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Cover photo courtesy Town of Red River
When I was appointed a councilor for Los Alamos City/County in July 2011, one of my more experienced fellow council members told me that I needed to get involved in the Municipal League. It would be great learning experience, I was told, and I would meet many great people, both staff, and fellow elected officials. Seven years later, I can vouch for the wisdom of that advice. I now know much more about the convoluted process by which our Legislature and Governor come to agree (or not!) and pass statutes (or not!), have become much more familiar with seemingly arcane but important topics in municipal finance, parliamentary process and the ever-ready-to-trip-any-governing-body Open Meetings Act.

And, I have also developed some friendships that reaffirmed my belief that the cities, towns, and villages of our great State are full of dedicated public servants who work hard and try their darnest to do right by their communities. Sally Burbridge, who after her tenure as the longest-serving Mayor of Aztec in its history decided not to run for reelection, is one of many outstanding individuals who is now my friend and mentor. Aztec was fortunate to have Sally at the helm for so long, especially during the tragic event at Aztec High School last December, and we all wish her the best as she focuses her attention on new challenges.

Upon Sally’s departure, I became your League President, and I want to take this opportunity to welcome and congratulate all newly elected trustees, commissioners, councilors and mayors. If this is your first time in public service, I hope you will find some others among your peers who you can rely on for sage advice, like I did. And please, don’t limit your search to your own community. Problems that vex your community often have parallels in others. I recently commiserated with friends from around the state about the corrosive effect of social media when it becomes a place for shouting and insult, not conversation. Whether it is 21st Century problems like Facebook, or eternal issues like adequate funding of our senior centers, reach out for ideas and, if nothing else, find a shoulder to cry on!

I also want to thank those whose current involvement in public service has recently ended. Some, like Sally, decided that other priorities took precedence at this time in their lives; for others, the vote went the other way (boy, that hurts...). Politics has its rewards, but it is not for the fainthearted.

Finally, please consider volunteering for one of the NMML Policy Committees. This committee process is how we identify and refine the key issues facing our cities and towns and guides the script that we use as we visit with our legislators on behalf of the League. The committees will meet in Albuquerque on June 23rd. Please contact any of the League staff for more information.

Regards,
David
LEGAL JUDGMENTS CAN ADD TO LOCAL GOVERNMENT DISTRESS

By Stephen Fehr, Adrienne Lu, and Matthew Cook

A small rural county in southeast Nebraska might have to declare bankruptcy, not because of mismanagement or high labor costs but because of an unexpected legal judgment that the county government cannot pay.

Gage County on the Nebraska-Kansas border could be the next local government in the nation to file for bankruptcy protection after a federal jury awarded $28.1 million in damages plus attorneys’ fees last July to six people wrongly convicted of a brutal rape and murder.

Leaders from the farming community of about 22,000 people said they can’t afford that amount. The county’s insurance carriers have declined to cover the verdict.

“No county could prepare for that,” Myron Dorn, chairman of the county Board of Supervisors, said in an interview.

Increasing taxes to cover the judgment would be difficult, because Nebraska’s property tax cap limits the county from raising taxes by more than about $3.7 million. Residents could theoretically vote to exceed the state-imposed limit, but that is unlikely.

The county has appealed the verdict and is awaiting a decision; in the meantime, officials have hired bankruptcy attorneys to explore their options in case they lose the appeal.

While municipal bankruptcies are generally rare—only 54 counties, cities, towns, and villages nationwide have filed for bankruptcy since 1980—it’s not unusual for lawsuits to contribute to Chapter 9 filings. Of the 18 general purpose local government bankruptcies filed since 2006, legal judgments have been an important factor in five, or nearly 30 percent, according to research by The Pew Charitable Trusts. [General purpose local governments include entities such as counties, cities, towns, and villages and exclude special purpose districts such as school districts or and fire districts, which account for a much larger proportion of municipal bankruptcies. Nebraska historically has led the nation in special district bankruptcy filings.]

The legal judgments underscore the importance of local governments maintaining a healthy reserve fund balance to absorb unforeseen expenses. They also reinforce the need for states to be aware of the fiscal health of their local governments, so officials can
prepare for situations when the state may need to step in to help. Washington state, for example, asks local governments about “litigation costs or pending legal judgments that risk depleting available fund reserves,” to try to anticipate and to plan for potential fiscal shocks.

Elsewhere around the country, Hillview, Kentucky, filed for Chapter 9 in August, 2015, after losing a lawsuit filed by a local truck driving school over a property dispute and being ordered to pay $15 million. The bankruptcy was dismissed in May, 2016 after city leaders agreed to raise taxes and sell bonds as part of a settlement with Truck America.

Other municipal bankruptcies that were prompted at least in part by lawsuits include:

Mammoth Lakes, California, filed for bankruptcy in June, 2012, after a property development dispute resulted in a $43 million legal judgment. Mammoth Lakes later settled with the land acquisition company out of court.

Boise County, Idaho, was ordered to pay $5.4 million in damages and attorneys’ fees to a developer for violating the federal Fair Housing Act. The county filed for bankruptcy in March 2011, but failed to prove in court that it was insolvent and the bankruptcy was dismissed. The county spent $2.25 million from its cash reserves and used bond financing to pay the rest. In addition, the Idaho Legislature passed a law to enable the county to levy additional property taxes to repay the bond.

Washington Park, Illinois, filed for bankruptcy in 2009 after accumulating debts totaling over $1 million. The village struggled with numerous problems, including public employees stealing money and numerous lawsuits. A federal judge dismissed the bankruptcy, which followed another bankruptcy filing in 2004.

Westfall Township, Pennsylvania, filed for bankruptcy in April, 2009, after a federal court decided in favor of a developer who had argued that township supervisors illegally halted development of a 1,500-unit residential project.

Stephen C. Fehr is a senior officer, Adrienne Lu is a senior associate, and Matthew Cook is an associate with Pew’s Charitable Trusts’ state fiscal health team.
Red River. When you hear that name does it summon up visions of a quaint mountain town in a beautiful valley? Do you start hearing amazing music from the world-class artists that perform nightly at our various venues or music festivals that fill the calendar all year long? Do you see the aspen glow of a mountain fall? Do you imagine the hiking, biking, camping or fishing on or around the Red River, which flows through town and provides the background sound to the many cabins and lodges located along its path. Does the long and storied history of this mountain town, founded by miners and which early on became a retreat and refuge for those escaping the heat of Texas summers come to mind? Or is it the art, the wine or the motorcycles that fill our many events that you think of?

Red River is all of those things, plus so many more. We are a small town with a big reach in the states that surround us. Nestled in a valley and surrounded by the Carson National Forest, Red River is rich in history. Red River was settled in the 1870’s when miners from the Moreno Valley discovered gold in the area. The town was first named “River City”, but was later renamed Red River after the stream that flows from the slopes of Wheeler Peak though our magical little town.

Red River was a prosperous mining camp by 1895, with gold, silver and copper in abundance. Hundreds of mines were carved into the mountain with names like Golden Treasure, Silver King and Black Copper. During this time, the population was estimated to be around 3,000. There were two general mercantiles, a livery stable, two newspapers, a sawmill, blacksmith shop, barber shop, more than a dozen saloons, several hotels and boarding houses, a dance hall and a hospital. There was also a red light district with plenty of gambling and bar-room brawls. When the mining population dwindled, the town gained new momentum by renting abandoned mining cabins to flatland visitors seeking refuge from the heat. In the late 1920s and early 1930s, Red River was designated the “mountain playground” that it is today. Each year, we attract thousands of visitors, mainly from Texas, Oklahoma, Kansas, Louisiana, Colorado and New Mexico.

Our summer season kicks off with a new event this year. We will be hosting our first Bacon & Brews on May 19th with games, music and of course beer and all things bacon. The traditional start of summer comes with our Memorial Day Motorcycle Rally that brings in upwards of 15,000 people to watch the amazing Busted Knuckles Stunt Crew, participate in a flag retirement ceremony or this year, view an 80 percent-sized replica of the
Vietnam Veterans Wall in Washington DC. The town is lined with vendors selling everything from leather to jewelry. That weekend we also host the KOB-TV Steve Stucker Rally in the Valley to benefit a local charity. Throughout the summer and fall Red River’s Brandenburg Park is the location for events to please everyone. June is filled with the Classic Car Show, Art and Wine Festival, showcasing area artists and New Mexico wineries, and Wags & Wine for the dog lovers with discriminating palettes.

We celebrate the 4th of July with a huge parade and old fashioned family games in the park. An addition to our event calendar this year that we are excited to bring back is the Michael Martin Murphey Westfest, July 4-8, billed as “A Celebration of the arts, culture and music of the old and new west.” Red River’s rousing music scene can trace its roots back to Texas, mostly centered around Austin’s “red dirt rock.” This means visitors can find some of the best music anywhere, anytime! True to this tradition, August brings “Hot Chili Days, Cool Mountain Nights” featuring live music all over town with Larry Joe Taylor & Friends, as well as multiple cook-offs in Brandenburg Park, like the CASI “Red River Red” cook-off, the New Mexico State Green Chile Championship, and the Lone Star BBQ Society cook-off. Early September, cyclists take on the Enchanted Circle Scenic Byway for one of the most challenging tours in the southwest. The tour is a 100-mile ride around the Enchanted Circle that includes a short trip through Angel Fire to Black Lake and back. Last year we joined forces with the Southwest Pickers to present the 43rd Annual Bluegrass and Old Time Music Festival.

Events run throughout the fall, including our Aspencade Art and Craft Fair and Folk Festival, a celebration of art and the changing of the leaves in September as well as a traditional Oktoberfest, complete with beer steins, German costumes and continuous Oom Pah Pah German music.

No summer visit to Red River is complete without taking in the activities offered by the Red River Community House. A Red River tradition since 1940, the Community House offers over 400 free activities for all ages. Their “Explore Nature” program gives children the opportunity to experience the wonders of nature that surround Red River through hands-on outdoor and indoor activities. Kids can become a Red River Ranger by completing the nature activities in the Red
Aspiring entrepreneurs won’t be shushed at the Loma Colorado Library in Rio Rancho on Watercooler Wednesdays. The City of Rio Rancho aims to create dialogue at its main library and bridge the gap between entrepreneurs and the resources that can help them.

Watercooler Wednesdays are part of the GrowIt!@ RRPL initiative launched in January by the city as part of its economic development efforts to create a robust entrepreneurial ecosystem. The initiative includes co-working space, learning opportunities and networking at the library.

The idea puts Rio Rancho at the vanguard of a movement that advocates for leveraging existing infrastructure, such as libraries, to build entrepreneurial resource networks. A 2016 report by the American Library Association urged decision makers in the U.S. Small Business Administration, the U.S. Department of Commerce, national foundations and Congress to include libraries in their plans to promote small business development.

And why not? Libraries are easily accessible and contain the resources and staff to guide entrepreneurs and business owners toward growth.

Harnessing Grow It!

Rio Rancho’s economic development and business relations manager, Savannah Jermance, was already working with the city’s library and information services division to brainstorm ideas about utilizing existing library resources to provide entrepreneurial support services in Rio Rancho’s underserved market when she heard about the Grow It! initiative.

Grow It! is an online database created by the league to deliver business resources to entrepreneurs statewide, not just in metropolitan areas. The league, the association of all 106 municipalities in the state, aims to stimulate private sector job development — and local gross receipts taxes — by simplifying access to free and low-cost resources such as small business development centers, workshops and capital. Each municipality has its own page on the Grow It! website where local and statewide resources can be searched by category.

“Rio Rancho has a large number of home-based businesses and shows indicators of being a highly entrepreneurial community,” said Jermance. “Recognizing a lack of existing incubators and co-working space, this was a great opportunity to connect our residents with a multitude of business resources and successful local entrepreneurs.”

Lynette Schurdevin, the city’s library division director, said the Loma Colorado Library is the ideal place to deploy Grow It! resources and host entrepreneurial meetups because it’s an established hub of community activity. The initiative targets home-based busi-
ness owners and workers because they represent Rio Rancho’s smallest businesses with the greatest growth opportunity.

**Join the crowd**

The inaugural Watercooler event focused on marketing and featured resources available through the Digital Media Lab at Central New Mexico College. Rio Rancho Mayor Gregg Hull shared some of what he has learned as a business owner. The event drew nearly 40 people, a third of whom expressed interest in starting a business.

Future sessions will feature different business topics presented by community partners, including “Business Orientation” presented by Rio Rancho’s city clerk Steve Ruger with guest entrepreneur Susana Marquez of Pet Food Gone Wild on April 11. “This is a place where aspiring and existing entrepreneurs are going to feel supported and part of a larger community,” said Schurdevin. Community resources are provided free of charge.

Watercooler Wednesdays convene at 10:30 a.m. the second Wednesday of each month at 755 Loma Colorado Blvd. NE in Rio Rancho. Friends of the Library, the local support group, provides refreshments.


**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](http://www.FinanceNewMexico.org) and [www.GrowItNM.org](http://www.GrowItNM.org).**
Copper thefts not only affect building owners but also make severe impacts on critical infrastructure.

- Traffic lights, street lights, cell towers, and even tornado sirens have been disabled by thieves stealing copper wire.
- While many jurisdictions are attempting to put controls in place to limit the sale of scrap metals like copper, international demand continues to make the theft of metals attractive to criminals. One ring of thieves was captured with a vanload of copper pipe and wiring operating off a listing of foreclosed properties found in the vehicle.
- The theft of exterior air conditioner units and interior piping and wiring creates massive costs. The scrap value of a five-ton air conditioner is around $20 to $30—while replacement costs can be from $2,000 to $3,000. The labor and material costs of replacing plumbing systems, combined with physical and water damage associated with the theft, can be extensive.
- Restoration of building systems after a metals theft can make the property unusable for an extended period of time, resulting in loss of rent and potentially impacting lease agreements.

How does insurance respond to claims at vacant buildings?

- Most metals thefts occur at vacant or unoccupied buildings. In manufacturing and real estate, periods of vacancy for owned or insured properties are sometimes unavoidable.
- Most property insurance policies have specific language eliminating or limiting recovery when buildings are vacant for more than 60 days.
- Carriers have continually revised the term “vacant” in response to court decisions. Currently, in the standard ISO property form, coverages are suspended after 60 consecutive days of vacancy for:
  - Vandalism.
  - Sprinkler leakage (unless the system is protected against freezing).
  - Building glass breakage.
  - Water damage.
  - Theft or attempted theft.
- For insured perils not listed above, typically...
the standard fire lines, payment amounts in the event of a claim at a vacant building are reduced by 15 percent.

- Construction and renovation activities at a building can impact the definition of “vacant.” Lockton will help you understand these nuances, but you must be aware of your policy forms and ask questions to ensure that you completely understand the insurance contract.

**Because vacant buildings remain the ultimate responsibility of the building owner, liability. Risks must be considered.**

Just because operations have ceased, premises liability exposures remain. In some cases, liability has been assigned to the building owner when trespassers were injured on the property—typically where the courts have found gross negligence or neglect created a hazard to others. This has led to large claims—especially when children were involved or in cases of assault on the property grounds. Liability has also been alleged when persons were injured in an effort to steal energized copper wire.

**Periodic inspections of vacant properties to identify hazards to the public, even trespassers, are necessary.**

Where evidence of unauthorized access to the building is found, corrective measures must be taken. However, since persons will be in the building periodically, life safety must be maintained—a means to escape the building cannot be compromised.

- Anything that could be considered an “attractive nuisance” should be eliminated or fenced off—especially if minors are potentially involved.

When inspections find evidence of unauthorized use of the parking lots or grounds, additional controls are needed: additional lighting, “No Trespassing” signs, fencing, or additional police or security service patrols. If allowed to continue, this could become “permissive use” and increase the potential liabilities of the building owner by default or omission.

If a building owner finds that his or her vacant property has become subject to loitering, electronic devices have been found effective, although not without controversy. The devices emit a disturbing, high-frequency sound that is effective in lessening the attractiveness of an area for loitering.

And of course, liability coverages for the property should remain in place until the final disposition and legal transfer of the property’s ownership and all associated liabilities to others.

Theft of metals can occur even at open and operating facilities. Many single-location insureds discover that their rooftop air conditioning condensers have been stolen only after noticing that the air conditioners don’t work properly.

What are four core prevention measures you can take to reduce theft at your facilities?

**Secure access to rooftops, utility corrals, and vaults.**

- Once thieves gain access to the roof, they can work unobserved, stripping air conditioner condenser units. They toss the parts into a truck parked beside the building.

- There have been instances when thieves have attached chains to electric cables and used trucks to pull the entire cable run from underground conduits.

*Continued on page 26*
Roswell, N.M. — The Roswell Public Library has been awarded funding through the STEM Innovation Grant provided by the New Mexico Library Foundation. Claire Gutierrez, the Children’s Librarian at the Roswell Public Library, applied for the grant in November 2017 to help fund new technologies, apps and STEM-related programs for youth in Roswell and Chaves County.

STEM stands for Science, Technology, Engineering and Math. STEM education seeks to bridge inequality gaps such as ethnicity and gender frequently found in these fields. By providing free and accessible tools and programs for Roswell’s K-12 population, the library hopes to inspire young minds to be creative, innovative and always seeking knowledge no matter their age, gender or abilities.

Through the grant, the Roswell Public Library has obtained iPads and iPad stations which have been loaded with STEM-related apps across many ages and interests. Several of these iPads will be available and accessible for patron use for out-of-school learning within the library. They have already been used during “Let’s Get Coding: An Hour of Code” workshop for ages 10-18 during Teen Tech Week (March 6-10) and are also being used in Stop-motion animation workshops during Spring Break week (April 2-7).

During Teen Tech Week, Children’s Librarian Claire Gutierrez and Children’s Page I Fantasia-Renee Ramirez provided iPads and instruction on how to use code.org to explore coding. Coding is what makes it possible to create apps, games, websites and other computer software. It is a set of instructions and a type
of language that computers understand, which results in something happening on your device’s screen or with an appliance.

With coding workshops, Chaves County youth get hands-on experience working with code to create an action, game, app or website. We also encouraged those attending the workshop to try out the apps currently installed on the iPads. All those apps are STEM related. Many had a blast building and blasting off rockets, working with ScratchJr., and building their own robots! We hope these apps will help harness a love of science, technology, engineering and math in fun, cool and creative ways.

Additional programs, clubs and workshops will be conducted during the remainder of the year and beyond. The library is excited to provide sustainable and free STEM education programs for years to come.
New Mexico has many small towns and villages which are rich with history and strong community ties. These can be settlements, villages and small places which are not likely to become incorporated. They are often in rural areas that are geographically isolated. They might be communities that are considered frontiers or colonias. People in these communities often want to preserve and celebrate their way of life. These local communities are often faced with unique economic and social challenges to overcome. One of which is statistical data specifically for their community that can be used to evaluate their needs on housing, education, poverty, health, and other issues. Not having this data readily tabulated is also a significant barrier for small communities when trying to meet eligibility requirements for public resources.

The Census Bureau publishes statistical data for small areas that are not incorporated which are called Census Designated Places or CDP’s. As the Census Bureau prepares for each decennial census, the Bureau tries to identify geographies of local communities for which they will be providing statistical tabulations for the next decade. The specific program is the Participant Statistical Areas Program or PSAP. The PSAP program will be sending out inquiries and letters to regional and county governments to identify participants in July 2018.

There are many small areas recognized by local New Mexican’s that have not had specific tabulation by the Census Bureau in the past. It is these areas which the PSAP program could help if they participate in PSAP. This program is the point where small communities can work with either their county government or council of governments to become a participant. Note that Tribal Governments are included in PSAP and will be receiving a letter too. The areas which are incorporated towns and CDP’s from last decennial census reports will continue to have data tabulated for them by name. Counties and council of governments can also update boundaries for existing CDP’s during PSAP.

The schedule for PSAP after registration are as follows: In the fall of 2018 a list of local planning agencies, council of governments and organizations who respond will be published on the PSAP website as participants. In January 2019 PSAP participants will receive materials to provide input on the PSAP statistical boundaries. In January 2020 a final review of the geography will be sent back to the PSAP participant. Finally, December 2020 the Census Bureau will begin to release statistical data using the updated geographies for 2020 that include the PSAP additions.

Here at the UNM Bureau of Business and Economic Research Data Bank, we have helped many small areas...
locate Census information. In cases where a CDP is not available to use, we have to identify Census Tracts or Census Block Groups that contain the community in question and create sums based on them. It is much easier if local communities are already defined as a CDP. To this end, any small community who would like to participate is welcome to contact us and we will make sure that you receive information on how to participate in PSAP and the local governments involved. This program is only available once every 10 years.

Further information is available from the Census Bureau at:

The PSAP website- [https://www.census.gov/programs-surveys/decennial-census/about/psap.html](https://www.census.gov/programs-surveys/decennial-census/about/psap.html)

Flyer for PSAP – [https://www2.census.gov/geo/pdfs/partnerships/psap/PSAP-flyer.pdf](https://www2.census.gov/geo/pdfs/partnerships/psap/PSAP-flyer.pdf)

Census Geographies YouTube video – [https://www.youtube.com/watch?v=74ixu0AslPU](https://www.youtube.com/watch?v=74ixu0AslPU)

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DANIEL GUTIERREZ TO SERVE AS CO-DIRECTOR FOR MAINSTREET

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New Mexico MainStreet is pleased to announce that Daniel Gutierrez will now serve as Co-Director of the State Coordinating Program. Gutierrez joined New Mexico MainStreet as the Assistant Director in 2014, which was identified as a critical position in our strategic planning goals. Under his leadership MainStreet has seen many successful projects administered through the Frontier Communities Initiative and New Mexico Historic Theaters Initiative. He develops and manages New Mexico MainStreet’s financial incentives and funding partnerships including New Mexico Resiliency Alliance, NM Gas Company, PNM, Yates Family Foundation and McCune Charitable Foundation.

Before joining the MainStreet team he earned a BA in Cultural Anthropology, Archeology and Native American Studies from the University of California Davis. He holds an MA in Anthropology, and is a PhD Candidate in Cultural Anthropology from the University of Illinois at Urbana-Champaign. Gutierrez is a former Executive Director of Barelas MainStreet and was a founding member, Community Organizer, and Project Director for the Barelas Community Coalition, a nonprofit community-based planning organization in Albuquerque. Gutierrez has extensive research and community development work experience in Albuquerque’s Historic Barelas Neighborhood where he focused on the implementation of community-based planning and economic development strategies, permanent affordable housing, impacts of revitalization and gentrification on low-income communities, New Mexican identity, space and place, and cultural citizenship. His work with New Mexico Communities both as a community organizer and as Assistant Director, mean his new position as Co-Director will build on his incredible MainStreet work and benefit our communities in meaningful ways as his role grows. New Mexico MainStreet is excited about the development of the program under his leadership.
IN MEMORIAM

PORTALES MOURNS THE LOSS OF MAYOR SHARON KING

Portales Mayor Sharon Lora King, 64, passed away on Thursday, March 1, 2018, in Lubbock, TX, after a 4½-year battle with multiple myeloma.

Memorial services were held on March 9, 2018, at the First United Methodist Church in Portales.

Sharon was born on December 23, 1953, in Downey, California. While their little family moved around in her toddler years, they soon settled back into Portales near family.

During her school years, Sharon began her community service work that would eventually become the culmination of her life. She grew up in restaurants that her family managed and owned, including King’s Restaurant, remembered by many locals. Her mother was a longtime Campfire leader, and Sharon was active in all the levels of membership: Bluebirds, Campfire Girls, and Horizon Club.

Sharon graduated from Portales High School in 1971. She worked at Portales General Hospital for several years in medical records, before beginning her work at Eastern New Mexico University in Grants and Contracts. Her responsibilities at Eastern included teaching a freshman orientation class, which gave her a much-appreciated opportunity to work with students, hear their points of view, and be a part of their education. At the time of her retirement from Eastern, she was executive assistant to the president.

An active community member for her entire life, she was involved in many organization. She was a member of Altrusa, and was the past president of Rotary Club, also serving as a counselor for the Rotary Youth Leadership Award Camp. She was a lifelong member and lay leader of First United Methodist Church.

After retiring from Eastern, Sharon began her formal work for the city of Portales as the director of the Roosevelt County Chamber of Commerce. In 2010, Sharon was elected as the first female mayor of Portales, and also began a cherished friendship with Clovis’ first female mayor, Gayla Brumfield, the woman who would walk through the next eight years with her.

Sharon loved being mayor of Portales, and worked hard for her city, regularly speaking to schools, organizing employee functions, issuing countless proclamations, studying water issues, and becoming an advocate for the Ute water project.

She was appointed to the Eastern New Mexico Water Utility Authority as vice chair, and traveled several times to Washington, D.C., to lobby on behalf of the Ute Water project and for Cannon Air Force Base. She was an honorary wing commander at Cannon, and enjoyed telling the story of going up in a CV-22 and spending a day at the Melrose bombing range. Her membership on the board of the New Mexico Municipal League took her frequently to Albuquerque and Santa Fe.

Sharon traveled extensively in Europe and across the United States throughout her life, both for fun and business, including trips to Washington, DC, New York City, and Connecticut, and concerts in Portland, San Diego, Albuquerque and other points in between. She also memorably shared a sky dive with her mother in honor of her 80th birthday.

Sharon was preceded in death by her parents, Bo and Frankye King. She is survived by a brother and sister-in-law, Clayton “Herkie” and Kathy King, of Tecumseh, MO; a niece and husband, Christa and Kris Vaudrey, and their daughters, Iris and Gracie, all of Las Cruces, NM; a nephew and wife, Jarrod and Jennifer King, and their children, Jonah, Julianne, and Jensen, all of Sebring, FL; and many cousins on both sides of her family.

She is loved by countless friends, both new and old, as well as her public service colleagues and her community members.

To honor Sharon, family and friends ask that you consider supporting one of her favorite charities—the Multiple Myeloma Research Foundation, 383 Main Avenue, #5, Norwalk, CT, 06851-1586, or the Food Bank of Eastern New Mexico, 2217 E. Brady, Clovis, NM 88101—or make a donation to your favorite charity in her name.
**SUPREME COURT TO DECIDE BILLION DOLLAR SALES TAX CASE**

By: Lisa Soronen, State and Local Legal Center, Washington, D.C.

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The State and Local Legal Center (SLLC) files Supreme Court amicus curiae briefs on behalf of the Big Seven national organizations representing state and local governments.

In November 2017 a Government Accountability Office report estimated that states and local governments could “gain from about $8 billion to about $13 billion in 2017 if states were given authority to require sales tax collection from all remote sellers.”

In January 2018 the Supreme Court agreed to decide South Dakota v. Wayfair. In this case South Dakota is asking the Supreme Court to rule that states and local governments may require retailers with no in-state physical presence to collect sales tax.

This case is huge news for states and local governments. This article describes how we got here and why it is likely South Dakota will win.

In 1967 in National Bellas Hess v. Department of Revenue of Illinois, the Supreme Court held that per its Commerce Clause jurisprudence, states and local governments cannot require businesses to collect sales tax unless the business has a physical presence in the state.

Twenty-five years later in Quill v. North Dakota (1992), the Supreme Court reaffirmed the physical presence requirement but admitted that “contemporary Commerce Clause jurisprudence might not dictate the same result” as the Court had reached in Bellas Hess.

Customers buying from remote sellers still owe sales tax but they rarely pay it when the remote seller does not collect it. Congress has the authority to overrule Bellas Hess and Quill but has thus far not done so.

To improve sales tax collection, in 2010 Colorado began requiring remote sellers to inform Colorado purchasers annually of their purchases and send the same information to the Colorado Department of Revenue. The Direct Marketing Association sued Colorado in federal court claiming that the notice and reporting requirements were unconstitutional under Quill. The issue the Supreme Court decided in Direct Marketing Association v. Brohl (2014), was whether the Tax Injunction Act barred a federal court from deciding this case. The Supreme Court held it did not.

The State and Local Legal Center (SLLC) filed an amicus brief in Direct Marketing Association v. Brohl describing the devastating economic impact of Quill on states and local governments. Justice Kennedy wrote a concurring opinion stating that the “legal system should find an appropriate case for this Court to reexamine Quill.” Justice Kennedy criticized Quill for many of the same reasons the SLLC stated in its amicus brief. Specifically, internet sales have risen astronomically since 1992 and states and local governments have been unable to collect most taxes due on sales from out-of-state vendors.

Following the Kennedy opinion a number of state legislatures passed laws requiring remote vendors to collect sales tax in clear violation of Quill. South Dakota’s law was the first ready for Supreme Court review.

In September 2017 South Dakota’s highest state court ruled that the South Dakota law is unconstitutional because it clearly violates Quill and it is up to the U.S. Supreme Court to overrule Quill. In October 2017 South Dakota filed a certiorari petition asking the Supreme Court to hear its case and overrule Quill. The

*Continued on page 27*
WASHINGTON — March 22, 2018 — The House and Senate have reached a deal on the omnibus appropriations bill (H.R. 1625), a $1.3 trillion spending proposal that maintains or increases funding for key programs that cities use to fund infrastructure, economic development and public safety, among others. The bill comes after more than 1,000 city leaders lobbied Congress over the past year to save Community Development Block Grants (CDBG), TIGER grants, workforce development and education programs, and energy efficiency and renewable energy programs.

“The spending bill before Congress shows that our federal partners have heard the thousands of city leaders urging them to reject the severe budget cuts proposed by the administration and that were required under sequestration,” said NLC President Mark Stodola, mayor of Little Rock, Arkansas. “This bill makes clear that city leaders are part of the solution to our country’s greatest challenges. It’s a victory not only for America’s 19,000 cities, towns and villages, but for the more than 250 million residents that rely on safe and reliable infrastructure and strong local economies that contribute 91 percent of the nation’s GDP.”

The bill also includes additional funding for water infrastructure through the U.S. Environmental Protection Agency, including for lead testing and lead reduction in schools, which NLC has been calling for in its Rebuild.
With Us infrastructure campaign. NLC also supports the bill’s reauthorization of the brownfields redevelopment program, which helps cities clean up contaminated properties, the expansion of Low-Income Housing Tax Credits to make up for losses in affordable housing stemming from tax reform, and the extension of the National Flood Insurance Program until July 31, 2018.

For specific funding level changes, please click here. Selected provisions from the bill include:

**CDBG:** First meaningful increase since 2010, from $3 billion to $3.3 billion

**Transportation Investment Generating Economic Recovery (TIGER):** Increased by $1 billion

**Airport Discretionary Grants Targeting Small and Rural Airports:** Increased by $1 billion

**Clean Water and Drinking Water State Revolving Loan Funds:** Increased by $300 million each

**Transit Infrastructure Grants:** Increased by $834 million (including $400 million to help communities modernize their bus systems and $400 million for capital assistance to transit systems)

**Rural Broadband Infrastructure:** $600 million in new funds

**State and Local Law Enforcement Grants:** Increased by $1.2 billion for a total of $2.9 billion in 2018. This includes a total of $446.5 million, an increase of $299.5 million more than fiscal year 2017, in DOJ grant funding to help State and local communities respond to the opioid crisis.

**State Opioid Response Grants:** $1 billion in new funding for grants to states to address the opioid crisis (this funding is in addition to the $500 million provided in the 21st Century Cures Act)

**National Pre-disaster Mitigation Fund:** Pre-disaster mitigation funding increased from $149 million to $249 million to build infrastructure that prevents loss of life and mitigates risks, reduces damage from future disasters, and lowers flood insurance premiums.

**HUD-VA Supportive Housing (HUD-VASH) Vouchers:** Increase funding of $40 million for new vouchers, while also protecting VA resources providing case management for homeless veterans.

The National League of Cities (NLC) is dedicated to helping city leaders build better communities. NLC is a resource and advocate for 19,000 cities, towns and villages, representing more than 218 million Americans. http://www.nlc.org/
Several members of the New Mexico delegation to the 2018 National League of Cities’ Congress of Cities conference held in Washington, D.C. had an opportunity to meet with Senator Tom Udall in his office during the Conference (photos at left). They also received a briefing from an assistant to Representative Ben Ray Lujan (right photos).
Las Cruces City Manager Stuart C. Ed took an extensive tour of the Mesilla Valley Community of Hope (MVCOH) on March 6, for an update on how the MVCOH addresses homelessness and poverty in Las Cruces and Doña Ana County. The MVCOH is comprised of five non-profits, co-located on a 7.3-acre campus within the city limits:

- Mesilla Valley Community of Hope
- El Caldito Soup Kitchen
- Jardin De Los Niños Homeless Child Care Facility
- St. Luke’s Healthcare Clinic
- Casa De Peregrinos Food Pantry

The City of Las Cruces provides $183,145 in financial support annually.

Last fiscal year the combined agencies on the MVCOH campus provided the following services: El Caldito Soup Kitchen served 85,000 meals, MVCOH helped 2,606 people experiencing homelessness and provided housing services for 552 people, including 142 children. Among those served were 329 military veterans. St. Luke’s averaged 5,000 health care clinic visits. Jardin de los Ninos met the special needs of homeless and near-homeless infants, toddlers, preschoolers and after-school children and their families; 738 children, 156 siblings (ages 6-18) and 520 parents. Camp Hope, a small tent city on the campus, housed nearly 200 people.

“You can study the reports but until you walk the campus, meet the staff and clients and witness the whole operation first-hand, you don’t get a full appreciation of all the outstanding work that is done at the Community of Hope and the people who benefit from those life-enhancing services,” Ed said.

The City of Las Cruces owns the facilities and provides primary maintenance at the MVCOH, with volunteers contributing minor upkeep.

The MVCOH is at 999 W. Amador Avenue.
PNM WARNS OF AGGRESSIVE SCAM TARGETING BUSINESS CUSTOMERS

IMPOSTERS THREATEN TO SHUT OFF POWER UNLESS CUSTOMERS PAY

PNM is receiving reports from business customers that people claiming to be with PNM are threatening to disconnect their electricity unless a payment is made. Some ask for payments made by pre-paid gift card, PayPal donation, or credit card over the phone. PNM has received more than 300 scam reports from business customers in the last two weeks. Scammers are primarily targeting businesses in Albuquerque, Rio Rancho, and Santa Fe, but reports have been received throughout New Mexico for both residential and business customers.

Some scammers have figured out a way to add a false PNM caller ID name appear and have similar recorded on-hold messaging when customers call the number back. Often times, they target customers on Fridays, threatening disconnection of service over the weekend unless they pay within a small window of time, leaving customers to panic and often pay up, even when all the signs of a scam are present. However, PNM does not disconnect on weekends or holidays.

“Unfortunately, this is not a new scam against utility customers across the country and imposters are more sophisticated than ever,” said Becky Teague, Vice President of PNM External Affairs. “But there are things customers can do to recognize these scams and to protect themselves from falling victim to it.”

It is helpful if customers jot down any details, such as the name, the number on the caller ID, and the specifics of the request, and then report it to PNM at 888-DIAL-PNM. Customers should also contact local law enforcement if they feel like their safety is at risk or if they are a victim of fraud.

Beware Phone Scams

We continue to get reports that phone scammers are calling customers trying to get money.

Things to keep in mind:

• Check your bill. If you have not received a bold disconnect notice on page 1, it’s a scam.

• PNM does sometimes make calls to customers who are past due, but scammers have no way of knowing who those customers are.

• If you are asked to purchase pre-paid gift cards, it is a scam.

• If you are ever uncertain a caller is from PNM, hang up and call PNM at 1-888-DIAL-PNM (1-888-342-5766).
Walk the building exterior regularly.
- Walking the building perimeter, even if fenced, will help you identify developing situations: bent/damaged fence components from persons climbing over, damaged building sidewalls where attempts have been made to enter the building, stolen materials staged for later removal, a ladder used for off-hours building access, or vagrant campsites.
- Promptly remove graffiti. Graffiti might be tagging of your property by gangs and should be painted over quickly. Graffiti artists are typically proud of their work; painting over it, even if you have to do it twice, will encourage them to display their art skills elsewhere.

Minimize exterior storage.
- Sometimes it’s not the real value of items stored outside but their apparent value. In their attempts to steal, thieves can create far greater damage than the actual value of the stolen materials.

Correct exterior lighting.
- To be effective, security lighting should be directed away from the building, not illuminating the building itself.
- Outfacing floodlights naturally draw attention to the lighting, not the building.
- Floodlights directed at the building can attract graffiti artists.
- Thieves will use vehicles to block yard floodlights.
- Building-mounted, outfacing floodlights are more difficult to disable.

What additional protection measures should be taken for vacant buildings?
1. Maintain all critical building systems, such as automatic fire sprinklers, smoke and fire detectors, burglar alarms, and off-premises systems monitoring (central station).
2. Maintain the heat in the building, if protected by a wet-pipe automatic fire sprinkler system, at no less than 40°F.
3. Maintain interior and exterior lighting.
4. Continue landscaping and grounds maintenance.

5. Promptly repair any vandalism or weather damage to the building.
6. If the building is located in a developed area, consider offering use of the parking lot to nearby companies, maintaining an appearance of occupancy.
7. Clean, sanitize, and protect all manufacturing or processing machinery that will remain in the building.
8. Bring all non-building systems to a zero energy state—disconnect electrical, water, and air systems to any manufacturing or processing equipment that will remain in the building.
9. Remove all flammable liquids and chemicals from the building.
10. If equipment or systems will remain visible in the building, consider covering or blocking the windows.
11. Advise local law enforcement, requesting attention to the building.
12. Advise the local fire department of the discontinuation of operations, with fire protection systems remaining active.
13. Depending on the size and value of the building, a daily, weekly, or biweekly walk-through should be made. The entire interior of the building should be walked and the exterior perimeter at least observed. This is the only way to identify vagrant occupancy, water leaks, indications of attempted break-ins, and other indications of actual or attempted theft. Thieves will sometimes test a building - making access to gauge the response. If there is no response or prompt discovery, they will know that an “at their leisure” gutting of the building is possible.
14. If the building values warrant and the anticipated period of vacancy will be extensive, the installation of temporary fencing could be beneficial in protecting the building and grounds. Taking the right steps to maintain your vacant building can save you money in the long run.
SLLC filed an amicus brief supporting South Dakota’s petition. The Supreme Court ultimately agreed to decide the case.

It seems likely the Supreme Court will rule in favor of South Dakota and overturn Quill for a number of reasons. It is unlikely the Supreme Court accepted this case to congratulate the South Dakota Supreme Court on correctly ruling that South Dakota’s law is unconstitutional. Said another way, if the Supreme Court wanted to leave the Quill rule in place it probably would have simply refused to hear South Dakota v. Wayfair.

It is easy to count at least three votes in favor of South Dakota in this case. First, Justice Kennedy of course. Second, Justice Thomas. While he voted against North Dakota in Quill he has since entirely rejected the concept of the dormant Commerce Clause, on which the Quill decisions rests. Third, Justice Gorsuch. The Tenth Circuit ultimately decided Direct Marketing Association v. Brohl ruling that Colorado’s notice and reporting law didn’t violate Quill. Then-judge Gorsuch wrote a concurring opinion strongly implying that given the opportunity the Supreme Court should overrule Quill.

That said, the Supreme Court, and the Roberts Court in particular, is generally reticent about over-turning precedent. The Quill decision illustrates as much. The Supreme Court looks at five factors in determining whether to overrule a case. One factors is whether a rule has proven “unworkable” and/or “outdated . . . after being ‘tested by experience.’” This factor weighs strongly in favor of overturning Quill. As Justice Kennedy pointed out in Direct Marketing Association v. Brohl: “When the Court decided Quill, mail order sales in the United States totaled $180 billion. But in 1992, the Internet was in its infancy. By 2008, e-commerce sales alone totaled $3.16 trillion per year in the United States.”

The Court will hold oral argument in this case in April meaning it will issue an opinion by the end of June 2018.
Our Town: Red River
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River Ranger Activity Booklet and receive a certificate and special recognition. Different hikes are offered for all ages and all abilities every week. From Sunday church services, boat building, line dancing, movies and s'mores around the campfire there is always something going on. The Community House also carries on the tradition of square dancing by hosting several festivals during the summer and fall.

Red River Ski and Summer Area is a popular winter attraction. RRSA has excelled this winter when Mother Nature did not provide its usual Northern New Mexico snow bounty. The snowmakers at Red River had more runs open earlier than anyone else in the state, and great skiing and boarding conditions well into spring. The ski area is not the only excitement in this little town in the winter months. For those who want to explore on machines, Red River has several snowmobile rental shops offering tours of the high country. The Enchanted Forest Cross Country Area has cross country skiing, snowshoeing and even Yurts to sleep in after a long day on the snow.

Some come for the party, some come for the mountains and forests, most come for all of it. And there is so much! The Town of Red River has completed a three-part river restoration, begun in 2006, to provide bank stabilization and improved habitat for the trout the Red River is famous for. Both the river and town ponds are stocked throughout summer and fall to give every angler a great experience. Red River was the first municipality in New Mexico to enact an off-highway vehicle (OHV) ordinance that allows for OHV travel on town roads and facilitates easier access from campgrounds and lodging to the trailheads. Red River Ski & Summer Area offers young and old The Hidden Treasure Aerial Ropes Course challenge, the Pioneer Flyer zipline, summer tubing (an exciting ride down the mountain) and the summer scenic chairlift ride, with breathtaking views of the Latir Wilderness Area and the town of Red River spread out below you. Our Main Street offers a bounty of shops and restaurants and nightlife that features world class music most nights throughout the year.

Life in a small town must go on, even while entertaining our guests. A ten-year project enacting a proposed land conveyance from the Forest Service will enable us to improve not just our park system, but our infrastructure as well. A vibrant and active Park Committee is in the final stage of a Park Proposal that will rejuvenate the park system for the community and guests alike. Legislative funding has enabled the town to upgrade our Waste Water Treatment Plant, replace water meters and fire hydrants. CDBG funding has helped Red River develop and rehab one of our water wells and upgrade our wastewater system. We successfully passed a $2.08 million dollar GO Bond and are now working with USDA to leverage those dollars to continue to make major improvement to our water and wastewater systems. The town has utilized MAP and COOP grants for street and sidewalk improvements and there are many more infrastructure projects scheduled for 2018/19.

We are very proud of our Fire and EMS Departments. Each spring we host a Wildland Training and in the fall we host an Enchanted Circle Regional Fire Association structure fire Mini Academy. This valuable training gives our area firefighters a chance to keep their skills and certifications current. We also held our annual EMS Conference in September. This past September we had over 150 participants and presenters.

Red River is a town with a year-round population of 480, but a town that hosts 350,000 visitors yearly. The town successfully negotiates the challenges associated with this disparity with a talented group of municipal employees and a Tourism Department that promotes this treasure of a town with an award-winning website and constant contact with guests, residents and business owners.