INSIDE THIS ISSUE

Our Town: Tularosa
Aztec Public Library
Rio Rancho Pure
Local Governments Fight Opioid Crisis
TABLE OF CONTENTS

Drones, droids and driverless ................. 3
What next? .................. 4
Our Town: Tularosa .............. 6
Aztec Public Library ............ 10
Rio Rancho Mayor Advocates for Fair Taxation Practices . 16
Rio Rancho Pure: ............. 17
25 words or less ............... 18
Two Receive Certified Municipal Official designations ........ 18
New Mexico Cities Receive National Endowment for the Arts Grants ................. 20
Local Governments Continue to Fight the Opioid Crisis .. 21
Median Base Pay Moves Upward .................. 22
NMML classifieds ............. 25
Pet Safety in the Summer Heat .................. 27

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Cover photo McGinn’s Pistachio Ranch.
DRONES, DROIDS AND DRIVERLESS
PREEMPTION AND MUNICIPALITIES

For the purposes of this article, I will be referring to preemption as state preemption. As you are no doubt aware, preemption of municipal authority can come from a variety of sources. Municipalities can be preempted by federal and state governments. Federal and state courts can also place restrictions on municipal governments. I will mainly be talking about state legislative preemptions.

First, let me define preemption. It is enacting state legislation to nullify a municipal ordinance or authority. State preemptions have covered a wide variety of subjects, including environmental regulation, gun control and labor laws. In New Mexico gun control has heated up with the level of violence rapidly increasing. Our municipal governing bodies, responding to their citizens, tried to enact local gun control laws, placing restrictions on the sale of guns and ammunition and prohibiting guns in courts and other public facilities, only to find that municipalities are constitutionally prohibited from regulating firearms.

In the early 1970’s, New Mexico, like many other states, passed Home Rule authority for municipalities. Unlike some states, that victory was short lived. The state legislature passed a state law to restrict municipalities’ ability to enact taxes. Legislators at the time stated that this statute was just “temporary.” That “temporary” law passed in 1972 is still on the books today. For the most parts, our courts have been a mixed blessing. Their decisions have yielded a few favorable opinions on Home Rule powers, but have taken a much more narrow view with other opinions.

One of the most difficult battles was over the power of eminent domain. In the days following the Kelo decision, many states enacted preemption laws prohibiting municipalities from exercising eminent domain for economic reasons, even though the Kelo case upheld that power in federal court. In New Mexico it was even worse. We lost the power of eminent domain to acquire water even for public purposes.

Let me move to more recent times. Preemption is on the rise all across the United States. It is the era of preemption. Never more evident than in New Mexico. In just the last two 60-day legislative sessions we have seen preemption efforts on behalf of Uber, Minimum Wage, Paid Leave, Municipal Broadband, Tax Limits, Oil and Gas Regulation, Agriculture, Mining, Dairies, Land Use, Annexation and Water Use. It is important to note that none of these preemptions passed the legislature. I should also note that the League’s long standing Municipal Policy is to oppose preemption and support the ability of municipal authority to regulate local affairs and issues.

What’s on the horizon? Drones, Droids, and Driverless vehicles. The battle for control of drones has already started. The FAA has issued some regulations about which level of government can regulate in which level of air space and for what purpose. The use of Droid regulation is a little further away. Droids for personal use as well as for commercial and business uses is not well defined as of yet. Driverless vehicles are among us already and are being tested in many cities. Next up is driverless trucks, yes eighteen-wheelers. These issues are already giving our local, state, and federal officials a lot to think about. The Jetsons are here.

By now you are probably wondering where I’m going with this. As with most issues there are pros and con. The proponents for preemption argue that it equalizes laws across New Mexico and prevents a patchwork of regulation. On the other hand, local governments need the authority to respond to the needs and desires of their citizens. Municipalities have the responsibility to protect the health, safety, and welfare of their citizens. One size does not always fit the circumstances. Can’t remember who said this, but it fits, “Local Governments are the laboratories of invention in our system of democracy.”
Last month we wrote about weeds and cars and junk and what remedies municipalities had with respect to problem properties. We also mentioned that the same options apply to situations where a dangerous building exists on private property. The option that is most widely chosen is the option to go through the necessary steps to notify the owner and to give the owner an opportunity to clean up the property or tear down the dilapidated building.

We all know that a municipality cannot simply go in, clean up the property and leave. Even if the municipality claims that the cleanup is in the name of health, safety and welfare, it is almost certain that this activity would be viewed to be a violation of the Anti-Donation clause of the New Mexico Constitution. Art. IX Sec. 14 of the Constitution states that:

*Neither the state nor any county, school district or municipality, except as otherwise provided in this constitution, shall directly or indirectly lend or pledge its credit or make any donation to or in aid of any person, association or public or private corporation or in aid of any private enterprise for the construction of any railroad except as provided in Subsections A through G of this section.*

This is the provision that prohibits government from making donations to private individuals or corporations. Donations can come in many flavors; using public resources (equipment, manpower) is a good example. So, if a municipality cannot simply go in and clean up the property, what can it do?

One option is to simply bring suit against the landowner for failing to maintain the premises. The lawsuit would take the form of a claim that the property owner is creating or maintaining a public nuisance. The most common form of relief under these circumstances is that the district court would order the landowner to clean up the property. This is quite beneficial because the municipality would have the district court’s power of contempt and other sanctions as alternatives should the landowner fail to correct the problem. The downside to this alternative is that it is costly. The municipality would have to engage the service of an attorney or use its municipal attorney and invest time and effort in prosecuting and enforcing this type of claim.

A second option, one that many municipalities currently have in their tool box is to criminalize the conduct. Many municipalities have adopted ordinances that make creating or maintaining a public nuisance a crime. Sister ordinances might make it a crime to
have overgrown weeds or junk on a person’s property. Violations of types of ordinance are dealt with in the municipal court. One advantage of criminalizing this conduct is that there is local control over the process. The municipal judge will preside over a hearing to determine whether the accumulated weeds, junk or dangerous building create a public nuisance. Enforcement is relatively inexpensive. City code enforcement officers and the municipal court system are the only real costs of administration.

In order to invoke municipal court jurisdiction, the activity has to be classified as a crime, carrying penalties of a fine of up to $500 and jail for a period of up to 90 days. The downside to this option is that many elected officials are reluctant to make this type of behavior criminal. They question, and constituents question, whether accumulated weeds or junk vehicles, or the skeleton of a building that remains after a fire constitutes criminal behavior. Secondly, the remedies in the municipal court system are limited. The judge may fines the person, in which case there is a reduced amount of money available to the landowner to correct the problem; or the municipality may jail the landowner, in which case the situation is still not corrected. In addition, if a landowner is jailed, it costs the municipality on the average of $100 per day, money that is usually not recouped.

So we are really back to the option of the municipality cleaning up the property. How can the municipality do this and not violate the Anti-Donation clause? NMSA Section 3-18-5 provides that after a series of hearings, a municipality may remove the building, structure, ruins, rubbish, wreckage or debris at the cost and expense of the owner. The section also provides that the reasonable cost of the removal shall constitute a lien against the building, structure, ruin, rubbish, wreckage or debris so removed and against the lot or parcel of land from which it was removed.

What is a lien? A lien is “a qualified right of property which a creditor has in or over specific property of his debtor, as security for the debt or charge or for performance of some act. See: Blacks Law Dictionary. In this case, the municipality becomes a creditor of the landowner for the cost involved in cleaning up the property. But as the definition suggests, a lien is a qualified right. A lien is qualified in two ways, by priority and by time.

Liens are prioritized because there may be a variety of claims against the property, where the property was used as security. A mortgage holder has a lien against

Continued on page 24
Old Tularosa takes a key place in all the best and worst of borderland history. The Village’s roots and cultural landscape go back to the “acequia” (communal water) layout of old Mexico – and to land and water politics of water in the lawless west – a living testament to not only survival but to vast fortunes in ranching, mining and lumbering concessions wrested away in Lincoln, Dona Ana and Otero Counties from far away Mesilla and Santa Fe and El Paso, Texas.

Takes this tour of the Village along the acequia and historic homes. Contemplate the clear precious fluid that originates far to the east in the luscious mountain valley and how it still flows with its quite secrets of nature. Visualize generations of community that managed its gifts and fought against powerful historic tides that might have ended this peaceful lovely oasis and turned it to giant dead cottonwood trees and dust.

Begin your tour outside the Tularosa Village Museum next to City Hall in full view of the St. Francis de Paula Spanish Catholic Mission church across the street. Head to the church and the arched stone entrance where the history of the church and founding members of the Village are displayed. The walkway to the carved wooden doors has felt the footsteps of innumerable marriages and funerals, processions and fiesta events. You may be able to go inside and quietly view the historic place of spiritual refuge and identity.

Returning outside, walk around the right side of the Acequia Madre, the Mother Ditch, where huge old

Continued on page  8
Granado in the 1940s or 50s and today. Courtesy of the Tularosa Historic Society.
cottonwood trees line a deep channel carrying water since it was first excavated by the villagers. Lined with quarried stones brought from miles to the east in wooden wagons, it creates an oasis in which to grow crops and manage homes in this Chihuahuan desert of deep grasslands, salt playas and wetland cienegas, which are homes to abundant wildlife. Head upstream to the corner of Third and Encino Streets. Here, river water gushes from a culvert into a three-gate system used to send the water into a different neighborhood each day, in a two-week cycle alternating with farm lands outside the village proper.

From here, you can see the bells that sounded their deep hopeful melodies each day beginning at 7 a.m. each morning.

Walking down slope (west) with the water, cross U.S. Highway 54/70 and pass the new fire station on your left on the way to James Vigil Park, the original plaza for the church (originally empty of buildings) where horsemen, families and caballeros congregated in wagons, carriages and on foot for many events.

Continuing down slope on Encino along the Acequia Madre, the street features an historic Spanish Pueblo Revival style hacienda restored by artists Ray and Ruby Buckner in the 1970s. Native trees of Mexican elder, palo verde, Spanish sword yucca and pines grace the windows and front doors. The walls are formed by thick walls of sun-dried locally gathered adobe baked with straw. Note the decorative detailing on the wooden gate into the interior grounds. Huge hand-carved beams span the entrances through the earthen walls into the cool, protective interior.

To the left is the gate through which livestock, carriages and wagons carrying feed, supplies and produce were taken into the privacy of the surrounding walls. Rows of classic vigas (roof beams) extend through the walls giving a sense of visual rhythm of dramatic shadows across the strong walls. The Buckner

Vinylards to the north of the village. Photo courtesy of Tularosa Vineyards and Winery.
legacy is a classic picture of historic homes throughout the Southwest, evoking the self-reliant lifestyle of generations of communities who created a rich oasis in the Chihuahuan desert.

This vision prepares you for the similar features in many other homes that, while not necessarily made of adobe, have been added by residents and painted in earthen colors. Ristras of red chile or garlic, wall hangings of folk art, niches with saints and large Mexican-inspired pottery jars recall the history of the Village.

Continuing along Encino Street will reveal more recently crafted bungalows, often with decorative detailing such as shrines, spindles in windows, roof beams sticking out of street-facing walls, vegetable and cactus gardens and more than a hundred types of decorative and fruit trees planted over one hundred years – magnolias, aspen, quince, chinaberry, gips, pomegranates, pear, Russian sage, rosemary, apricot, apples, grapes – all flourish due to the acequia waters. The splendid trees create the shaded maze that envelope the water and bells of Tularosa.

In 1978, the Tularosa Village Historic District was placed on the National Register of Historic Places by the United States Department of the Interior.
AZTEC PUBLIC LIBRARY

Kate Skinner
Library Director: Aztec Public Library

From the beginning, community engagement has been a strong driving force in the establishment of a library in the city of Aztec. Aztec Public Library can trace its original conception to the Altrurian Club, a women’s organization founded in 1908, with a mission to bring culture and refinement to the area. The club name is derived from the word “altruism” meaning “unselfish regard for, or devotion to, the welfare of others.” This unselfishness and service to others is an ethic which underpins community librarianship to this day.

Photographs in the library historical collection show the Altrurian Club founding members to be a gathering of fine women of vision and energy, inspired to have a positive impact on their community. Apparently they raised funds for the core library collection with a social and a book drive which brought in 25 books. Yay! A library is born.

Judging by Family Nights at the current incarnation of the library, where we play games and generally give the community opportunity to do fun things together, we haven’t lost any of that original party spirit over the
years. A recent example of this was our Build a Better World summer family night. The major attraction was a House of Cards building contest where we encouraged families, or groups of friends, to challenge one another to build a house of cards.

During its history, the Altrurian library has called a number of different places around town home. Historical records have the first collection being housed in the Pinkstaff building at 123 South Main Avenue. The founding social and book drive, is reputed to have taken place upstairs in this building. At some stage the Altrurian Club’s library collection was moved to the back of a store owned by Maude Warding (Lenfesty) and then to the building next door to the Aztec Theatre, still on Main Avenue.

During the Great Depression, the federal government funded a nationwide public works initiative to stimulate the economy by giving jobs to mostly unskilled laborers. This was known as the Works Progress Administration (WPA), and saw the 1938 construction of the first dedicated library building in Aztec. Yay! Not only do we have a collection but we have a library building! Go WPA!

In 1962 the Altrurian Public library became a city funded department and was given a home in a 2,300 square-foot facility in the heart the Aztec City Complex on West Chaco Street. Once more the community stepped up. One oral history has it that the first city facility was furnished by community donation.

After the library moved to City Hall complex, the WPA library building housed the San Juan County Historical Society for a time. Today the building still stands, on the corner of Mesa Verde and Chaco streets en route to the Aztec High School. It seems absurdly small and very forlorn. Currently it is boarded up, fenced off, seasonal home to wasps, mud swallows and ghosts of library users past, sometimes providing a measure of shelter for illicit smokers playing truant

Continued on page 12
from high school classes, otherwise dreaming of its next incarnation.

Eventually, laws of physics being what they are, the City Hall complex library building also became too small. After much fundraising and community involvement, in 2005 the new 9400 square ft. library was opened in the Family Center Complex, two blocks south of City Hall, on South Ash Avenue. This complex also houses the Aztec Boys & Girls Club; San Juan Community College East Campus and Vista Nueva Alternative High School. The former library building at the City Hall complex now houses the city’s Finance Department.

Considerable funds were necessary to construct the current facility. A major fundraising initiative of that time was the annual UFO conference. This conference drew national and international speakers and delegates, and thus swelled the town coffers in many secondary ways as well.

The reason a UFO conference was chosen as the fundraiser for the library is because it is alleged that, in 1948, a flying saucer crashed just outside of Aztec. This alleged incident and the conference were, not without controversy but the bottom line is that, thanks to the vision of those involved at the time, we, have a beautiful library facility, which, whether they exist or not, the aliens helped to build. With a lot of local community input, organization, engagement and sweat added into the mix.

This is a prime example of using what you have to mobilize resources for your public library – a common theme in public libraries across the United States. The Altrurian Club women had vision and time and a rough diamond, high desert, western community to shape. The UFO Conference organizers had vision and a fund raising goal and were firmly rooted in awareness of the unique attractions which the region had to offer. The legacy of this group of citizens lives on, not only in the library facility but in other things such as the Alien Mountain Bike run, which was initially part
of the UFO conference. This annual event in spring, has riders follow a route of stunning beauty, through high desert sagebrush and sandstone BLM land to the alleged UFO crash landing site. Long after the UFO conference has conceded to the cable channels, this mountain bike run still serves to draw enthusiasts to the town.

“I work at the library which the aliens built” is a great conversation opener. We are New Mexico, after all. Somedays I swear the ventilation ducts in the library shed tin foil to remind us to envision and believe in the power of community.

Today, in our beautiful 9400 square-feet we house not only a collection of over 33,000 books, dvds, audiobooks, but also up to date public use technology, comfortable seating areas and a sweet children’s room complete with a tower for Rapunzel to let her hair down in.

Thanks to generous community investment grants from companies such as Conoco Phillips and BHP Billiton we have been able to invest in state-of-the-art technology such that we are now able to offer 26 high-speed internet computer workstations for the community as well as public wifi. Aztec Public Library has become known throughout the Four Corners region as the place to come for those long resume writing, job searching internet sessions. Our space is comfortable. Our staff is knowledgeable and helpful.

Traditional library services supporting reading for leisure and information are catered by the collection of books, dvd movies, magazines and audiobooks purchased from funding largely coming from city and state revenues. The print collection is further enhanced by membership in the New Mexico 2 Go digital library consortium which offers downloadable e-books and downloadable audiobooks for loan and by extensive research databases which come to us from the New Mexico State Library mobilizing federal Institute of Museum and Library Services (IMLS) funding.

The library is currently served by a staff of around

Continued on page 14
LIBRARIES ACROSS THE STATE

4 full-time equivalency, give or take some odd hours and a handful of volunteers. One of the current Library Assistants grew up attending storytimes at the library when it was part of the City Hall. Her children spend after school hours at the Boys and Girls Club adjacent to the library. Continuity across the generations is alive and well in the high desert.

Aztec library also offers programming for all ages throughout the year. We serve as the school library for Mosaic Academy, a local charter school. We offer weekly early literacy and preschool storytimes, adult computer literacy programs, annual summer reading programs, art and craft programs, a knit and crochet club, book discussion groups and most recently we have introduced free community yoga classes led by a certified yoga teacher.

At the library built by aliens, whether they exist or not, we are proud to carry the baton of those who came before us in our mission to support our community’s efforts to achieve their potential in all aspects of life. We are also grateful for the community’s initiative, engagement and support which has played a huge role in providing a small community with a great tradition of service and librarianship.
Mr. President, members of the Board, county officials, honored guests. Thanks for the opportunity to be here with you. Each year the Presidents of both Associations share our common goals. A common theme runs through both Presidents’ remarks. That common theme is communications, cooperation, and collaboration. Usually, we are referring to doing all those in reference to responding to state agency or legislative initiatives. In fact, in most cases, defending ourselves from preemptions, mandates and sometimes with their hand in the “cookie jar”- our revenues.

Today, I’d like to take a few minutes to remind ourselves that we must practice what we preach. It so easy for the feds, the state, Congress or state legislature to pit one against the other. Take HB 641, for instance. That was the hold harmless and the local option HH GRT authority. Both cities and counties needed the taxing authority to replace the eventual loss of the hold harmless distributions or to fund vital local programs, whether it was for jails, roads or health programs. Whether intended or unintended, it still resulted in pitting city elected officials against county elected officials in a race to increase taxes on the same set of citizens. Tempers were short, fingers were pointed and blame was assigned. This is not the only area that such divisions happened. They happened in boundary changes, land use and even in the use of water, where the cities, counties and the oil and gas industry are at odds with the State Land Commissioner.

In closing, let us talk before we act. Plan before we implement. Most of all turn to each other to seek solutions. We are more alike than we are different. It is my pledge to you that we will talk before acting. Remember that cities and counties together are New Mexico.

Thank you so much.
ECONOMIC DEVELOPMENT

RIO RANCHO MAYOR ADVOCATES FOR FAIR TAXATION PRACTICES

By Paul Braverman for Finance New Mexico

In 2009, Gregg Hull was running a shipping company in Rio Rancho, New Mexico, when he got news that would strike fear into the most lion-hearted soul: The New Mexico Taxation and Revenue Department would be auditing his finances for the past three years.

In a recent interview, Hull related the surprise he felt when the auditors focused on transactions involving Non-Taxable Transaction Certificates (NTTC). Surprise turned to despair when the audit expanded to six years, and to shock when Hull was told that he owed the state $120,000 in taxes that he had failed to collect. The amount threatened to shutter his business.

“How was I to know?” Hull recalled asking the auditors. “These customers had official documents stamped by the State of New Mexico saying that they didn’t have to pay tax. Was I supposed to challenge them? I’m no tax expert.”

The burden was on him, said the auditors: If he couldn’t prove that no tax was owed, he was liable for the uncollected amount. Hull spent the next four months tracking down old customers, asking them for the right NTTC or to pay the missing tax, becoming very popular in the process. “This isn’t right,” he remembers thinking. “If I’m ever in a position to do so, I’m going to make some changes.”

Hull’s business survived the tax scare. He is now the mayor of Rio Rancho and a proponent of legislation that would change the laws governing NTTCs.

An NTTC is commonly used to avoid double- and triple-charging gross receipts tax (GRT) as a product goes through production or manufacturing. Hull, for example, bought cardboard in bulk for his shipping company. If he paid tax to the cardboard supplier, then charged tax again to a customer who paid for a finished box, the GRT would have been collected twice.

In order to avoid that result — “tax pyramiding,” as it’s known — Hull got an NTTC from the state showing that he wasn’t the end user of the cardboard. When he showed that document to the cardboard supplier, he wasn’t charged GRT. Similarly, when Hull’s customers gave him an NTTC, Hull wouldn’t collect the GRT.

But the process, it turns out, isn’t that simple. There are multiple kinds of NTTCs and an infinite variety of transactions. For someone trying to follow the law, the right course of action can be unclear.

A tax overhaul was passed by the state Legislature in March that included a proposal by Hull that put the onus on an NTTC’s user (the party requesting exemption from taxes via NTTC) to ensure that all is proper. An incorrect NTTC, the proposal stated, would result in the user rather than the recipient being liable for back taxes, interest, and penalty.

Though the bill did not survive, Hull is undaunted. If the full tax package isn’t resurrected, he plans to find a sponsor and push his proposal through on its own.

For now, Hull cautions businesspeople to beware: The presence of an NTTC that looks official does not absolve one of further inquiry. It’s the NTTC recipient’s responsibility to fully scrutinize the document to make sure it’s being used in the right way, by the right person.

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.FinanceNewMexico.org and www.GrowItNM.org.
How we use water, where it comes from, and how to sustain our water resources are just a few of the questions the City of Rio Rancho faces on a daily basis. Because there is not an endless supply of water, we need to think about ways to conserve and look into alternative ways to ensure there is water for future generations.

With the Aquifer Injection Project, the first of its kind in the State of New Mexico, the City of Rio Rancho is doing just that.

In 2001, the City embarked on a mission to expand its water resources by recharging the regional aquifer, which is the city’s sole source of drinking water. Now, 16 years later, the project is complete and the cost to bring this project online has been approximately $25 million stemming from a variety of sources.

Starting this summer, the City will inject up to 1,000,000 gallons per day of purified, recycled water back into the aquifer, which is approximately 10% of what the City pumps out of the aquifer on a daily average. To put this into further perspective, 1,000,000 gallons is equivalent to building one above ground storage tank, approximately $2 million each, every four days or 90 per year. Injecting the purified water directly into the aquifer is the most sustainable and cost effective approach in the long run.

While it has taken 16 years for this project to materialize, the City of Rio Rancho will continue to seek ways to conserve our most valuable natural resource and has already begun the process of expanding its injection capabilities down the road.

Rio Rancho is proud to lead the way in New Mexico by providing an additional water resource and by reducing wastewater discharges into the Rio Grande.
25 WORDS OR LESS

Promote people who say no to the boss
Such employees are candidates for greater responsibility because they "have demonstrated that they have the guts to voice opposition when they believe it is necessary," Read more here

How can HR Professionals respond to an active-shooter situation in the workplace?
HR departments need to make sure they have policies and practices so that employees feel comfortable reporting their concerns about other employees' behavior, Read more here

Are your public spaces deterring community engagement?
In this post, Bang the Table's Engagement Specialist, Jeremy Shackett, pulls back the curtain on City Council Chamber design and how it affects community engagement. Read more here

Federal Cuts Are Hometown Cuts
The administration's budget proposal includes billions in cuts for the domestic programs cities rely on. Use this toolkit to help us fight back against the proposed cuts to federal investment in our cities.

TWO RECEIVE CERTIFIED MUNICIPAL OFFICIAL DESIGNATIONS
Los Ranchos Mayor Pro Tem Donald T. Lopez and Bernalillo Councilor Tina Dominguez have received their Certified Municipal Official designation from the Municipal Officials Leadership Institute (MOLI) sponsored by the New Mexico Municipal League. They will receive the official designation at the New Mexico Municipal League's Annual Conference in Clovis in August.

The Institute was founded in 2003 to give New Mexico municipal officials the knowledge and tools necessary to provide effective and ethical leadership to the citizens of their communities.

Participants must complete three programs of instruction: Education Program consists of one basic education session plus electives; Governance Program focuses on necessary traits for effective leaders; and, the Leadership Program is a course of self-directed electives. Certification can only be obtained after satisfying the Institute's required curricula.
Texico Fire Chief Lewis Lee Cooper, 78, died surrounded by his family on Monday, June 12, 2017 in Lubbock, Texas after a tragic fall on the morning of Saturday June 3rd at his home. Lewis was born in Portales, New Mexico in 1938, the son of Marshall and Georgiana Cooper.

He leaves his wife of 39 years, Ann Cooper; his step children, Rick and Evelyn Ledbetter, of Portales, NM, Debbie Ledbetter, of Campbell, CA, Terry Vinson of Glorieta, NM, and Linda Bellinger, of Lake Charles, LA; his sister Laurie Wright of Clovis, NM; his grandchildren Spencer Ledbetter and fiancé Samantha Stephens of Grandbury, TX, Alexandra Ledbetter of Portales, NM and Ryan Bellinger of Lake Charles, LA and many other family members and close friends. His nieces and nephews adored him and his many cousins held him in high regard.

Chief Cooper was preceded in death by his parents, sister, Lillian Jones and two brother-in-laws, Arthur “Hap” Jones and Gerald Wright.

Lewis went to basic training in 1957 and served in the Army Reserve for 13 years. He moved to the Texico, NM/Farwell, TX area in 1961. He retired after 39 years with Helton Oil and became a community servant, doing even more than what he had already been doing.

Lewis served his community as a member of the Texico Chamber of Commerce, a Trustee on the Texico City Council, represented the City of Texico on the Ute Water Authority and was a board member of Yucca Telecom. In 1978, Lewis was named the Texico Man of the Year.

Firefighting became his life’s work. Lewis joined the Texico Volunteer Fire Department in 1964 and served for 53 years. In 1989, Lewis became the Fire Chief of the Texico Volunteer Fire Department and remained the Chief until the time of his death. Lewis served on the Board of Directors of the New Mexico Fire Chiefs Association in various positions and was the current Past-President of the Association. He also served on the Board of Directors for EMS Region III which encompasses Eastern New Mexico from Union to Lea Counties. Lewis was named the Texico Volunteer Fireman of the Year twice in 1995 and 1999. Under Chief Cooper’s leadership, the Texico Volunteer Fire Department excelled, its membership increased, he bought state of the art equipment for his community, increased their ISO rating and helped develop one of the best EMS services and volunteer fire departments in New Mexico.

Chief Cooper was very involved with all aspects of the NM Fire Chief’s Association. He was present for several meetings, legislative hearings and always went above and beyond when it came to the fire service. Lewis was proud to serve his community and his fellow man. Lewis will certainly be missed by many but mostly by those who knew the tall, kind, gentle man that always had a smile, a funny joke at times and a handshake when he greeted you.

Godspeed Chief Cooper

By James Salas, President
NM Fire Chiefs Association
TWO NEW MEXICO CITIES RECEIVE NATIONAL ENDOWMENT FOR THE ARTS GRANTS

The City of Albuquerque, New Mexico (aka Cultural Services Department) was awarded $100,000 to support the Cultural Services Department's "Feed the Heart: Downtown Arts Nurturing ABQ" program. The program is a collaboration to spur downtown revitalization, provide economic opportunities for artists, and enliven downtown cultural spaces through a coordinated series of live performances, arts events, and arts and cultural activities, many of which are free. The program is being developed by the Cultural Services Department of the City of Albuquerque and the Downtown Arts and Cultural District, and will feature the work of as many as 12 local arts organizations. The Downtown Arts and Cultural District includes many of the city's arts organizations as well as a minority population with higher unemployment and poverty rates than the rest of the city.

The City of Gallup was awarded $150,000 to support the design of Coal Avenue Event Street. The project includes an interactive and artist-led design process to retrofit and enhance the street to increase pedestrian walkability, provide outdoor seating, and serve as an event space. The City of Gallup will work with gallupARTS to turn the street into a vibrant hub of the historic downtown. The project is anticipated to serve more than 20,000 residents. Some details of the projects listed are subject to change, contingent upon prior Arts Endowment approval.
LOCAL GOVERNMENTS CONTINUE TO FIGHT THE OPIOID CRISIS

By James Brooks
NLC Director for City Solutions

Through new approaches, community outreach and education, and even legal action, municipal governments are continuing to lead the most comprehensive efforts to date in the battle against widespread opioid addiction.

The increasing presence of the synthetic opioid fentanyl at the scene of a drug overdose is putting the lives of first responders at great risk. Following the sickening of paramedics and emergency medical technicians who respond to overdose cases in Maryland, Ohio, and New Jersey, among others, the Drug Enforcement Administration (DEA) has issued warnings about the risks of accidental overdoses due to exposure to fentanyl and fentanyl analogues.

Despite these risks, the severity of the opioid epidemic remains a strong motivation for city and town leaders to rally their communities to fight this public health crisis. Nowhere is this clearer than in the visions put forth by city mayors in their annual State of the City addresses.

In his address earlier this year, Mayor Tom Tait of Anaheim, California, summed up the viewpoint of city leaders working to curtail drug addiction:

“To deal with addiction, we need a culture of kindness. These issues are generational. We can’t just do things for a couple of years and hang it up. We cannot allow any financial issue we face, or any prejudices we may encounter, to stop these critical programs.”

Leadership on the issue of prescription drug addiction, overdose and death is becoming the hallmark of city and town government in America. In community after community — whether urban, suburban, or rural — elected and appointed officials are taking up the roles of organizers, preachers, champions, change agents and program implementers.

Drug Free Anaheim is just one example of this trend of growing local programs. Adopting the models already implemented in cities such as Gloucester, Massachusetts, and Manchester, New Hampshire, Drug Free Anaheim allows persons seeking treatment for addiction to approach any police officer and ask for help. The city partners with Social Model Recovery Systems, Inc. and locally-based BioCorRx to connect those in need to addiction treatment programs.

A New Approach

Learning from the disastrous incarceration consequences of the “War on Drugs,” city leaders are adopting a “do no harm” approach. They are viewing addiction as the complex disease it is rather than as a criminal offense.

In his State of the City address, Mayor Richard David of Binghamton, New York, reminded his residents that “there is no greater force tearing neighborhoods apart and inciting criminal activity than heroin,” adding that “law enforcement actions alone will not fix the heroin crisis.” Mayor Alan Casavant of Biddeford, Maine, stated, “What I discovered was that there was no simple solution; a multi-targeted approach was necessary.”

In Biddeford, one solution was a partnership with the neighboring city of Saco to fund a coordinator who assists police officers in linking persons suffering from addiction and their families to resources and services needed for recovery. In a like manner, the city of Binghamton also funded an Intensive Care Navigator position that supports clients who are leaving a local short-term addiction crisis center and awaiting placement at a long-term care facility.

In Everett, Washington, Mayor Ray Stephanson paired police officers with clinical social workers. The city’s Community Outreach and Enforcement Team includes full-time social workers who help connect those living on the streets with addiction treatment and related services. Every patrol officer also carries the life-saving anti-opioid medication Naloxone.

Education

Stopping addiction before it starts is the surest path to success. The city of Fort Wayne, Indiana, increased community outreach efforts with the Fort Wayne Community School District to engage children at a younger age.

The city Office of Substance Use Disorder in Revere, Massachusetts, is successful already in its education

Continued on page 24
The median annual base salary for local government chief appointed managers and administrators (CAOs) increased by 1.6% percent from $127,000 to $129,062, according to a survey of members conducted in 2016 by ICMA, the International City/County Management Association.

While local government CAOs have different titles—e.g., city manager, town manager, borough administrator, county executive, etc.—they typically are highly trained, nonpolitical professionals hired by elected officials to oversee the day-to-day operations of their communities in an ethical, efficient, and transparent manner.

The majority of ICMA’s 11,000+ members are local government CAOs. The median base salary among municipal CAOs increased from $125,000 to $126,699, up 1.4%, while the median for county CAOs moved from $140,000 to $145,279, a 3.8% increase from the previous year. These figures compare to a 5.5% gain in median base-plus-bonus pay for association executives and a 5.7% median increase for CEOs in professional societies, according to CEO Update.

“We were pleased to see a modest increase in CAO salaries and benefits following several years of flat or decreasing compensation,” says 2017 ICMA President Lee Feldman, who serves as city manager of Fort Lauderdale, Florida. “We also believe that local government executives should put the good of the overall organization and that of residents before their personal compensation interests. The results of the 2016 ICMA survey indicate that while increasing slightly, local

Continued on page 23
government CAO salaries and compensation are being determined fairly in most communities.”

More than three-fourths (77.1%) of respondents to the survey reported that they received a salary increase. Increases between 2.1% and 5.0% accounted for more than half (50.7%) of reported base pay increase.

The median amount of additional compensation above base salary reported by survey respondents was $2,000. The median among municipal CAOs was $2,115, while the median among county CAOs was $1,250. The most commonly reported sources of additional compensation were car allowance and phone or technology allowances.

A large majority (84.9%) of responding CAOs reported that they receive at least an annual performance evaluation. A smaller majority (65.6%) reported that changes to their compensation are linked to the results of their performance evaluation.

Other highlights of the 2016 ICMA CAO Salary and Compensation Survey results include:

- Paid annual leave (97.8%), health insurance (97.7%), sick leave (96.4%), and life insurance (95.9%) were the employee benefits most often identified by respondents.
- Nearly 80% (79.4%) of responding CAOs reported receiving a defined benefit pension or retirement plan, while nearly 53% (52.8%) reported receiving a defined contribution toward a 457 plan, and 42% reported receiving a defined contribution toward a 401(a) or 401(k) plan.
- A little less than half (49.7%) of respondents reported that their base salary is publicly accessible on their local government’s website. This is roughly unchanged from the 2015 survey results.

Review the complete results of the survey at: [www.icma.org/caosalary2016surveyresults](http://www.icma.org/caosalary2016surveyresults). ICMA also encourages local governments to review and adopt ICMA’s Guidelines for Compensation whenever considering compensation for a public-sector position.
Opioids
Continued from page 21

Efforts. Initial reports from 2016 data show emergency calls for overdoses decreased 24 percent from a year earlier. The office staff uses the data they have collected to drive actions in partnership with police and fire departments, city staff and medical professionals. Mayor Brian Arrigo has said that their team is ready to “go knocking on the doors of each and every person we can identify that may need help battling addiction.”

Legal Action

Huntington, West Virginia, and other cities have filed lawsuits against pharmaceutical distributors, arguing that the companies failed to comply with state laws that limit the amount of prescription medications shipped into the state and that they failed to follow up with reports of suspicious orders for pain medication.

In another suit, the city of Dayton, Ohio, alleges that drug manufacturers engaged in fraudulent marketing regarding the risks and benefits of the prescription opioids that ultimately fueled Ohio’s opioid epidemic. “We are beyond a crisis, we have lost so many people, we are in a state of emergency, and we need action now,” said Dayton Mayor Nan Whaley. “We believe the drug companies made this mess, and it is time they start paying the costs.”

The city of Everett is also suing manufacturers of prescription painkillers, arguing that companies turned a blind eye to the criminal trafficking of pills to “reap large and obscene profits” and demanding they foot the bill for widespread opioid addiction in the community.

To explore other resources and tools, or to read the recommendations of the National City-County Task Force on the Opioids Epidemic, visit opioidaction.org.

For a complete roundup of the issues discussed by U.S. mayors during their 2017 State of the City addresses, read NLC’s 2017 State of the Cities report.

What’s Next
Continued from page 5

the property as does the holder of a second mortgage or a home equity-type loan. People who have judgments against the landowner may have established a lien as a means of collecting the debt. Governments may have liens against the property for failing to pay property taxes or income taxes, or failure to pay utility bills or in our case, for the cost of cleaning up the property. Liens are a useful tool because if the property is ever sold, all the lienholders will be paid first from the proceeds of the sale. Lienholders will be paid in order of their priority, so priority is an issue. The general rule is “first in time, first in right.” Earlier liens will be paid in full before latter liens, and before the landowner who is selling the property.

Liens are established by filing a claim of lien in the office of the County Clerk. After the filing of the notice of the lien in the office of the county clerk, the municipality shall have a lien upon the property described in the notice of lien. The filing of the notice of the lien shall be notice to all the world of the existence of the lien and of the contents of the notice of lien. Government liens have an advantage as government liens normally take priority of other liens (mortgages, judgments, mechanic and materialmen). In fact, New Mexico statutes state specifically that “all municipal liens filed in conformity with Sections 3-36-1 through 3-36-6 NMSA 1978 shall be first and prior liens on the property subject only to the lien of general state and county taxes.” NMSA 1978 section 3-36-2.

This means that the municipality has the authority to establish itself as a priority creditor by filing a lien in the office of the county clerk. If the property is ever sold, the municipality will get paid the costs of cleaning up the property together with interest from the date the lien is filed. The municipality can also force the landowner to sell the property in order to satisfy the lien. This is known as foreclosure. Foreclosure is another remedy that elected officials are reluctant to employ. A successful foreclosure triggers a forced sale of the property, or in some cases turning the property over to the lienholder. In the former, the landowner is forced to sell the property, resulting in the payment of the debt amount to all lien holders in the order of priority. Municipal liens have a high priority, so of the property has value, it is likely that the municipal debt will be paid from the proceeds of the sale.

In the latter, however, the municipality becomes the

Continued on page 26
TIPS FOR AVOIDING MAIL THEFT

With mail theft a common concern in Albuquerque, here are a few suggestions for lowering your risk of having mail stolen:

▪ Check your mail daily.
▪ If you have a community or shared mailbox, ask a nearby neighbor to keep an eye on it.
▪ Consider setting up a P.O. Box at your closest post office. The cost is minimal and mail is secure.
▪ Take important items you are mailing directly to the post office and send them from there.
▪ If you have a stand-alone mailbox, consider purchasing a commercial mail box with a lock.
▪ If you have been the victim of mail theft, contact 242-COPS and also notify the New Mexico Postal Inspector at: https://postalinspectors.uspis.gov/investigations/MailFraud/fraudschemes/mailtheft/ReportMailTheft.aspx

Continued from page 24

owner of the property that needs maintenance, and is not marketable.

Finally, there is one more limitation on the use of liens. Municipalities only have a four-year period in which to foreclose on a lien. While liens are a good thing and operate to insure that the municipality gets paid upon sale, there is a four-year statute of limitations for enforcing or foreclosing on a lien. See NMSA 1978 section 37-1-19 and Hurley v. Village of Ruidoso 2006-NMCA-041. In other words, liens are not forever. A municipality can hope that the property sells within four years of filing the lien, or it must initiate foreclosure proceedings within that time. This is the major limitation on the use of liens, second only to the elected officials’ reluctance to force the sale of a person’s property.

Municipalities have a variety of tools available in the fight against weeds, junk and dilapidated buildings. All have their benefits and limitations. It is a constant battle in which municipalities have to weigh their options and take whatever steps are necessary in order to protect the health, safety and welfare if its citizens.
PET SAFETY IN THE SUMMER HEAT

Don’t forget to keep your pets cool in this extremely hot weather by keeping them indoors if possible.

If they must be outdoors, ensure they have plenty of shade and lots of cool water, and try not to leave them outdoors for more than two hours.

▪ If you walk your dog, make sure to do it in the cool morning or night. If the pavement is too hot for your bare feet, it is too hot for your dog!

▪ NEVER lock your pet inside a parked car in the summer, even for just a few minutes.

▪ Keep an eye out for overheating symptoms, which include excessive panting or drooling, difficulty breathing, increased heart rate, weakness, or even seizures or collapse. Take your pet to an emergency vet if this occurs.

▪ Be aware of bug sprays and pesticides that are toxic to animals, and keep your pet away if you are spraying for bugs.

▪ Keep holiday fireworks away from your pets, as they can be injured by them going off, or traumatized by the loud noise.

For more information on keeping your pet healthy and safe in the summer months, visit: http://www.cabq.gov/pets/education-resources/hot-weather-tips
The Public Servant Emerging Leaders Program is designed for motivated, high potential leaders, who want to improve their leadership skills. The program is targeted at the next generation of leaders and teaches them what they need to know to be successful public servants through interactive skills training. The program also allows the participants to build a network of supportive peers from other public organizations who can be sounding boards to share and discuss leadership challenges.

Training Objectives include the following:

• Understand what it means to be a public servant
• Develop awareness of what kind of a leader you are (or want to be)
• Have clarity about personal actions in order to increase trust and be more courageous
• Learn new skills to develop trust with individuals and in teams
• Enlarge the capacity for emotional intelligence and empathy
• Understand different ways of leading, including leading when not in charge
• Learn the art of communicating with elected officials
• How to deal with power
• Learn how to have tough conversations
• Improve awareness of how to build an organizational culture of commitment and accountability
• Learn a results model
• How to deal with micromanagers
• Understand how to effect change in the public sector
• Develop the skills to add value and purpose in every position
• Learn how to differentiate yourself in your career
• Finding and sustaining passion in the work
• Learn how to be adaptable and adjust to change
• How to navigate career Landmines, Roadblocks and Pitfalls
• Increase awareness of personal strengths and gifts, and recognize them in others
• Develop an appreciation for the power of reflection and building self-awareness
SPECIAL PROGRAM FEATURES INCLUDE THE FOLLOWING:

• Meet and learn from experienced public servants who have had distinguished professional careers
• Grow your network—make connections and contacts with peers from many different organizations
• Receive “hands-on” interactive leadership skills training to support different learning styles

A TYPICAL PROGRAM DAY INCLUDES THE FOLLOWING:

• Experienced public servant talk with question and answer session from 8:30–9:30 a.m.
• Break from 9:30–9:45 a.m.
• Interactive leadership skills training from 9:45 a.m.–12:00 p.m.

WHO SHOULD ATTEND:

• Up and coming city, county, state, tribal and federal employees
• The next generation of public sector leaders who want to succeed and rise to senior leadership positions
• Ambitious young leaders working in the public sector who want to be more skilled and effective at their jobs

10 TUESDAYS (MORNINGS):
8:30 a.m.–12:00 p.m.

2017:
July 18, August 15, September 19, October 17, November 14, December 12

2018:
January 16, February 20, March 20, April 17

LOCATION:
Santa Fe Chamber of Commerce, 1644 St Michaels Drive, Santa Fe, NM

COST: $595

INSTRUCTOR:
David Markwardt owns David Markwardt Consulting, LLC and directs Teamwork in Action at Santa Fe Community College (SFCC). He is the leadership skills trainer for Santa Fe Chamber of Commerce’s Leadership Santa Fe and Youth Leadership Santa Fe and for SFCC’s Leadership Institute, Graduate Institute and Supervisor Institute.

FOR MORE INFORMATION AND TO REGISTER:
Please contact David Markwardt at (505) 204-8820, davidbmarkwardt@gmail.com
Customized supervisor, leadership, and team building and other professional trainings are available upon request.
WE WANT YOUR

4TH OF JULY PHOTOS!

WE WANT TO SHARE YOUR HOLIDAY CELEBRATIONS.

SEND NORMAL SIZED PHOTOS TO TMARTINEZ@NMML.ORG

DEADLINE: JULY 21ST