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Cover photo Courtesy Cumbres & Toltec Scenic Railroad

THE MUNICIPAL REPORTER, MARCH 2017
The New Mexico Municipal League has scheduled its annual series of District Meetings. These meetings will be held within the eight League Districts as established by the League Board of Directors. For information and to register, visit [www.nmml.org](http://www.nmml.org).

The main purpose of these meetings is to report to you on the 2017 Legislative Session and new laws affecting municipalities. The agenda also includes a report on the New Mexico Self-Insurers’ Fund, and elections of League Board District Directors in odd-numbered Districts where the Director’s two-year term expires. This is also an opportunity for you to visit with other municipal officials in your area.

We urge you to attend the District Meeting in your area. [Don't know your District #, click here.](http://www.nmml.org) [Encourage your newly-elected officials to attend.](http://www.nmml.org)

**DISTRICT DIRECTOR ELECTIONS**

Elections of District Directors will be held in Districts 1, 3, 5 and 7. (The terms of office for Directors in Districts 2, 4, 6 and 8 expire on May 1, 2018.) [Current list of District Directors.](http://www.nmml.org)

**DISTRICT MEETING SCHEDULE**

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<thead>
<tr>
<th>District 4 – Monday, April 3</th>
<th>District 8 – Friday, April 7</th>
</tr>
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<tbody>
<tr>
<td>Memorial Building</td>
<td>Holiday Inn Express</td>
</tr>
<tr>
<td>200 E. 7th Street, Portales</td>
<td>2110 Camino del Llano, Belen</td>
</tr>
<tr>
<td>575-356-8449</td>
<td>505-861-5000</td>
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<thead>
<tr>
<th>District 5 – Tuesday, April 4</th>
<th>District 1 – Monday, April 10</th>
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<tbody>
<tr>
<td>Pecos River Conference Center</td>
<td>Farmington Civic Center</td>
</tr>
<tr>
<td>711 Muscatel Avenue, Carlsbad</td>
<td>200 W. Arrington Street, Farmington</td>
</tr>
<tr>
<td>575-887-6516</td>
<td>505-599-1145</td>
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<tr>
<th>District 6 – Wednesday, April 5</th>
<th>District 2 – Tuesday, April 11</th>
</tr>
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<tbody>
<tr>
<td>Casa de Sueños Restaurant</td>
<td>Misión Museum y Convento</td>
</tr>
<tr>
<td>35 St. Francis Drive, Tularosa</td>
<td>706 Bond Street, Espanola</td>
</tr>
<tr>
<td>575-585-3494</td>
<td>505-747-8535</td>
</tr>
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<tr>
<th>District 7 – Thursday, April 6</th>
<th>District 3 – Thursday, April 13</th>
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<tbody>
<tr>
<td>Mimbres Valley Special Events Center</td>
<td>Herzstein Memorial Museum</td>
</tr>
<tr>
<td>2300 E. Pine Street, Deming</td>
<td>22 S. 2nd Street, Clayton</td>
</tr>
<tr>
<td>575-543-6620</td>
<td>575-374-2977</td>
</tr>
</tbody>
</table>
Municipal Judges attending Municipal Day are: (from left) Steve Lee, Alamogordo Municipal Judge; Sonya Ruiz, Silver City Municipal Judge and President of the New Mexico Municipal Judges Association; Alan Kirk, Los Alamos Municipal Judge; and Michael Rael, Sr., Questa Municipal Judge and First Vice President of the New Mexico Municipal Judges Association.
2017 MUNICIPAL DAY
LEGISLATIVE RECEPTION
SPECIAL THANKS TO OUR SPONSORS
In part three of this series, we will discuss the collection and enforcement of the Lodgers’ Tax Act (“Act”). The lodgers’ tax is the only tax that is collected and enforced by the municipality. In other words, the tax is collected by the vendor and submitted directly to the municipality, instead of being collected and submitted to the Taxation and Revenue Department for distribution back to the municipality.

Section 3-38-17.A provides that every vendor providing lodgings in a municipality or county imposing an occupancy tax shall collect the proceeds thereof on behalf of the municipality or county and shall act as a trustee therefor. What this means is that the vendor is required to assess and collect the appropriate tax from the lodger and remit the proceeds to the municipality. It also means that the vendor is charged with preserving the tax proceeds on behalf of the municipality. Section B of 3-38-17 requires that the tax be charged separately from the rent collected by the vendor. This means that the bill generated by the vendor should, specifically break down the rent charged, the lodgers’ tax charged and the gross receipts tax charged on every bill.

The Act provides a mechanism for municipalities to verify the amounts collected by and remitted to the municipality. In section 3-38-17.1 the Act provides that the governing body of any municipality or county collecting over two hundred fifty thousand dollars ($250,000) in occupancy tax proceeds shall select for annual random audits one or more vendors to verify the amount of gross rent subject to the occupancy tax and to ensure that the full amount of occupancy tax on that rent is collected.

More relevant to our members, the second part of that section provides that the governing body of any municipality or county collecting less than two hundred fifty thousand dollars ($250,000) in receipts, per annum, of occupancy tax proceeds shall conduct random audits to verify full payment of occupancy tax receipts. I have to be frank and say that I really do not understand the distinction. Cities collecting over $250K shall conduct “one or more” random audits while municipalities collecting less than $250K shall conduct “random audits.” Although no number is cited as to the required audits for smaller entities, it seems that it could mean as few as one audit, or as many audits as are desired.

Copies of audits completed under the Act shall be filed annually with the local government division of the department of finance and administration.

The Act provides for three vehicles for enforcing the Act. Section 3-38-17.3.A(1) provides that the attorney general or the district attorney in the county of jurisdiction is authorized to bring an action to enforce the provisions of the Act. This might be particularly helpful in small municipalities that do not have an in-house municipal attorney.

Now comes the strange part.
Section 3-38-17.3.A(2) provides that a vendor who is collecting the proceeds of an occupancy tax in the county of jurisdiction is also authorized to bring an action to enforce the Act. I have never heard of this being done before and I can only imagine what the legislature had in mind here. Clearly a vendor would not initiate an action to collect tax proceeds from itself. That leaves us with the inescapable conclusion that the Act contemplates a situation where one vendor who is collecting the tax may bring an action against another that is not collecting the tax. This is indeed strange.

Under these proceedings, a district court may issue a writ of mandamus (which I personally think is the wrong remedy because this writ is usually reserved to compel public officials to perform ministerial acts) or order an injunction or other appropriate remedy to enforce the provisions of the Lodgers’ Tax Act. An injunction compelling a vendor to pay or an injunction prohibiting a vendor from operating until the tax is paid are much better remedies in my mind. The court shall award costs and reasonable attorneys’ fees to the prevailing party in a court action to enforce the provisions of the Lodgers’ Tax Act under 3-38-17.3.A.

Section 3-38-18 provides what is probably a more appropriate remedy. Subsection A provides that the governing body of a municipality or county shall, by ordinance, provide that a vendor is liable for the payment of the proceeds of any occupancy tax, and if a vendor fails to remit the tax proceeds to the municipality or county, due to a failure to collect the tax or otherwise, the vendor and shall be liable for a civil penalty for any such failure in an amount equal to the greater of ten percent (10%) of the amount that was not remitted to the municipality or county or one hundred dollars ($100). Of course this would require the municipality to file a lawsuit in the district court to enforce this remedy.

The second option is in section B of 3-38-18. That section provides that the municipality or county may bring an action in law or equity in the district court for the collection of any amounts due, including without limitation penalties thereon, interest on the unpaid principal at a rate of not exceeding one percent (1%) a month, the costs of collection and reasonable attorneys’ fees incurred in connection therewith. This section provides essentially the same remedies as in section 3-38-17.3, but one that is initiated by the municipality itself. If the municipality has adopted an ordinance as outlined in the previous paragraph, it may then file an action in district court to collect the unpaid taxes that are due plus interest and attorneys fees. This is the remedy in an action “at law”. The municipality also has remedies “in equity” meaning the municipality may pursue the same types of injunctive relief that are available to the attorney general and district

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In February 1880, the Denver and Rio Grande Railroad began construction of the San Juan extension, a route that went from Alamos, Colorado to Silverton, Colorado by way of the Cumbres Pass, Chama and Durango. Railroad service to Chama began in February 1881 and facilities for servicing railroad equipment, a depot, warehouses and stockyards were set up along the route surveyed for the railroad.

The brief period of construction from 1880-81 was one of the most exciting episodes in the area’s history and Chama almost immediately became a boomtown. The possibilities for development attracted both industrious and disreputable characters from all around. Individuals interested in developing the coal mines in Moreno rapidly appeared on the scene as did representatives of the lumber industry, laborers, engineers and contractors to build the railroad and buildings required to accommodate the mass of people attracted to the booming railroad town of Chama.

For many years Chama remained a rowdy and exciting place to be. It was a very prosperous town with plenty of work and a great deal of entertainment in the forms of saloons, gambling houses and moonshine stills. Groceries were expensive and outlaws, such as
the Clay Allison gang, regularly held up the railroad pay construction camps with large payrolls, saloons and gambling houses.

In the past, the main industries of the area were logging, mining and sheep and cattle ranching. Before the logging industry clear-cut much of the timber, the vast grasslands one now sees were hundreds of square miles of forest. In pre-logging days, the forest was so thick that it was difficult for a man on horseback to negotiate his way through the trees. The sheep industry operated on a grand scale until the Depression and the terrible winter of 1931-32 combined to nearly wipe out the sheep industry.

Chama, New Mexico offers a unique blend of cultures. In the shops and cafes you will hear a mix of English, Spanish and Native languages, often used in concert. And you'll hear a lot of laughter. Serious conversations often turn to the environment and politics, as big changes are underway. The local economy, once fueled by agriculture, is increasingly fed by tourism and new businesses started by transplants from more congested urban areas.
The Farmington Public Library opened an award-winning library building in 2003. Growing a library through the “new” stage and then transitioning into maintenance mode brought an entirely new set of challenges. Turns out, building a new library facility wasn’t the hardest part.

Over the last fourteen years we’ve had to be flexible, incorporating change into our daily operations, adapting to the new normal. Economic downturns? Check. Technology challenges? Check. Staffing challenges? Check. And through all that, we, the library staff and our patrons, are still learning.

Making Sure

An economic downturn in oil and gas caused a downturn in City finances and everyone had to make some tough choices with their budgets. When it came to our Library’s budget, staff started with their vendors, negotiating better annual contract prices or stabilizing costs with longer contracts. Then, they looked at each of their partnerships, looking at costs, benefits and outcomes. Making sure the decisions we make today will pay us back tomorrow. Today, we don’t have as many community partners as we used to, but the ones we kept are true partnerships, with the projects benefiting both/all partners equally. We don’t have as many vendors, and certainly don’t purchase as many books as we did. But we do our homework, and we make sure that we do the best we can with what we are given for our community.

Streamline

No matter your size, there isn’t enough time to do everything. Budgets and priorities shift. If your work processes are overwhelming it is hard to provide good customer service, or even keep the doors open. While Farmington’s budget may seem large to many of New Mexico’s libraries, Farmington per capita numbers (budget divided by number of people served) is about average when looking statewide. Whatever your staff
size, libraries are pressed to do more with less. Take a good look at what you spend your time on. Are you causing yourself more work? Could you accomplish the same thing with fewer steps? The truth is that none of us have enough time or budget to duplicate services or waste resources. If you can’t do more, maybe you can do it better -- and maybe it is time to let it go! Just because you’ve always done something doesn’t mean that you should still do it. Letting some things go, makes room for something new.

**Clean Up and Keep Up**

Keeping up with the facility is a priority for the staff of the Farmington Public Library. It is so second nature to us, that even our patrons, partners and vendors help us keep it repaired and clean. We still get asked how new the building is by visitors and they are always surprised when we say the building is fourteen years old. If your facility is relatively new, you can extend the life of the facility with a solid maintenance and custodial plan. Older facilities can be refreshed with a good cleaning, some low-cost repairs, and paint. Step back and take an objective look at your facility with patron eyes. Signs hanging with peeling tape? Cluttered countertops and overstuffed shelves? Broken equipment? Chipped paint? Cleaning up should be a part of everyone’s job. When a space is clean and uncluttered – you and your patrons can see things more clearly.

**Know Your Numbers - All of Them**

At the Farmington Public Library, we track and share numbers in a way that everyone – tax payers, elected officials, staff and patrons can see how the library is doing. Checkouts, gate counts, and computer users are posted daily both for staff and patrons. A simple white board as you enter the building is logged with those numbers every day. Those numbers are then rolled into a monthly report and infographic. Choosing what to collect and what to measure may be as simple

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as determining what you have to report. From there, choose what is important to you to measure and track. Knowing why you collect your numbers is equally important. Do comparisons and look for trends over time. How do your numbers compare with other libraries in similar sized communities? If your numbers are trailing other libraries, what are they doing that you could be doing? If you need additional information – collect the data. You cannot make responsible decisions without the right information. Making good decisions makes your supporters “love you more!”

Be the Patron – It’s about them

Getting feedback from your patrons is a great way to see if what you are doing is working. Farmington Public Library sends a “welcome to the library” email that does not require an answer but allows for them to reply with comments, and we get them – both good and bad. Ask questions of your patrons and be prepared to really listen to the answers. You’ll want to hear both the good and the bad – and though it is easy to be defensive about it, don’t be. Take that information and do what you can with it. You may not be able to “fix” the parking lot, but maybe sweeping and painting new lines in the parking lot will help. And remember, it costs nothing to smile and greet people as they enter the library. Making sure that everyone that comes into your library has a positive experience is the best way to build and keep community support.

Always Have a Plan B

Running a library is tougher than it looks from the outside looking in. And no, we don’t sit around and read books. There’s a lot that goes on behind the scenes to keep a library operational. During library tours, patrons often comment that they are surprised to learn all that a library does. Our experience is that it takes both looking at the big picture and the details, to keep our library heading in the right direction. Our Plan A is always a little bigger than our budget because you never know when a donor, a grant, or an opportunity might come your way. Our Plan B always includes both a growth and a reduction strategy. You are either doing one or the other.

Always a Balancing Act

Keeping a balance between what your patrons want and what kind of budget you have to provide it isn’t easy. Try to find the right proportions, you want what works for your library and your community. Finding and maintaining a balance is a constant process for Farmington Library Staff. Between growing demand - 7,000 kids in our annual Summer Reading program, over a thousand people a day using the library, and a challenging economic landscape, the Farmington Public Library staff strives to be clear on service goals and do what it takes to be successful, every day.
RESILIENT COMMUNITIES FUND: 2017 REQUEST FOR APPLICATIONS

The New Mexico Resiliency Alliance is pleased to announce a General Call for Applications for small grants through its Resilient Communities Fund!

The Resilient Communities Fund is the flagship grant making program of the New Mexico Resiliency Alliance. In partnership with the McCune Charitable Foundation and the New Mexico MainStreet Program, NMRA has awarded $125,000 in small grants to 35 local organizations in rural and underserved communities statewide. Funding supports locally-driven, community economic development projects, with an average award of $2,500.

In its first three years of operations, NMRA has awarded Resilient Communities Fund grants only to communities affiliated with and supported by technical assistance from the New Mexico MainStreet Program. In 2017, in addition to continuing to support MainStreet-affiliated projects, the Alliance is issuing a General Call for Applications for the first time, expanding our grant making reach to include any community-based project in New Mexico that meets the eligibility and funding criteria. Grants of up to $5,000 are available for community development projects within two categories:

Funding Category A: Healthy Community Design and Public Infrastructure

Funding Category B: Resilient Community Initiatives

To find out more about this exciting funding opportunity, read the 2017 General Funding Announcement and Application Form, below:

2017 General Funding Announcement: NMRA_ResilientCommunitiesFund_2017GeneralFundingAnnouncement_FINAL.pdf

Fillable Application Form: NMRA_ResilientCommunitiesFund_2017GeneralFundingApplication_FINAL.docx

APPLICATION DEADLINE: MARCH 16, 2017
Finance New Mexico partners with the New Mexico Municipal League on the Grow It! project and other economic development initiatives. To learn more, go to www.Finance-NewMexico.org or http://growitnm.org.

When Aztec community leaders envisioned a downtown co-working space and retail-business incubator, they made a plan, found a building and identified initial sources of funding for the project. But they needed additional money to get it off the ground. They turned to New Mexico FundIt, an informal group of federal and state government and nonprofit agencies that meets regularly to help identify capital and fill funding gaps in economic development projects.

FundIt was created by the New Mexico Economic Development Department from a suggestion by a blue-ribbon panel convened to identify ways to streamline development projects in the state. FundIt aims to be a one-stop source of start-to-finish financing for projects that will help with community infrastructure development, job creation and small-business development. Through FundIt, communities can present their development proposals to many funding agencies at the same time.

Thirteen federal and state entities participate, and most have money to invest. Federal agencies include the Small Business Administration, Department of Agriculture and Department of Housing and Urban Development. Quasi-public entities, such as the New Mexico Finance Authority, which finances infrastructure projects, and the New Mexico Mortgage Finance Authority, which finances housing and related services that benefit low- to moderate-income residents, also have a seat at the table. State agencies include the New Mexico Department of Transportation, Environment Department, and Department of Finance and Administration.

Participants can act as a gateway into the FundIt group and bring projects for review. Members collectively analyze proposals and direct the most feasible ones to stay on a continual track to financing. Sometimes members take a project back to their agencies for processing, but if a project isn’t ready to proceed, panel members offer comments or direction. The overarching goal is to keep projects moving and help communities fund development from start to finish in a way that makes the most efficient use of tax dollars.

The panel isn’t a place to vet idea-stage projects; some capital must already be secured. The group looks for projects that have a funding gap that can be filled by one of its members.

Projects selected for review fall under five economic development categories: Business development projects, such as business incubators and industrial parks; community development, such as...
feasibility studies, asset mapping and comprehensive plans; infrastructure development that updates or replaces existing communication, transportation or support networks; housing projects that increase access to housing; and downtown redevelopment projects.

The FundIt panel reviewed about 20 projects in 2016, including Aztec’s business incubator. The Hub, which was assisted by the panel early in the year, held a ribbon-cutting ceremony at its official opening last month.

Building on the success of FundIt, the Economic Development Department is collaborating with the New Mexico Councils of Government on a web portal where community leaders can find information about completed projects and learn how they were funded. The Ristra Project, a website found at www.ristraproject.com, will soon contain a new component to encourage dialog among economic developers, who can help new project organizers find appropriate funding sources faster.

The FundIt panel meets on the fourth Tuesday of even-numbered months. Project developers should submit an application at least two weeks before the meeting.

The next meeting will take place at 1:30 p.m. on February 28 at the New Mexico Department of Workforce Solutions, located at 501 Mountain Rd NE in Albuquerque. For more information contact Johanna Nelson at 505-827-0264 or Johanna.nelson@state.nm.us.
IN THE NEWS

NEWS IN BRIEF

The Linda Gaume Jaramillo Scholarship
Applications are available for eligible municipal elected officials for the 2017 year. For more information go to nmml.org/certification-program/moli/

Working with Municipal Finance Professionals
Financing a capital project through municipal bonds is a team effort in which many professionals work together to achieve the goals of the state or local government. To read more, click here

City Manager of the Year
Applications are now available, click here for more information.

NMML Business Partners
Are you a NMML Business Partner? Did you know we highlight NMML Business Partner’s Monthly? If you are interested in being featured in The Municipal Reporter, contact Mariah Valdez at mvaldez@nmml.org for more information and deadlines.

NMML ListServe
We are receiving many “bounce-back” emails from the Municipal Reporter, Legislative Bulletin List Serves & distribution lists. Make sure that NMML is not on your spam list. Please put our domain and IP address on your white list. The NMML domain is nmml.org. The IP address for your white list is: 205.168.57.74. Also, add nmml@listserve.com to your address book. Remember to notify us (jportillo@nmml.org) if there are any changes to your municipal roster. Thank you!

Tucumcari Prepares for downtown makeover
TUCUMCARI, N.M. (KFDA) - With the hope of reeling in more visitors, the City of Tucumcari is preparing to transform its downtown area. Before Tucumcari became a Mainstreet city, it was going through an economic decline To read more follow the link

RATON MUNICIPAL/CREWS FIELD AIRPORT-EXPRESS AVIATION SERVICES

In September of 2014 Robert A. Funk expanded his generosity from the St. James and Express Ranches to Raton Municipal/Crews Field Airport. He took over the Fixed Based Operation (FBO) which is now Express Aviation Services. With a fresh coat of paint and a new floor accompanied by heated-massage chairs and free refreshments we provide; full service Phillips 66 AvGas and JetA fuel, light aircraft maintenance, short-term hangar rent, lavatory service, and at times catering.

All the employees at Express Aviation are also NATA Safety Certified and aviation enthusiasts. The FBO manager resides on the airport and can fulfill your needs any time, day or night. We have a large rental fleet consisting of seven Suburban’s, a passenger van, and two smaller vehicles as well as a courtesy car for overnight transportation.

The local Best Western Plus and Holiday Inn Express offer a pilots discount, only a 10 minute ride into Raton. The St. James in Cimarron also offers a pilot discount. We provide rides to and from the train station, Philmont Boy Scout Ranch, Vermejo Park Ranch, NRA Whittington Center, and other nearby destinations. Here at Express we strive for top notch customer service with an inviting and comfortable experience. So whether you’re flying or driving stop in and see us. You’ll be glad you did.

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Lisa Johnston, Assistant Clerk for the City of Artesia, retired January 31st after serving the City for 26 years. In those 26 years Lisa became a mentor for the City Clerks in New Mexico and around the world through the International Institute of Municipal Clerks. Lisa is a Past President of the NM Municipal Clerks and Finance Officers Association. She received her CMC in 2000 and in October, 2006, was awarded the designation of Master Municipal Clerk. Lisa has a B.S. in Plant Sciences from the University of Arizona and uses this knowledge as an active member of the Native Plant Society of New Mexico.

Lisa was selected by her peers as Clerk of the Year in 2012. She has been very active in the New Mexico Municipal League serving on various committees and working closely with the League on legislation especially in the areas of records retention and elections. Her institutional memory for events that transpired the last 26 years will be sorely missed by the Mayor and Council who could count on her to keep them on the “straight and narrow”. It will be hard to replace someone so well-versed in municipal government and so respected across New Mexico and beyond.
Continued from page 7

attorney under section 3-38-17.3.

Section 3-38-18.1 provides yet a third remedy available to municipalities to utilize when vendors fail or refuse to pay lodgers' tax. This section provides that the lodgers' tax imposed by a municipality constitutes a lien in favor of that municipality upon the personal and real property of the vendor providing lodgings in that municipality or county. Once the lien is recorded, the municipality will get notice whenever the owner of the premises seeks to borrow money, mortgage the property, take a security interest against any personal property or sells the property. The municipality may then foreclose on the lien and the municipality will have a priority lien against all parties claiming interest in the real property or personal property of the owner. This is potentially a powerful tool to use in the event a vendor fails or refuses to pay its share of the lodgers' tax.

Section 3-38-19 provides the final enforcement mechanism available to the municipality. The governing body of a municipality is required to provide by ordinance for penalties by creating a misdemeanor and imposing a fine of not more than five hundred dollars ($500) or imprisonment for not more than ninety days or both for a violation by any person of the provisions of the occupancy tax ordinance for a failure to pay the tax, to remit the proceeds thereof to the municipality or county or to account properly for any lodging and the tax proceeds pertaining thereto. So, a properly drafted ordinance will also provide for criminal penalties, including jail, for violators. This might also be a powerful incentive for owners to pay their share of the lodgers' tax.

NMML CLASSIFIEDS

LEAGUE OFFICE PARKING DURING THE SESSION

Because of the demand for parking around the Capitol during the session, we must protect the availability of parking for our municipal officials and staff. In order to reduce the possibility of accidents, a few areas in our lots are designated by signs as “NO PARKING” AREAS. If you are visiting the session and need to park in the League lots, please help us by observing the following rules:

1. Do not park in the areas designated as “NO PARKING” zones.
2. Obtain a League Parking Permit from the reception desk and leave it on the rear-view mirror of your car so that it’s easily visible.
3. DOUBLE PARKING OR PARKING BEHIND ANOTHER CAR IS NO LONGER PERMITTED IN OUR LOTS.
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THE MUNICIPAL REPORTER, MARCH 2017

“The Municipal Reporter, March 2017”
New MRO Contract Provides Comprehensive Solutions Making It Easier Than Ever to Get the Supplies You Need at Competitive Prices

We are excited to announce the multi-award of a new national U.S. Communities cooperative contract for maintenance, repair, operating supplies, industrial supplies and related products and services. This contract was awarded to The Home Depot, HD Supply Facilities Maintenance, Applied Industrial Technologies, and SupplyWorks, A Home Depot Company through a competitive solicitation process conducted by the lead public agency, Maricopa County, Arizona. The contract term is for five years with the option to renew for five additional one year periods. To learn more about this new contract and the solutions available, view details below or register for a complementary one-hour webinar.

This contract makes it easier to get the products and services you need under one contract while saving time and money. This multi-award provides public agencies these options when looking for MRO solutions.

**The Home Depot**: Access to millions of products for maintenance, repair, and operations needs and capital improvements; available the same day at one of The Home Depot’s 1,960+ store locations.
- Simple sourcing options available. Purchase online, in-store or special order with PCI compliant process.
- Bulk and volume pricing discounts on orders over $1,500 plus earn a potential 5% annual rebate on all Home Depot purchases.

**HD Supply**: Competitively-awarded MRO products and property improvement services on a single contract.
- Discounts on over 70,000 MRO and property management products.
- Tiered rebate based on you Agency’s annual purchases and early pay invoice discount for HD Supply credit accounts.

**Applied Industrial Technologies**: Access to more than 6 million products from more than 4,000 trusted manufacturers.
- Expertise- our associates’ ability to evaluate operations and suggest improved products or processes.
- Local support and inventory- more than 550 facilities and a robust, nationwide sales force.

**SupplyWorks, A Home Depot Company**: Supply a full spectrum of maintenance and hardware products.
- Team of 700+ national and local facility maintenance experts with a reputation for integrity and dedication, ready to serve you.
- Problem-solving expertise and smart solutions including: Stockwise Inventory Management Solutions, SupplyWorks In-Site For Education, and SupplyWorks Assessment Tool for Restrooms (SWAT).
The Federal Communications Commission (“FCC”) is seeking Comments on streamlining the deployment of small cell infrastructure by improving wireless facilities siting policies. The Public Notice was issued in December. Fortunately, at the urging and upon the Motion of national municipal organizations, including the National League of Cities and National Association of Telecommunications Officers and Advisors, the response period has been extended until March 8, 2017 for Comments and April 7, 2017 for Reply Comments, so that your voices can still be heard.

The Players

Industry -- Industry claims that municipalities are taking too much time to grant approvals and unreasonably delaying the deployment of wireless infrastructure which is detrimental to providing services to consumers and businesses.

Local Governments -- Cities and Counties are being approached by Mobilitie which wants to install 75’ poles in public Rights-of-Way or other companies that want to deploy Distributed Antenna Systems (antennas and small cells on light poles). Communities are concerned about maintaining their regulatory authority and aesthetics.

What is this all about?

Mobilitie, LLC filed a Petition for Declaratory Ruling on November 15, 2016. For those of you who are not familiar with this scenario, Mobilitie has sought approval from local governments in numerous States to place poles in the Rights-of-Way that are 75’ high or taller. Mobilitie has taken the position in various States that it is either a public utility or a provider of services such as broadband. Local governments have pushed back and asserted that Mobilitie is an infrastructure provider rather than an actual services provider and that it has to adhere to local zoning regulations and policies.

What is the FCC’s perception?

It is clear from the FCC’s language in WT Docket No. 16-421 that it thinks local governments are hindering and delaying the deployment of wireless infrastructure. Once again, inside the Beltway, Cities and Counties are being portrayed as an impediment to wireless technology deployment throughout our country. To its credit, the FCC is giving communities the chance to develop a factual record to support your position. If you want to retain local control of your public Rights-of-Way, this is an opportune time to speak up.

What about the money?

Section 253 of the Communications Act provides that local governments can require telecommunications providers to pay compensation for use of public Rights-of-Way. The caveats are that the compensation must be fair and reasonable, competitively neutral and nondiscriminatory, and publicly disclosed.

Once again, the providers will claim that municipalities are asking for excessive and unfair fees for use of those Rights-of-Way. This is already being characterized at the FCC as a nationwide problem.

What are your choices?

Your local government could choose to do nothing and let the national municipal organizations fight the battle. The problem is that the FCC is looking for empirical data, not just righteous arguments.

A better course of action is to assemble information and data on what your community has actually experienced and provide it to the New Mexico Municipal League so it can determine whether it will file Comments with the FCC on your behalf.

Another course of action, if you have the time and resources, is to file Comments directly with the FCC. The Comments do not have to be elaborate. Rather, submit something factual to the FCC that demonstrates your community is doing its job in a timely and reasonable manner.

More information is available from Bob Duchen, Vice President and Senior Counsel of River Oaks Communications Corporation (www.rivoaks.com) in Colorado at 303-721-0653 or bduchen@rivoaks.com. He is a frequent author for Municipal Leagues and Webinar presenter around the country. The company has worked on telecommunications or other projects in more than 35 States and Puerto Rico.
MARK YOUR CALENDARS NOW!
New Mexico Municipal League
60th Annual Conference
scheduled earlier than usual on
August 16-18, 2017 in Clovis.
Share these dates
with those in your municipality.
In June, details will be emailed &
posted to the NMML website.
Thank you.