



**41021302**

# **ANNUAL RESOLUTIONS**

*Adopted By:  
NMML Membership  
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Taos, NM*

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## RESOLUTION 2013-1

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

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

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

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

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

**Passed, Approved and Adopted** this 29th day of August at the Town of Taos, New Mexico.

## RESOLUTION 2013-2

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

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

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

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

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League supports legislation to repeal Section 3-11-5, NMSA 1978.

**Passed, Approved and Adopted** this 29th day of August at the Town of Taos, New Mexico.

## RESOLUTION 2013-3

### CONCERNING INTERNATIONAL BUILDING CODE ON AIRPORTS

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

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

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

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

**Whereas**, the 2006 IBC was amended to exempt T-Hangars banks but it did not give any relief to the interpretation by the Constructions Industries Division (CID) of “public way” thereby allowing the more restrictive and costly enforcement for hangars over 2000 square feet; and

**Whereas**, the majority of economic growth on airports consists of hangars of this size and the enforcement has caused a slow down or stoppage of development due to the extreme construction costs and land use requirement; and

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

**Whereas**, this is a national problem and other states have amended the code to exempt or clarify the definition of public ways on airports to continue to attract industrial development on airports.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League urges the State Construction Industries Division to amend the 2009 or subsequent IBC to exempt internal airport properties from the definition of “public way” or to seek other appropriate legislation.

**Passed, Approved and Adopted** this 29th day of August at the Town of Taos, New Mexico.

## RESOLUTION 2013-4

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

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

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

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

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

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

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

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

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

**Passed, Approved and Adopted** this 29th day of August at the Town of Taos, New Mexico.

## RESOLUTION 2013-5

### 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 and other first responders, correctional agencies and water and wastewater departments, wait a minimum of 12 months before they can return to work as a public employee or independent contractor; and

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

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

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

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

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

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

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

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

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



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

**Passed, Approved and Adopted** this 29th day of August at the Town of Taos, New Mexico.

## RESOLUTION 2013-6

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

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

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

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

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

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

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

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

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

**Whereas**, the existing system benefits existing license holders and is detrimental to the development of economic opportunities within the State of New Mexico with a profound and disparate impact in communities outside of the metropolitan areas of the state.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League urges the New Mexico Legislature to study, review and make changes to the Liquor Control Act to provide a more fair, affordable, equitable and competitive environment in dealing with the sale, transfer and ownership of Retailer and Dispenser licenses in the state.

**Passed, Approved and Adopted** this 29th day of August at the Town of Taos, New Mexico.

## RESOLUTION 2013-7

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

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

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

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

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

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

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

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

**Passed, Approved and Adopted** this 29th day of August at the Town of Taos, New Mexico.

## RESOLUTION 2013-8

### CONCERNING CURFEWS FOR JUVENILES

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

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

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

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

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

**Whereas**, allowing municipalities to establish a curfew would reduce the amount of unsupervised time away from the home for juveniles; and

**Whereas**, it is in the interest of municipal governments to promote the safety of all of their citizens.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League supports amending the Municipal Code and the Children's Code to allow municipalities to establish curfew times for juveniles; and

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

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

**Passed, Approved and Adopted** this 29th day of August at the Town of Taos, New Mexico.

## RESOLUTION 2013-9

### CONCERNING AMENDING THE MUNICIPAL ELECTION CODE TO CONFORM WITH VOTING CONVENIENCE CENTER PROCEDURES

**Whereas**, the State Legislature amended the State Election Code in the 2011 Session in Senate Bill 337, Chapter 131 to authorize counties to consolidate precincts in order to allow for voting convenience centers; and

**Whereas**, the 2011 legislation also authorized municipalities to establish voting centers; and

**Whereas**, through the consolidation of precincts and districts and the use of ballot-on-demand systems, voting centers make the voting process more efficient, convenient and accessible to voters; and

**Whereas**, a few municipal clerks instituted voting centers for the 2012 municipal elections and found that some different election procedures were required related to the technology used for voting centers.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League seeks legislation to amend the Municipal Election Code to add alternate procedures to be used when voting convenience centers are utilized.

**Passed, Approved and Adopted** this 29th day of August at the Town of Taos, New Mexico.

## RESOLUTION 2013-10

### CONCERNING GRANTING LOCAL GOVERNMENTS THE OPTION OF DECRIMINALIZING THEIR ZONING LAWS

**Whereas**, most zoning codes are enforced through criminal codes that may result in penalties and fines; and

**Whereas**, zoning codes are regulatory in nature and generally seek compliance rather than punishment like most criminal laws; and

**Whereas**, this option allows a local government to utilize a civil enforcement option for the resolution of a zoning violation; and

**Whereas**, most magistrate and municipal criminal courts currently have jurisdiction over infractions related to a zoning code but have limited resources; and

**Whereas**, most criminal court cases associated with zoning infractions are not considered in the same manner as other criminal charges; and

**Whereas**, cities and counties waste limited resources in prosecuting violations of zoning codes because the criminal procedure can be complex and strict with many technical pitfalls; and

**Whereas**, some criminal court cases related to zoning infractions are resolved by a paid fine, failure to remove the violation and causing the enforcement agency to start the process from the beginning; and

**Whereas**, allowing local governments to decriminalize their zoning laws will allow an independent hearing officer to adjudicate a zoning violation in a fair, impartial and efficient manner; and

**Whereas**, this option will ensure that a hearing will occur to adjudicate the violation in which both parties appear rather than have the violator to pay the fine and avoid a hearing; and

**Whereas**, the decriminalization of the zoning code will be available to all local governments, including county governments.

**Now, Therefore, Be it Resolved** that the New Mexico Municipal League supports legislation to grant local governments the option of decriminalizing their zoning laws.

**Passed, Approved and Adopted** this 29th day of August at the Town of Taos, New Mexico.

## RESOLUTION 2013-11

### CONCERNING THE ELECTION PROCESS WHERE ALL CANDIDATES ARE UNOPPOSED

**Whereas**, municipal government is led by officials who are required by the New Mexico Constitution, to be elected by the citizens of their respective communities; and

**Whereas**, the New Mexico Municipal Election Code provides that municipal officers be elected for four year terms on staggered cycles; and

**Whereas**, the New Mexico Municipal Election Code provides that in order to maintain the staggered terms of municipal officials, municipal election shall occur every two years; and

**Whereas**, the New Mexico Municipal Election Code provides that candidates that wish to appear on the ballot must declare their candidacy 56 days prior to the date set for the municipal election; and

**Whereas**, the New Mexico Municipal election Code provides that a write-in candidate for a municipal office must declare their candidacy 49 days prior to the election; and

**Whereas**, the New Mexico Municipal Election Code precludes running for office unless a candidate is either a declared candidate or a declared write-in candidate; and

**Whereas**, the officially recognized candidates for municipal officer are established 47 days prior to the election; and

**Whereas**, the New Mexico Municipal Election Code provides that no person may be elected as a write-in candidate unless that person has declared their candidacy and has been certified by the municipal clerk; and

**Whereas**, many New Mexico municipalities conduct elections where all the candidates for municipal offices are running unopposed; and

**Whereas**, the expense and procedure of conducting a municipal election must be completed, even if all the candidates for municipal office are running unopposed; and

**Whereas**, the cost of conducting municipal elections continues to rise.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League supports a change in the Constitutional and statutory requirements of holding municipal elections when all the candidates for municipal office are running without opposition.

**Passed, Approved and Adopted** this 29th day of August at the Town of Taos, New Mexico.

2013 CEDGOHR Committee Priority: **MEDIUM**

## RESOLUTION 2013-12

### CONCERNING 2014 BOND ISSUE FOR LIBRARIES

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

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

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

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

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

**Whereas**, a bill will be presented to the Legislature during the 2014 Legislative Session to place a general obligation bond issue on the November 2014 ballot to raise \$29 million for libraries statewide; and

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

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League endorses legislative passage of a General Obligation bond bill for \$29 million for libraries on the November 2014 general election ballot.

**Passed, Approved and Adopted** this 29th day of August at the Town of Taos, New Mexico.



## RESOLUTION 2013-13

### CONCERNING THE ADOPTION OF ENFORCEABLE WATER QUALITY PROTECTION REQUIREMENTS WITHOUT PUBLIC HEARING

**Whereas**, the New Mexico Environment Department (NMED) Ground Water Quality Bureau has developed a “Policy for Above Ground Use of Reclaimed Domestic Wastewater” (Developed August 7, 2003 and updated in January 2007), including definitions, standards, conditions and monitoring requirements; and

**Whereas**, the NMED “Policy for Above Ground Use of Reclaimed Domestic Wastewater” has never been presented to the New Mexico Water Quality Control Commission (NMWQCC) for public hearing and formal adoption; and

**Whereas**, the NMED “Policy for Above Ground Use of Reclaimed Domestic Wastewater” is incorporated by reference into enforceable Ground Water Discharge Permits issued by NMED under the NMWQCC Regulations; and

**Whereas**, the NMED practice of imposing enforceable requirements through policies that are not subjected to public hearing violates the New Mexico Water Quality Act [74-6-6(A) NMSA 1978] and the New Mexico Environmental Compliance Act [74-7-5(A) NMSA 1978].

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League objects to the NMED practice of imposing enforceable requirements through policies not subjected to public hearing and urges the NMED Cabinet Secretary, the Governor of New Mexico and the New Mexico Legislature to implement measures to halt the practice and ensure NMED compliance with New Mexico law (New Mexico Water Quality Act [74-6-6(A) NMSA 1978] and New Mexico Environmental Compliance Act [74-7-5(A) NMSA 1978]) and New Mexico regulations (Rulemaking Procedures – Environmental Improvement Board [20.1.1 NMAC] and Surface and Groundwater Protection [20.6.2 NMAC]) when adopting environmental protection requirements.

**Passed, Approved and Adopted** this 29th day of August at the Town of Taos, New Mexico.

## RESOLUTION 2013-14

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

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

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

**Whereas**, under New Mexico water law, all ground and surface water belongs to the public, but is subject to appropriation; and

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

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

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

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

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

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

**Whereas**, the New Mexico Office of the State Engineer's Rainwater/Snowmelt Harvesting Policy may impede the ability of municipalities to improve surface water quality and to encourage outdoor water conservation by managing storm water using green infrastructure Best Management Practices by restricting the landscape irrigation and domestic uses to individual property sites.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League requests that the New Mexico Office of the State Engineer, following appropriate procedures for taking testimony in a public hearing (19.25.2 NMAC), establish a rule regarding precipitation capture and use that allows first flush catchments, porous pavements and promotion of soil capture and local groundwater recharge, including at the subdivision scale, provided such low impact development does not reduce the amount of runoff that would have occurred from its natural, pre-development state to allow for conservation of water resources, protection of water quality, and maintenance of adequate stream flow to meet downstream compact obligations.

**Passed, Approved and Adopted** this 29th day of August at the Town of Taos, New Mexico.

## RESOLUTION 2013-15

### CONCERNING ENFORCEMENT OF PCB CRITERIA AND ANALYTICAL METHODS

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

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

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

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

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

**Whereas**, the New Mexico water quality criteria for PCBs was adopted by the New Mexico Water Quality Control Commission (NMWQCC) in 2000 and is currently being applied by NMED; and

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

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

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

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

**Whereas,** EPA withdrew the Congener method of PCB analysis (EPA Test Method 1668C) from rulemaking on April 17, 2012; and

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

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

**Whereas,** the New Mexico Municipal League (NMML) Policy 2.1.12 requests that state agencies examine the technical validity and fiscal impacts of environmental standards and regulations before implementing them.

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

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

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

**Passed, Approved and Adopted** this 29th day of August at the Town of Taos, New Mexico.

## RESOLUTION 2013-16

### CONCERNING A REQUEST TO THE GOVERNOR TO IMMEDIATELY ESTABLISH A GOVERNOR'S WATER TASK FORCE

**Whereas**, water is one of the most critical and far-reaching state issues affecting all of New Mexico's citizens and municipalities; and

**Whereas**, New Mexico's rich cultural heritage, its urban, rural and tribal ways of life, and its unique natural environment all depend on sound water stewardship; and

**Whereas**, most of New Mexico's residential water use depends on groundwater supplies that are being rapidly consumed in many areas; and

**Whereas**, ground water supplies are further limited due to water quality concerns; and

**Whereas**, surface water from lakes and streams in New Mexico have been allocated beyond actual supplies for specific uses; and

**Whereas**, the economy of the state is also fundamentally dependent on vulnerable surface and groundwater supplies in threats to both quality and quantity; and

**Whereas**, the on-going management of surface water for Interstate Compacts and Treaties requires New Mexico to comply with mandated downstream deliveries are at risk; and

**Whereas**, the Endangered Species Act requires the state to manage surface water in order to protect endangered species.

**Now, Therefore, Be It Resolved**, that the New Mexico Municipal League requests that Governor Martinez immediately establish an empowered Water Task Force consisting of Municipal, County and state Officials to include the State Engineer and Interstate Stream Commission, the State Environment Department, and other water stakeholders to examine and discuss New Mexico's water issues and challenges and to provide advice and multi sector cohesion in strategic water management policy recommendations to the Administration and the New Mexico Legislature.

**Passed, Approved and Adopted** this 29th day of August at the Town of Taos, New Mexico.

## RESOLUTION 2013-17

### CONCERNING ALTERNATIVE SOURCES OF WATER SUPPLY

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

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

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

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

**Whereas**, municipalities recognize the importance of comprehensive water emergency planning and the value of effectively sharing our current water resources through well-considered redundancy and interconnection planning; and

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

**Whereas**, there is an abundance of brackish water available in New Mexico that could be an option to address our water shortage by assessing the cost and environmental impact for consideration of inland desalination demonstration projects in the state; and

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

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

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

**Now, Therefore, Be It Resolved,** that the New Mexico Municipal League requests the offices of the State Engineer and the Interstate Stream Commission develop an appropriate funding mechanism that results in developing statewide and other viable alternatives that provide for the sustainability of water supplies; and

**Be It Further Resolved,** that consideration be given to alternative sources of water supply including the expeditious development of clear guidance for demonstration projects that promote inland desalination and by further development of reclaimed wastewater as a substitute for potable water; and

**Be It Further Resolved,** that the State Engineer and the Interstate Stream Commission Director include recommendations from the State Department of Environment, the New Mexico Municipal League and the Association of Counties; and

**Be It Further Resolved,** that the State Engineer and the Interstate Stream Commission Director present their findings to the Water and Natural Resources Legislative Interim Committee.

**Passed, Approved and Adopted** this 29th day of August at the Town of Taos, New Mexico.



## RESOLUTION 2013-18

### CONCERNING THE DEVELOPMENT OF NUMERIC NUTRIENT WATER QUALITY CRITERIA

**Whereas**, nutrients exist in all waters of the State but that excessive levels lead to impairment of designated uses; and

**Whereas**, the magnitude of nutrient concentration that constitutes an “excess” is difficult to determine and varies by location; and

**Whereas**, the water quality standard for nutrients is a narrative standard in New Mexico’s Standards for Interstate and Intrastate Surface Waters (20.6.4 NMAC) and this narrative criterion is challenging to assess because the relationships between nutrient levels and impairment of designated uses are not defined, and distinguishing nutrients resulting from “other than natural causes” is difficult; and

**Whereas**, in the *2012-2014 State of New Mexico Clean Water Act §303(d)/§305(b) Integrated Report*, the New Mexico Environment Department (NMED) has found that nutrient/eutrophication, temperature, and *E. coli* are the three most common causes of river and stream water quality impairments in New Mexico and that the vast majority of surface water quality impairments identified in New Mexico are due to nonpoint sources of water pollution; and

**Whereas**, as stated in a March 16, 2011 memo, the U.S. Environmental Protection Agency’s (EPA) position that numeric nutrient criteria are ultimately required for state water quality programs; and

**Whereas**, in the July 2012 Nutrient Reduction Strategy, NMED stated that they are not currently pursuing adoption of numeric nutrient water quality standards and will continue focusing nutrient reduction on points sources which are predominantly municipal wastewater treatment plant discharges; 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.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League 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 states waters without undue emphasis on municipal point source discharges.

**Passed, Approved and Adopted** this 29th day of August at the Town of Taos, New Mexico.

## RESOLUTION 2013-19

### CONCERNING THE SUPPORT OF MUNICIPALITIES IN MEETING NUTRIENT WATER QUALITY PERMIT LIMITATIONS

**Whereas**, the 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.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League 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 prioritizing funding for the necessary projects.

**Passed, Approved and Adopted** this 29th day of August at the Town of Taos, New Mexico.

## RESOLUTION 2013-20

### CONCERNING THE WATER CONSERVATION FEE

**Whereas**, 74-1-13 of the Environmental Improvement Act imposed a water conservation fee of three cents (\$.03) per thousand gallons of water produced on every public water supply system; and

**Whereas**, in 2013 the New Mexico Legislature passed and Governor Martinez signed House Bill (HB)415 amending Section 74-1-13 NMSA 1978 and removing the date and other restrictions determining which Safe Drinking Water Act monitoring and analyses could be funded by the Water Conservation Fee; and

**Whereas**, the three basic allowances for the use of the Water Conservation Fee remained the same under the amendment implemented through HB 415, which are compliance testing for public water systems, vulnerability assessments of drinking water sources, and certified operator training; and

**Whereas**, the water conservation fund is created in the state treasury; and

**Whereas**, money in the water conservation fund is appropriated to the department of environment for administration of a public water supply program to:

- (1) test public water supplies for the contaminants required to be monitored pursuant to the provisions of the federal Safe Drinking Water Act, as amended, and collect chemical compliance samples as required by those provisions of the federal act; and
- (2) perform vulnerability assessments which will be used to assess a public water supply's susceptibility to those contaminants; and
- (3) implement new requirements of the Utility Operators Certification Act [Chapter 61, Article 33 NMSA 1978] and provide training for all public water supply operators; and

**Whereas**, monitoring requirements of the federal Safe Drinking Water Act have been subsequently modified since July 1, 1992 so that annual and triennial monitoring for synthetic and volatile organic contaminants, inorganic contaminants, and radiological contaminants is no longer required at individual water sources, but rather at Entry Points to the Distribution System at which individual sources are blended to a single supply source to effectively reduce the number of monitoring events required; and

**Whereas**, the New Mexico Environment Department (NMED) has issued waivers to reduce or eliminate monitoring requirements for many contaminants; and

**Whereas**, the NMED has completed a source water vulnerability assessment for almost all public water systems, as required by U. S. Environment Protection Agency; and

**Whereas**, implementation of two key provisions of the water conservation fee statute; vulnerability assessments and utility operator certification and training, are no longer funded by the water conservation fee; and

**Whereas**, there is concern among New Mexico municipalities that while the water conservation fee fund appropriately provides services to the regulated community, demands on the water conservation fee have effectively been reduced since the inception of the fee.

**Now, Therefore, Be It Resolved** that the NM Municipal League requests that the water conservation fee remain unchanged from the original 1993 implementing legislation creating the fee; and

**Be It Further Resolved** that should NMED intend to further increase the fee, NMED should first evaluate the impacts of decreased monitoring, lack of full implementation of the current statute and increases in federal funding; and share the enabling legislation with the affected regulated community to reach a consensus prior to the legislation being introduced.

**Passed, Approved and Adopted** this 29th day of August at the Town of Taos, New Mexico.

## RESOLUTION 2013-21

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

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

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

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

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

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

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

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

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

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

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

**Passed Approved and Adopted** this 29th day of August at the Town of Taos, New Mexico.

2013 FIRT Committee Priority:\_\_\_\_

**RESOLUTION 2013-22**

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

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

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

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

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

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

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

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

**Passed Approved and Adopted** this 29th day of August at the Town of Taos, New Mexico.

## RESOLUTION 2013-23

### CONCERNING TELECOMMUNICATIONS FRANCHISE ORDINANCES

**Whereas**, telecommunications technology has advanced to the point that traditional land line phones are rapidly being replaced by Cellular or Voice Over Internet Protocol (VOIP); and

**Whereas**, traditionally, New Mexico Municipalities have granted franchises to telecommunication companies; and

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

**Whereas**, in order to allow all forms of telecommunication providers to compete for consumers it is desirable to not disadvantage any single provider through a franchise system; and

**Whereas**, New Mexico municipalities are dependent on the income generated by current Franchise agreements.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League supports legislation to allow imposition of a statewide "Telecommunications Fee" not to exceed 5% on all telecommunication providers operating within a municipality.

**Passed, Approved and Adopted** this 29th day of August at the Town of Taos, New Mexico.

**RESOLUTION 2013-24**

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

**Whereas**, municipalities can, and do rely, on State of New Mexico grants to fulfill many municipal needs; and

**Whereas**, local governments may be better able to implement projects within their jurisdictions; and

**Whereas**, those local governments need set policies and procedures in the delivery and administration of state grants; and

**Whereas**, the New Mexico Department of Finance and Administrative Services has stated its intention to alter its reimbursement policy after expenditures of state grant monies by local governments.

**Now, Therefore, Be it Resolved** that the New Mexico Municipal League seek clarification through legislation that would allow state grant monies to help defray the cost of administration of grants; and

**Be it Further Resolved** that the New Mexico Municipal League seek legislation that would clarify the propriety of utilizing bond proceeds to defray the cost of grant administration for projects that are funded through the issuance of debt.

**Passed, Approved and Adopted** this 29th day of August at the Town of Taos, New Mexico.



## RESOLUTION 2013-25

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

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

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

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

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League supports legislation to increase the monetary thresholds in the Municipal Sale or Lease of Property Section above the current rate of \$25,000.

**Passed, Approved and Adopted** this 29th day of August at the Town of Taos, New Mexico.

## RESOLUTION 2013-26

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

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

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

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

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

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

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

**Be It Further Resolved** that a comprehensive plan of investment for critical transportation projects be developed with municipal input and that such plan identify alternative funding resources necessary to finance such plan including matching funds and in-kind services in rural areas; and

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

**Passed, Approved and Adopted** this 29th day of August at the Town of Taos, New Mexico.

## RESOLUTION 2013-27

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

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

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

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

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

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

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

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

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

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

**Passed, Approved and Adopted** this 29th day of August at the Town of Taos, New Mexico.

## RESOLUTION 2013-28

### CONCERNING THE LAW ENFORCEMENT PROTECTION FUND

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

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

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

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

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

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

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

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

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

**Passed, Approved and Adopted** this 29th day of August at the Town of Taos, New Mexico.

## RESOLUTION 2013-29

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

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

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

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

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

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

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

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

**Passed, Approved and Adopted** this 29th day of August at the Town of Taos, New Mexico.

## RESOLUTION 2013-30

### 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 currently prevent sex offenders from living near elementary schools, neighborhood parks or other locations frequented by young children; and

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

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

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

**Passed, Approved and Adopted** this 29th day of August at the Town of Taos, New Mexico.

## RESOLUTION 2013-31

### CONCERNING MUNICIPAL AUTHORITY TO REGULATE FIREWORKS

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

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

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

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

**Whereas**, the smoke generated from fires constitutes a known health threat for citizens, especially children and those with chronic respiratory and heart diseases, and has been linked to increased emergency department visits and hospitalizations; and

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

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

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

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

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

**Passed Approved and Adopted** this 29th day of August at the Town of Taos, New Mexico.



**RESOLUTION 2013-32**  
**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; 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**, emergency medical services that provide first response, such as fire departments, are not eligible to charge for response or treatment; and

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

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

**Whereas**, 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 solid 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.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League supports an increase to the EMS Fund Act for use by local EMS providers in the state of New Mexico; and

**Be it Further Resolved**, that the New Mexico Municipal League supports utilizing a percentage of the Fire Protection Fund reversion money to supplement the EMS Fund Act so long as the funds are directly distributed to and utilized by the local EMS providers to enhance the level of EMS services provided and does not reduce the disbursement of Fire Fund monies to municipalities and counties; and

**Be it Further Resolved**, that the existing funding formula will continue to be used, but the funding base amount and maximum allowable fund award be raised to accommodate the increasing costs of providing pre-hospital services.

**Passed Approved and Adopted** this 29th day of August at the Town of Taos, New Mexico.

## RESOLUTION 2013-33

### CONCERNING DWI AND TRAFFIC ENFORCEMENT ON PUBLICLY ACCESSIBLE PRIVATE PROPERTY

**Whereas**, driving while intoxicated (“DWI”) and other traffic offenses can threaten the health, safety and welfare of every citizen of New Mexico; and

**Whereas**, DWI and traffic offenses can occur in a variety of means including alcohol intoxication and drug impairment; and

**Whereas**, DWI and traffic offenses can occur not only on public highways, roads, and streets but also in alleys and parking lots and other areas that are privately owned, but accessible to the general public; and

**Whereas**, the New Mexico Court of Appeals in the case of *Rio Rancho v. Young* imposed a requirement on local law enforcement officials to obtain the consent of the landowner prior to enforcing traffic laws, including DWI laws on private property; and

**Whereas**, the Court of Appeals based its decision on language contained in NMSA section 3-49-1(o) that states in relevant part: “A municipality may. . . . ; with the written consent of the owner, regulate the speed and traffic conditions on private property”; and

**Whereas**, this limitation on the ability of local law enforcement officials to enforce DWI and other traffic laws on private property that is accessible to the public is a threat to public health, safety and welfare.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League seek legislation to amend NMSA section 3-49-1(o) to remove the requirement that local law enforcement officials first secure the written permission of a landowner prior to enforcing DWI and traffic regulations on private property that is open to the public.

**Passed Approved and Adopted** this 29th day of August at the Town of Taos, New Mexico.

## RESOLUTION 2013-34

### CONCERNING MUNICIPAL PARTICIPATION IN THE DEVELOPMENT OF A STATE FREIGHT PLAN WITH THE NEW MEXICO DEPARTMENT OF TRANSPORTATION

**Whereas**, freight is a vital component of the nation's and the state's transportation system; and

**Whereas**, the New Mexico Department of Transportation is (NMDOT) is developing a State Freight Plan as an element of the NMDOT Statewide Long Range Multimodal Transportation Plan; and

**Whereas**, State Freight Plans are encouraged under the new federal transportation law called the "Moving Ahead for Progress in the 21<sup>st</sup> Century Act" (MAP-21); and

**Whereas**, states that develop freight plans increase the potential for economic development and funding for identified freight projects; and

**Whereas**, municipalities statewide have many different interactions with freight movements and providers; and

**Whereas**, development of a State Freight Plan will require input from a wide range of stakeholders statewide.

**Now, Therefore, Be it Resolved** that the New Mexico Municipal League requests the New Mexico Department of Transportation to include the League and interested municipalities statewide as stakeholders, either directly or through Regional Transportation Planning Organizations, during the development of the State Freight Plan.

**Passed, Approved and Adopted** this 29th day of August at the Town of Taos, New Mexico.

## RESOLUTION 2013-35

### CONCERNING THE LOCAL GROSS RECEIPTS TAXES ON FOOD

**Whereas**, the First Session of the 51<sup>st</sup> Legislature enacted legislation to phase out the Hold Harmless Provisions for the loss of local gross receipts taxes on food and medical services; and

**Whereas**, those revenues accounted for a substantial portion of municipalities' general fund budget, in some cases as much as an estimated 40%; and

**Whereas**, municipalities opposed the repeal of gross receipts taxes when introduced in the 2004 session of the Legislature; and

**Whereas**, over 400,000 New Mexicans on the Food Stamp Program did not pay gross receipt taxes on the purchase of food: and

**Whereas**, New Mexicans were required to pay an additional ½ percent gross receipt tax on all other taxable purchases to help pay for the repeal of food taxes; and

**Whereas**, those same 400,000 New Mexicans could face an additional 3/8 or even 6/8 gross receipts tax for a total tax burden of 7/8 to 1 & 1/4 GRT without receiving the benefit of not paying GRT on food.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League support legislation to return food to the gross receipts tax base for only local gross receipts tax rates, including the 1.225 of the state rate, by shifting the 1.225 to the local GRT system; and

**Be It Further Resolved** that the legislation include a significant increase in the Low Income Tax Credit; and

**Be It Further Resolved** that such legislation would also repeal the Hold Harmless distribution whereby increasing the state general fund in one fiscal year rather than 17 years; and

**Be It Further Resolved** that the legislation would also repeal the new gross receipts authority of 3/8 percent for cities and counties.

**Passed, Approved and Adopted** this 29th day of August at the Town of Taos, New Mexico.