual adjustments can account for inflation, building costs and new and/or deleted assets, leading to proper valuations to assess accurate premiums. These annual adjustments instill confidence in reinsurance carrier partners and allow them to understand members' risks and properly underwrite their portions of the Fund's risk portfolio.

Up-to-date asset listing also avoids any potential issues over claims responsibility for unscheduled assets. The policy form states that members are required to use the Member Portal to maintain their asset schedules, including building construction types, ages of roof, plumbing and electrical updates, computer equipment and contents, vehicles' values, makes, models, years and VINs. The listing creates the core data used in building the multiple layers of reinsurance protection for all members of the Fund.

A benefit unique to the Fund and virtually non-existent in the private sector is that no mid-term premium is assessed, or credits given for assets added or removed during the terms of the current fiscal year. Those adjustments are made at policy renewal and are reflected in the proposals sent to members, a Fund policy that is almost always to members' advantage.

Members can use the Online Portal found on the website (<https://www.nmsif.app/account/login>) with the password and username assigned, to maintain those asset schedules, create and edit Certificates of Insurance, and change certain profile features. Additional features under development include access to policy and claims information, additional loss control resources, and payment options; these items will enhance efficiency and expand the services already offered to Fund members.



In my brief tenure to date, it's been my pleasure to meet and work with many members of the New Mexico Self Insurers' Fund. I welcome the opportunity to hear from all members about how Fund and I be of further service.

For questions about asset schedules or other issues, Fund members can contact Allen at afugler@nmsif.org or 505-992-3536 (office) / 505-629-2183 (cell)

New Mexico Mortgage Finance Authority (MFA) is New Mexico's Leader in Affordable Housing



Our vision is that all New Mexicans will have quality affordable housing opportunities.

MFA offers **up to \$35,000 in down payment and closing cost assistance** for workforce housing in New Mexico, depending on the borrower's qualifications.

MFA's overall impact in fiscal year 2023:

Initiatives	Funding Provided	Outcome
Create More Housing	\$10,341,000	285 New Homes Constructed
Preserve and Improve Existing Affordable Housing and Catalyze Redevelopment	\$116,219,000	1,577 Homes Weatherized, Rehabilitated, Preserved, or Redeveloped
Build Homeownership and Wealth	\$388,294,000	3,352 Loans for First Mortgage and Down Payment Assistance to 1,845 families
	\$24,145,000	2,925 Households Received Mortgage Assistance
Create Stable Housing Environments	\$39,796,000	5,843 Households Received Housing Vouchers
	\$7,002,000	6,488 Individuals Received Housing Stability and Homeless Shelter Services
TOTAL FUNDING ADMINISTERED	\$585,797,000	18,963 Households Served 3,707 Homes Produced, Financed or Preserved

*Data updated 12/12/23



Visit
housingnm.org
now to check your
eligibility and
take the first step
toward owning your
own **home!**

MFA:
We are housing New Mexico

From the Archives: Albuquerque Morning Journal, November 30, 1920

Legislation To Give Greater Rights and Powers to Cities is Asked by Municipal League

City Fathers Draw Up Long List of Measures to Submit to New Mexico Legislature at Next Session and Plan Meeting with State Congressmen at Santa Fe; Next Regular Session Will Be Held in Albuquerque.

A program to put through the next legislature measures calculated to be of great benefit to municipalities in the state was outlined yesterday at a meeting of the New Mexico Municipal League at the Chamber of Commerce. A special meeting will be called at Santa Fe during the coming term of the legislature and the next regular session will be held in Albuquerque. The dates will be announced by the executive committee in the near future.

Measures providing a levy for purpose of providing funds for adequate garbage collection and disposal, authority to purchase parks and playgrounds, the right to issue certificates of indebtedness for the purpose of purchasing fire apparatus and fire hoses, making the removal of mortgaged cars from the state of New Mexico a felony were among those recommended.

Senator-elect D. K. B. Sellers suggested legislation that would place a penalty on the dumping of tin cans and other garbage near city and county highways and the disfiguration of natural landmarks by the posting or painting of signs. This was adopted.



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