<table>
<thead>
<tr>
<th>TABLE OF CONTENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018 LEGISLATIVE PRIORITIES .......................... 4</td>
</tr>
<tr>
<td>William I. Thornton, Jr. IMLA Faculty Award .......... 5</td>
</tr>
<tr>
<td>Our Town: City of Champions: Artesia ............... 6</td>
</tr>
<tr>
<td>Legal Lessons: The Sources of Municipal Authority .... 10</td>
</tr>
<tr>
<td>Employers Have Duty to Stop Employees Who Harass Co-Workers Online ........... 12</td>
</tr>
<tr>
<td>Russian Hacking Fuels Return to Paper Ballots ........ 18</td>
</tr>
<tr>
<td>Tech Corner ........................................ 19</td>
</tr>
<tr>
<td>NMML classifieds .................................. 23</td>
</tr>
</tbody>
</table>

NEW MEXICO MUNICIPAL LEAGUE BOARD OF DIRECTORS

P.O. Box 846 Santa Fe, New Mexico 87504-0846
505.982.5573 505.984.1392 fax www.nmml.org

**PRESIDENT**
Sally Burbridge, Mayor – Aztec

**PRESIDENT-ELECT**
David Izraelevitz, Council Chair – Los Alamos

**VICE PRESIDENT**
Cynthia Ann Bettison, Mayor Pro Tem – Silver City

**TREASURER**
Neil Segotta, Mayor Pro Tem – Raton

**IMMEDIATE PAST PRESIDENT**
Richard Cordova, Mayor – Eagle Nest

**PAST PRESIDENTS**
David Venable, Mayor – Cloudbrook
Linda Calhoun, Mayor - Red River
Gloria Chavez, Mayor – Tijeras
Mary Homan, Trustee – Los Ranchos de Albuquerque

**BOARD OF DIRECTORS**
Nora Barraza, Mayor - Mesilla
Philip Burch, Mayor - Artesia
Barbara Cottam, Mayor – Angel Fire
Joseph Eby, Councilor – Ruidoso
Ida Fierro, CMC, Administrator - Bernalillo
President, NM Clerks & Finance Officers Association
Fernando Garcia, Mayor - Springer
Diane Gibson, Councilor – Albuquerque
Steve Henderson, Councilor – Roswell
Gordy Hicks, Mayor Pro Tem – Socorro
Greggory Hull, Mayor - Rio Rancho
Sharon King, Mayor – Portales
Joseph Maestas, Councilor – Santa Fe
Tom Martin, Commissioner – Clovis
Chris McColl, Police Chief – Hobbs
President, NM Association of Chiefs of Police
Jackie McKinney, Mayor – Gallup
Michael Rael Sr., Judge – Questa
President, NM Municipal Judges Association
Aaron Sera, Administrator/Clerk - Deming President, NM City Management Association
Jack Torres, Mayor – Bernalillo
Matt White, Mayor – Eunice

Ex Officio Members
Lupita DeHerrera, Treasurer/Finance Director - Bernalillo President, NM Governmental Finance Officers Association
Robert Hudson, Airport Manager - Moriarty
President, NM Municipal Airport Managers Association
Greggory Hull, Mayor - Rio Rancho
Chair, NM Mayor’s Caucus
Lougenia Mitchell, Deputy Senior Court Clerk - Las Cruces
President, NM Municipal Court Clerks Association
James Salas, Chief Executive Officer - Dexter
President, NM Fire Chiefs Association
Dean Smith, Library Director - Alb./Bernalillo Co. Library System
President, NM Municipal Librarians Association
Ron Vonderhaar, CZO, Impact Fee Coordinator - Albuquerque
President, NM League of Zoning Officials
Marian Wrage, Environmental Programs Manager - Rio Rancho
President, NM Municipal Environmental Quality Association
William Zarr, Assistant Attorney - Albuquerque
President, NM Municipal Attorneys Association

Editor, William Fulginiti
Managing Editor, Roger Makin
Design, Tasha Martinez

Cover photo and article photos by the City of Artesia
GREETINGS FELLOW MUNICIPAL OFFICIALS

As we begin a new year of leadership for the Municipal League Board, I would like to say a bit about what a new year might mean for each of us. Hope is the first thing that comes to mind, hope that our revenues increase, that we will have few hot button issues arise in our communities, that we can retain a level of autonomy for cities compared to state interests, and hope that our health and energy levels maintain us through all that the future holds. In addition to hope, we are also in a season of preparation. While our talented League staff is busy changing our collective priorities into actionable points of information and useful tools, each of us at home are also honing our concepts and developing a plan of action to protect our interests during the upcoming legislative session.

Hard work is the next thing that comes to mind, each of our communities benefits daily from the hard work we put in to plan for and create the now and the future. Hope, preparation and hard-work are the cornerstones of what we do daily and why we do them. We have a hope for our community and our state that we can create a better place, that we collectively can rise above the issues we face - poverty, crime, erosion of our revenue bases to name a few - to create a more livable and comfortable place for everyone who is New Mexican.

Whether you personally view this time of year as the beginning or the end of a season, the three concepts mentioned above are still at play. We know that upcoming issues facing our state will be impactful to our cities on such a scale as to potentially recreate how WE function. Tax reform is at the forefront of the list. It is more important than ever that we continue our participation and support of the efforts of OUR Municipal League as we navigate these new frontiers.

As we move forward into this new year, remember this: the only reason someone rolls up their sleeves to serve others is out of hope, the hope and belief that we can improve a situation for others. That hope should be bolstered with preparation to ensure we are doing the right thing and follow up with hard work to ensure we are doing the right thing well.

I am honored that this group has supported my service to the Board and it is with the absolute sincerest Hope, Preparation and Hard Work that I look forward to the upcoming opportunities for our communities.

Hope, Preparation & Hard Work

Sally Burbridge
NMML Board President
2018 LEGISLATIVE PRIORITIES

The Board of Directors at the October 7, 2017 meeting adopted priorities for the upcoming 2018 Legislative Session. The Board approved two Resolutions for the League’s Action Program.

The Board also prioritized a number of League policies that focuses on the protection of municipal revenues and taxing authority, as well as preemption of municipal authority.

TAXATION AND REVENUE

Municipalities and the Board of Directors expressed concern about the continuing attempts to reduce municipal revenues and taxing authority. To that end, the Board extracted the following Sections (3.2.00, 3.2.01, 3.2.02 and 3.2.05) from the Municipal Policy Statement to support our positions on taxation and revenues:

▪ New Mexico municipalities are heavily dependent on the Gross Receipts tax...(and) support legislation that will diversify the sources of revenues available;

▪ The League supports a…sharing of the Compensating Tax that would equal the municipal share of gross receipts taxes;

▪ Any shifting of tax sharing between the state and municipalities (including tax reform) must guarantee the same level of revenues and capacities;

▪ Additional burdens are placed on municipalities when state or federal government redirects local revenues to their use. Any such state redirection must comply with Article IV, Section 16 of the New Mexico Constitution;

▪ Any changes in the tax base should not reduce present or future municipal revenue;

▪ The League opposes federal and state legislation that preempts local taxing authority; and

▪ Grant authority to levy a local option tax on the sale of gasoline or increase the municipal share of the current state gasoline tax.

PRE-EMPTION OF MUNICIPAL AUTHORITY

The New Mexico Municipal League Board of Directors recognize that municipal authority is being challenged at the state and federal levels by the introduction of legislation that pre-empts municipal authority to govern. The Board prioritized the following provision of the Municipal Policy Statement:

▪ Local Authority. New Mexico municipalities are governed by locally-elected officials with the duty and responsibility of protecting the health, safety and welfare of all citizens of their community. The League seeks to insure that the local autonomy of the New Mexico municipalities is protected from pre-emption by other levels of government through legislative or regulatory mandates.

PRIORITY RESOLUTIONS

Bond Issue for Libraries. The New Mexico Municipal League endorses the passage of a State General Obligation Bond for funding libraries. (Resolution 2017-9)

Law Enforcement Protection Fund. Support legislation to distribute all remaining balances in the fund to the appropriate law enforcement agencies. (Resolution 2017-36)
WILLIAM I. THORNTON, JR.
IMLA FACULTY AWARD

The International Municipal Lawyers Association (IMLA) established this award to honor the memory of William I. Thornton, Jr. by recognizing a person dedicated to IMLA and to the practice of local government law and who has participated as a member of the IMLA faculty in helping local government attorneys learn about or reaffirm their knowledge of issues important to their practice of local government law. In addition to the traditional qualities of excellence in the practice of law, the award seeks to recognize a practitioner who has provided outstanding service to the public and who possesses an exemplary reputation in the legal community, the highest of ethical standards and who is devoted to mentoring young lawyers and educating lawyers in local government law.
It’s well documented that Artesia has been called “Titletown” and “City of Champions” but Artesia is becoming well known for its public art - especially our “History in Bronze” exhibits located throughout downtown Artesia.

Many are familiar with Artesia’s wonderful Public Library and its Peter Hurd mural. But that’s not the only public art that Artesia is proud of - Artesia is also home to a series of bronze statues placed around town, and they tell the story of our community in bronze.

The Cattle Drive series is a set of three sculptures designed to represent the ranching industry in southeastern New Mexico. “The Trail Boss” depicts the man in charge of a herd of cattle. “The Vaquero” is shown alerting the Trail Boss to the presence of a thief, and “The Rustler” is shown caught in the act of stealing a calf.
OUR TOWN

“The Derrick Floor” shows a four-man crew on a drilling rig and pays tribute to the oil & gas industry.

“The Partners” shows Mack Chase and Johnny Gray making deals while leaning on the hood of a pick-up.

“Women’s Intuition” pays tribute to industry pioneers Martin and Mary Yates, and Mary’s instincts on picking the site of the first commercial well in Artesia.

“Pioneering Endurance” portrays Van Welch, an early partner of Martin Yates and an oilfield pioneer.
We invite you to visit and take the walking tour of downtown Artesia to experience these amazing bronze works of art.

“First Lady of Artesia” portrays Sallie Chisum, niece of cattle king John Chisum and early settler of Artesia. Sallie was an entrepreneur, developer and businesswoman and the sculpture honors her pioneer spirit.

“Freedom’s Fire” is on display in Baish Veteran’s Park. This park is a place for remembrance, honor and reflection. Our community cherishes the sacrifices and dedication of all of our country’s veterans. This is the only one of the sites that had public money involved all the other statues were funded privately. We invite you to sit or walk among the names and the beautiful art celebrating the sacrifice for freedom.

“The Foundation” symbolizes the importance of learning, education and literature to youth. Local student essays helped select the books depicted in the sculpture.

Artesia’s newest bronze sculpture, the “Founders Bench” represents the foundations of democracy, and can be viewed in the Artesia Public Library’s foyer.

We invite you to visit and take the walking tour of downtown Artesia to experience these amazing bronze works of art.
New Mexico municipalities get their authority to act from the New Mexico Constitution and various statutes enacted by the New Mexico legislature. Custom and practice has generally divided states into what are known as “Dillon’s Rule” states and “Home Rule” states. “Home Rule” states are those states where there has been a transfer of power from the state to local governments. Local governments have been given the freedom to act in their own best interests without the need to look to state statutes for that authority. “Dillon’s Rule” states, on the other hand, must look to a specific legislative or constitutional grant of authority in order to act in a particular area. True to its traditions, New Mexico has blazed its own trail. No New Mexico Supreme Court case has stated categorically that New Mexico will follow Dillon’s Rule. Yet by amending the Constitution to provide for local home rule, and by adopting the Municipal Charter Act, New Mexico walks and talks as if it were a Dillon’s Rule state. What exactly does that mean?

**Dillon’s Rule**

Dillon’s Rule, named after Iowa Supreme Court Justice John Forrest Dillon had its genesis in an opinion authored by Justice Dillon. He held a great distrust for local governments because he lived during a period of extensive corruption at the local level. Enormous industrial organizations and political machines like Tammany Hall interfered with local government operations, and at times overwhelmed it and imposed its own will. In the case of City of Clinton v. Cedar Rapids and the Missouri River Railroad Co. (1884), Justice Dillon laid out his philosophy concerning municipal authority:

The state legislature has complete control over municipal government affairs. Local government powers are therefore limited to those powers that are:

1. Granted in express words;
2. Necessarily implied or necessarily incident to powers expressly granted; and
3. Absolutely essential to the declared objects and purposes of the corporation.

Justice Dillon went one step further and declared that if there is any fair doubt as to the existence of a power in a local government that it is to be resolved against local government’s ability to execute the power.

The New Mexico Supreme Court has said that prior to 1970, municipal home rule did not exist in New Mexico. At that time, all municipalities in the state depended on the state legislature for their power to act. They looked to state statutes for express or implied grants of authority, and if they did not find such authority, they could not act. Thus, the state exercised plenary control over municipal governments except as limited by the state or federal constitutions. See: State ex rel. Haynes v. Bonem, 1992-NMSC-062, 114 N.M. 627, 845 P.2d 150 (S. Ct. 1992); quoting: Apodaca v. Wilson, 86 N.M. 516, 521, 525 P.2d 876, 881 (1974).

Apodaca is cited generally for the proposition that New Mexico is a Dillon’s Rule state, and there are dozens of state statutes that seem to point us in that direction by granting specific authority to act to municipalities:

3-18 3 Animals.
3-18-4 Buildings; construct, purchase, rehabilitate, care for.
3-18-5 Dangerous buildings or debris; removal; notice; right of municipality to remove; lien.
3-18-6 Building construction and restrictions; establishing fire zones.
3-18-8 Cemeteries.
3-18-10 Power of eminent domain; purposes; proceedings.
3-18-11 Fire prevention and protection; insurance for volunteer firemen.
3-18-12 Food and merchandise; regulation and inspection.
3-18-13 Industrial nuisances and nauseous locations; regulation and prohibition.
3-18-14 Municipal libraries; establishment; contract services; state publications; gifts and bequests.

Perhaps the clearest example of the legislature’s mindset that New Mexico is a Dillon’s Rules state lies in the language of 3-17-1:

3-17-1. Ordinances; purposes. (1993)
The governing body of a municipality may adopt ordinances or resolutions not inconsistent with the laws of New Mexico for the purpose of:
A. effecting or discharging the powers and duties conferred by law upon the municipality;
B. providing for the safety, preserving the health, promoting the prosperity and improving the morals, order, comfort and convenience of the municipality and its inhabitants; and

The highlighted language makes it clear that any ordinance a municipality adopts cannot conflict with state law. This statement, coupled with the clear legislative history of delegating authority to municipal governments, leads to the inescapable conclusion that New Mexico operates as a Dillon’s Rule state.

So, what does this mean? I think it means that municipalities must look to the legislature for some grant of authority to act in a particular area. So let’s apply Dillon’s Rule to the New Mexico statutory scheme. If we take Dillon’s proposition that municipalities must look to an express grant of authority, there are a host of statutes that give express authority. (See: above). But the legislature, either by design or by omission, has conferred enormous authority on municipalities. Looking back to Section 3-17-1, the legislature has expressly provided, or expressly conferred on municipalities; the power to adopt ordinances “providing for the safety, preserving the health, promoting the prosperity and improving the morals, order, comfort and convenience of the municipality and its inhabitants” so long as those ordinances are not inconsistent with “the laws of New Mexico.” If a municipality can tie an ordinance or activity in a given arena to health, safety, morals, order or comfort of municipal inhabitants, arguably it is within the express authority of municipal governments.

But, such an interpretation may stretch the bounds of a municipality’s appetite for litigation, and most municipalities (that are not home rule) follow Justice Dillon’s test, and look for some express grant of authority, or authority that is at least implied or incident to the exercise of express powers.

HOME RULE

What exactly is Home Rule? In general terms, it is a transfer of power from the state to local governmental units. New Mexico amended its Constitution in 1970 by providing for municipal home rule. (This is another indication that the state was at least operating as if it were a Dillon’s Rule state). Home Rule means that a municipality “may exercise all legislative powers and

Continued on page 16
Employers who fail to protect employees from a co-worker’s racist, sexist or otherwise derogatory and defamatory comments on social media platforms can find themselves on the losing end of a workplace harassment lawsuit.

Case law on work-related cyber-harassment is evolving with the popularity of social media as a way for people to connect, communicate and commiserate, but one trend is clear: Courts expect employers to intervene immediately when they learn of workplace disputes spilling over onto social media, and the law increasingly considers online harassment and bullying just as egregious as the kind that happens obliquely or directly in an office or other physical job site.

Some courts have ruled that any work-related harassment is actionable even if conducted off the job on private equipment; it’s not necessary for the attack to be perpetrated on work time using company property. In the eyes of the law, cyberspace is simply another place where one co-worker can engage in inappropriate conduct against another.

During a panel discussion sponsored by the Equal Employment Opportunity Commission in 2014, longtime District of Columbia civil rights attorney Lynne Bernabei noted that “even if employees post harassing or derogatory information about co-workers away from the workplace, … an employer may be liable for a hostile work environment if it was aware of the postings or if the harassing employee was using employer-owned devices or accounts.”

In light of this, employers should inform employees that some off-duty speech might cost them their jobs and institute policies that cover:

Use of municipal equipment, time and resources. Municipal policy should prohibit employees from using municipal equipment and internet access to compose or post hostile content during and outside of work hours.

Libelous or otherwise inappropriate comments. Even when employees use their own computers, internet service, social media site and free time to post content, they should understand that making demeaning, discriminatory or otherwise hostile comments about co-workers, as well as the general public, is potentially actionable under sexual harassment, libel and other civil rights laws. The First Amendment protection against government suppression of free speech won’t protect an offending employee from discipline any more than it would if the conduct occurred on company property. This is true even when the offensive speech is seen by a limited number of “friends” and subscribers.

Misrepresenting municipal policy. Employees
RUSSIAN HACKING FUELS RETURN TO PAPER BALLOTS

By Jenni Bergal, Stateline Staff Writer

After the “hanging chad” fiasco during the 2000 presidential recount, many states and counties switched to electronic-only voting machines to modernize their systems.

Now, amid security concerns over Russian hackers targeting state voting systems in last year’s election, there’s a renewed focus on shifting to paper ballots.

In Virginia, election officials decided last month to stop using paperless touch-screen machines, in an effort to safeguard against unauthorized access to the equipment and improve the security of the state’s voting system.

In Georgia, which uses electronic voting machines with no paper record, legislators are discussing getting rid of their aging equipment and using paper ballots instead. In a municipal election this November, officials will test a hybrid electronic-paper system.

“States and counties were already moving toward paper ballots before 2016,” said Katy Owens Hubler, a consultant to the National Conference of State Legislatures (NCSL). “But the Russian hacking incident has brought the spotlight to this issue.”

In September, the U.S. Department of Homeland Security notified election officials in nearly two dozen states that their voter registration systems had been targeted by Russian hackers during the 2016 presidential election.

While the hackers failed to breach most of the systems, in Illinois, they succeeded in accessing the voter database, and nearly 90,000 records were compromised. And in Arizona, hackers stole an election employee’s username and password, but the system wasn’t compromised, according to the Arizona secretary of state.

The National Association of Secretaries of State said would-be attackers tried to “scan” state computer systems last year, looking for open doors into networks. The secretaries of state, who serve as chief election officials in most states, said no voter information was altered or deleted, and the intruders did not access actual voting machines or devices that tabulate results.

Electronic vs. Paper

In 2002, two years after the hanging chad debacle in Florida, Congress passed the Help America Vote Act, which provided funding to state and local officials to upgrade their voting equipment.

Many areas replaced punch card machines like those used in Florida as well as old-fashioned lever equipment with direct recording electronic (DRE) machines, which frequently are touch screens. They record the vote within the machine’s memory, and many use no paper at all.

“Lots of election officials saw the nightmare of 2000 and said, ‘I don’t want to live through a recount,’” said Lawrence Norden of the Brennan Center for Justice, a public policy institute at New York University Law School. “When you have a DRE, you just ask the machine to print it out again. It does away with hand recounts and the controversy.”

But computer scientists, cybersecurity experts and advocates for election integrity soon became concerned that with electronic-only technology, officials couldn’t verify that a vote was tabulated correctly because there was no paper record. They said paper ballots provided better audit and recount records.

Over the last decade, many states and counties have abandoned their electronic voting machines and turned to paper, often with equipment that tabulates the ballots.
Greetings! This month, we will look at a few topics that are important to computer users at every level, whether at home or at work. These are must-do topics, workforce trends, and the latest emerging technologies in our ever evolving computerized world.

The must-do topic for this month is backup. Backing up our files is the easiest way to thwart hackers from encrypting our files and holding them for ransom and to replace files after an accidental deletion. The latest versions of Windows, 8, 8.1, and 10 all have an easy tool to accomplish this called “File History.” All that is required is a portable disk drive or a flash drive depending on the size of your My Documents folder and Desktop folder. Once it is enabled, it will maintain daily backups of your data and files. For larger backups, like servers for example, there are many programs and vendors from which to choose. As mentioned in last month’s article, “cloud” or internet storage is a possibility as well if your agency has a high speed Internet connection, over 250 megabytes (MB) per second.

I recommend on-site storage, if possible, for three reasons: 1) accessibility, 2) reoccurring costs, and 3) vendor sustainability. Accessibility requires that the speed of the Internet connection, also known as bandwidth, must have the capability to download your files for restoration even though other people may be using the Internet at the same time. Slow internet speeds could equate to hours or days to complete a server restore. Whereas if the backup is onsite or local, the speed is determined by your network which, typically, is 1 gigabyte per second resulting in drastically minimized restore times. Reoccurring costs, or the fee for storing your data and files, will increase over time, especially as your storage needs rise. Lastly, the vendor sustainability is something to consider if you want to move your data and files to another vendor, back on-site, or if the vendor shuts down their service. What are the conditions and what will the overall cost be in any of these unforeseen situations? If you have the resources, I recommend collaborating with a local vendor to help get the backup systems installed and set-up locally. With minimal training, you can get the best protection and survivability for your data and files.

The use of internet browsers is a workforce trend that came as an unintended consequence for accomplishing everything from paying bills to listening to your favorite online radio station. According to Wikipedia, [browsing] is supposed to identify something of relevance for the browsing organism. We do so much more than that today using an Internet “browser”! And that is where the unintended consequences arise, especially after an update happens and you can no longer do the thing you need to do just as you did the day before. The entire scope of this situation takes more than this article can cover. Suffice to say, I will get to the solution when this and other errors occur. The solution is to have more than one browser installed on your computer, if possible. Even the latest version of Windows has two browsers available, Internet Explorer and Microsoft Edge. Mozilla Firefox, Google Chrome, Opera and Safari are some of the most popular browsers, and if you know the website you would like to visit is secure and the thing you did yesterday worked fine in your old browser before the update, then download a different one and give it a try. The most correct term...
New Mexico MainStreet will be accepting Applications for the MainStreet Accelerator Program, Frontier Communities Initiative, and Arts & Cultural Districts Program.

Pre-application webinar(s) will be held on November 9, 2017. Application deadline is January 31, 2018.

New Mexico MainStreet (NMMS), will begin accepting applications to join the NMMS Network as a Frontier Communities Initiative Project, MainStreet Accelerator Program, or Arts & Cultural District. NMMS will only be adding a limited number of programs based on the current program budget. It is highly recommended that interested communities attend a pre-application webinar to be hosted on November 9, 2017 at 10:00 AM for Frontier Communities; 11:30 AM for the MainStreet Accelerator Program; and 1:00 PM for Arts & Cultural Districts. The pre-application webinars will include information regarding the application process to NMMS and provided an opportunity for interested communities to ask questions.

The FY18 Frontier Communities Application, MainStreet Accelerator Application, and Arts & Cultural Districts Application will be available October 25, 2017 on the NMMS website at www.nmmainstreet.org. Please contact Daniel Gutierrez for additional information on the Frontier Communities Initiative at 505-827-0151 or daniel.gutierrez2@state.nm.us. Contact Rich Williams for information on the NMMS Accelerator Program or Arts & Cultural District Program at 505-827-0168 or rich.williams@state.nm.us. The deadline for applications is January 31, 2018. Please see the website for details about the pre-application webinar, FY18 application process and materials, and general program information.
perform all functions not expressly denied by general law or charter.” Thus, a municipality is free to act in an arena so long as its authority to act has not been expressly denied by a general law or by its own charter. A municipality must first complete a series of tasks that include drafting a Charter and submission of the Charter to a vote of the people before it can become a home rule municipality. These requirements are contained in the Municipal Charter Act Sections 3-15-1 to 3-15-16. The Constitution also placed an express limitation on the authority of home rule municipalities: Home rule municipalities [lack the authority] to enact private or civil laws governing civil relationships unless the acts are incident to the exercise of an independent municipal power.

1) The power to provide for a penalty greater than the penalty provided for a petty misdemeanor.

The Municipal Charter Act, which implements the constitutional amendment places further limitations on home rule municipalities:

2) the charter shall not be inconsistent with the constitution of New Mexico, shall not authorize the levy of any tax not specifically authorized by the laws of the state and shall not authorize the expenditure of public funds for other than public purposes.

Advocates for home rule cite the ability to act more quickly and effectively to address local issues than to wait for the states to adopt enabling legislation. Home rule can be a tool municipalities can use to respond to complex local problems with creative solutions. Home rule municipalities thus are free to legislate in areas of interest to them, so long as the local legislative efforts are not expressly denied by state law or by the municipality’s own charter.

Some examples might help:

Albuquerque is a home rule municipality, but it was prevented from adopting an ordinance imposing term limits on its elected officials because it was imposing eligibility requirements for elected officials beyond those set forth in the constitution. See: Cottrell v. Santillanes, 1995-NMCA-090, 120 N.M. 367, 901 P.2d 785 (1995).

Santa Fe, as a home rule municipality, was permitted to limit the drilling of domestic wells within its boundaries in the face of legislation granting the State Engineer the authority to permit domestic wells. Smith v. City of Santa Fe, 2006-NMCA-048, 139 N.M. 410, 133 P.3d 866 (2006).

Santa Fe was allowed to adopt an ordinance establishing a minimum wage that was higher than the statewide minimum wage. New Mexicans for Free Enter. v. City of Santa Fe, 2006-NMCA-007, 138 N.M. 785, 126 P.3d 1149 (2006).

Home rule is tricky, and not totally understood, even by those who work with it. The “Devil in the details” is understanding some very elusive terms. Home rule municipalities may exercise authority, except when that authority is expressly denied by a general law or charter. There has been much discussion and a bit of litigation concerning just what this means, and these seemingly understandable terms have become quite confused and misunderstood. See: Apodaca v. Wilson, 1974-NMSC-071, 86 N.M. 516, 525 P.2d 876(1974) where the Supreme Court was called upon to decide the question of what was meant by a “general law.” It decided that a general law was one that applied “generally throughout the state or is of statewide concern as contrasted to “local” or “municipal” law.” The subject matter of the general legislative enactment must pertain to those things of general concern to the people of the state.” Thus the court has added another layer to uncover; deciding whether an issue is a matter of statewide or local concern. This issue has also been the subject of litigation, as well as the meaning of the words “expressly denied.” See: City of Rio Rancho v. Young 1995-NMCA-002, 119 N.M. 324, 889 P.2d 1246 (Ct. App. 1995). But don’t get me started on that one! (I was the losing attorney).
25 WORDS OR LESS

Market Advisory on Selective Disclosure
The Municipal Securities Rulemaking Board (MSRB) is aware of the practice of certain municipal securities issuers making selective disclosure, which occurs when certain classes...to read more, click here

Ask Questions Then Pay Attention to the Answers
Questions are essential to leadership no matter how strong the impulse is to simply tell people what to do, Scott Mabry writes. "To ask better...to read more, click here

Depression: Start the Conversation to Remove the Stigma
It’s important to communicate with employees who have depression in a caring, productive way. That requires creating a respectful and safe atmosphere...to read more, click here.

Cities and Counties Respond to UAS Integration Pilot Program
The National League of Cities, National Association of Counties and U.S. Conference of Mayors today issued the following statement on President Trump’s directive to Transportation Secretary...to read more, click here

Where Gov Trends are Headed in 2018
Join GovLoop online on Wednesday, November 8, 10:00 AM ET / 7:00 AM PT for the Gov Trends Virtual Summit: Looking Ahead to 2018 on the biggest priorities going into 2018..to read more, click here
The New Mexico Fire Service Conference Was Held in Ruidoso October 2-5

There was a little over 200 participants including Speakers and Exhibitors. Fire service was represented by municipal, county and state delegates.

The Linda Gaume Jaramillo Memorial Golf Tournament was a great success with over 50 golfers. Congratulations to 1st Place Team Taos; 2nd place Team Carlsbad and 3rd Place Team Tucumcari. Longest drive went to Travis Tatch and Closest to the Pin winner was Wesley Ganaway.

National renowned speakers, Dr. Suddip Bose and Michael Hingson delivered informative, and awe inspiring General Sessions that were both well attended and memorable. The NMFCA recognized and thanked former State Fire Marshal John Standefer and former Deputy Fire Marshal Vernon Muller for their dedication to New Mexico Fire service.

The NM Fire Chiefs Association Annual Business Meeting was held on Thursday, October 4th. James Salas, was re-elected to the office of President; Lovington Fire Chief Terrance Lizardo and Las Cruces Deputy Fire Chief Steve Mims were also elected to the NMFCA Board for two year terms.

CPR for Your Squad’s Financial Health

We’ll help revive your bank account with our comprehensive billing expertise that guarantees results!

With EMS Billing Services, you’ll experience the following benefits:

- Choice of billing plans to fit your budget
- Stress-free billing
- Increased revenue
- Electronic reporting and storage of reports
- The ability to provide a higher level of emergency medical service
- Respectful communication with your patients
- Experienced and certified billing from the most trusted ambulance billing company in the Midwest

Warning: Our billing CPR has been proven to prevent sudden stress arrest and save squads from financial collapse by providing a 30 to 70 percent increase in revenue in the first year.

Receive Our Free Guide to Improving Retention & Recruitment!
Visit us at emsbillingservices.com/request or call 877-367-9111.

Your dedication is our inspiration.
Employers Have Duty to Stop
Continued from page 12

should be expected to conduct themselves professionally and respectfully on municipal blogs or websites and in interactions (electronic or otherwise) with the public. While they can identify themselves as municipal employees, they should state that they speak only for themselves, not the municipality. Likewise, employees should not be allowed to use municipal logos in personal correspondence and postings.

It’s not up to the employer to monitor employee interactions, but once an aggrieved employee informs the boss of co-worker misconduct, it’s the employer’s job to correct the problem.

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.

All About Computers
Continued from page 14

to replace the word “browser” should be “Website User Connection Interface,” but that is a mouthful. For now, we are stuck with the deceptively simple “browser.” I hope this helps!

IoT or the “Internet of Things” is the new term for devices that connect to Wi-Fi networks and the Internet. The Internet was created as an open network which allows any kind of information to go anywhere that it is requested to go, so it may seem scary to have your washer, dryer or, even worse, your municipality’s water system connected to this “open” network. The truth is that it is scary, but there are things the tech industries have done to quell some of our worries. Security, encryption, firewalls, and network configurations go a long way in protecting our critical infrastructure, and more ways of being secure are being developed every day. For our municipalities, I recommend to contact a consultant to help configure these strategies for the best most up-to-date protection. For your toaster at home, just connect it to your Wi-Fi, set it to “local,” and you can access the features when you are at home. This gives you the most secure option without actually letting them on the internet. If your home device has to connect to the internet for an update, to see video or the like, use a service that you can access through their website. This way it is secure and not open to anyone else. The devices we use today will change and we can be ready to change with them.

Backing up, browsing and IoT are a part of our computing lives that we cannot avoid. Having a basic idea of how to do and live with these technologies will lead to safer smarter use.

If there are any comments or questions, you can reach me at callahanm@loslunsnm.gov
**CONTINUED STORIES**

**Russian Hacking**
*Continued from page 13*

using optical or digital scanners.

“‘It isn’t as old fashioned as people picture,’” said Owens Hubler, the NCSL consultant. “‘It’s not a move back to hand-counting paper ballots.”

A Pew Research Center analysis of data from the Verified Voting Foundation, a nonprofit that advocates for paper ballots and election integrity, found that in 2014, nearly half of registered voters lived in jurisdictions where they used paper ballots that were tabulated electronically (The Pew Research Center is funded by The Pew Charitable Trusts, which also funds Stateline).

More than a quarter lived in jurisdictions that used only electronic voting machines, most of which don’t provide a paper trail. The remaining jurisdictions used a mix of optical scanners and DRE equipment, voting by mail, or hand counting paper ballots.

**Paperless Systems**

Five states — Delaware, Georgia, Louisiana, New Jersey and South Carolina — still use only electronic voting machines, according to the Brennan Center’s Norden. In eight other states, including Pennsylvania and Virginia, paperless systems are used in some counties and cities, including Philadelphia.

In Virginia, one of the states Russian hackers targeted last year, that’s about to change.

In September, the state elections board decided that the 12 remaining counties and cities that still use electronic machines will no longer be able to do so.

Virginia Department of Elections Commissioner Edgardo Cortés said the board was concerned there was no independent means to validate election results with a paperless system. The Russian hacking incident, which didn’t breach Virginia’s voter registration database and only scanned public websites, was a confirmation of why beefing up security is so important, he added.

“The fact that there is an ongoing attempt to undermine the election process was a big factor in our determination to get rid of paperless equipment,” he said.

Cortés said it would cost local governments in the ballpark of $1.9 million to switch to paper and optical scanners, not including startup costs, printing ballots and training election workers. In many states and counties, money has been the biggest impediment to switching voting equipment from electronic to paper.

The Brennan Center estimates it would cost $130 million to $400 million to replace all paperless machines.

“Funding is a huge problem. The question is who is responsible for paying for elections in the United States?” Norden said. “The counties don’t have the money. The states are saying it’s not our job to fund new equipment. And the federal government is saying it’s not our responsibility either.”

That attitude may be changing on Capitol Hill, however. Bipartisan proposals in Congress that would provide funding to help pay for new voting equipment are being seriously discussed for the first time in years, said Norden, who authored a June report outlining how election officials can protect voting technology from foreign interference.

“The Russian hacking incidents in 2016 have made a difference,” he said. “There’s more interest in Congress in this issue than there has been in a decade.”

Stateline is a nonpartisan, nonprofit news service of the Pew Center on the States that provides daily reporting and analysis on trends in state policy.

Visit [www.pewtrusts.org/stateline](http://www.pewtrusts.org/stateline).
Join other city leaders in Charlotte this November!

Expect great things at City Summit Charlotte:

* NLC City Summit is the national conference that brings together leaders of cities and towns across the country to find and share solutions. This year’s conference is expected to draw over 3,500 local elected officials, municipal staff, and local government experts and partners for the four day event.

- Attend compelling keynote sessions and nuts-and-bolts workshops.
- Meet mayors, council members and managers from cities and towns of all sizes.
- Learn practical lessons and ideas from host city Charlotte.
- Tap into the strength of the National League of Cities.
- Deliver solutions for your city or town.

REGISTER TODAY AT CITYSUMMIT.NLC.ORG