



## **SUMMARY OF REVISIONS**

### **2021-2022 Statement of Municipal Policy**

1.1.01 - added a footnote to include the definition of "urbanized territory."

1.1.07 - added legal citations for the Art in Public Places Act.

1.2.02 - added legal citations for the Inspection of Public Records Act.

1.2.07 - no revisions, but I added a comment regarding two pieces of legislation passed last year (HB 10 and SB 93). HB 10 established the Connect New Mexico fund and the Connect New Mexico Council. SB 93 established the Office of Broadband Access and Expansion.

2.3.06 - no substantive changes, but I have an issue of concern with regard to the following sentence: "Where duties subject personnel to possible exposure to contagion, municipalities should also provide current inoculations." This could be interpreted to include exposure to COVID-19. This is a policy decision, but I would remain cautious given the potential political implications.

2.5.00 - added "member-owned" for electric cooperatives.

2.6.01 - added legal citations for the Development Fees Act.

2.6.03 - added legal citations for the Public Works Minimum Wage Act.

3.1.10 - added parenthetical reflecting the current fee (3 cents per 1,000 gallons of water produced).

### **2021-2022 Annual Resolutions**

Resolution 1 - added language from NMSA 3-11-5, inserting the following after the word "election" - "by requiring confirmation of appointees by the local governing body at the 'organizational meeting.'"

Resolution 2 - deleted the following sentence from paragraph 6 - "Last year there were 16.7 million victims of identity fraud; the amount stolen approached \$17 billion dollars. Thirty percent of U.S. customers were notified of a data breach last year." I could not find any support for these statements, so I would recommend deleting them unless you can confirm that everything is accurate.

Resolution 4 - added language to paragraph 9 from Whistleblower Protection Act to mirror the language of the statute - "discriminatory or adverse employment action against a public employee in the terms and conditions of public employment."

Resolution 6 - revised statute cited (making it 13-1-30.1 instead of 13-2-30.1).

Resolution 7 – revised language to modernize and equitize the description of changes to the Municipal Court Automation Fee.

Resolution 9 – added new paragraph 4 and changed the date in paragraph 8 from November 3, 2020 to November 8, 2022.

Resolution 16 - revised language of paragraph 1 to state that stormwater is not currently "included in the definition of 'municipal utility' under New Mexico law."

Resolution 23 - added language to paragraph 1 noting that the RPS was set forth in the Energy Transition Act and changing the phrase " zero carbon electricity" to the phrase "zero carbon emissions."

Resolution 36 - added language to paragraph 2 to mirror the language expressed in HJM 17 (2011) - including the following after the word "intervention" - "and reducing the number of people with mental health disorders in detention centers."

Resolution 38 - revised the language of paragraph 3 ' "Those individuals are not under any restriction from purchasing firearms even when exhibiting an unstable condition or experiencing an episode of immediate crisis."

Resolution 41 - I would recommend striking this Resolution entirely. The proposed definitions could be used by plaintiff's lawyers to bring potential tort claims against a Police Department under principles of agency law. For example, based on the proposed definitions, a plaintiff can bring the following claims against a Police Department under a theory that the "reserve officer" was acting as an agent of the Department: (1) insufficient training or direction; (2) negligent supervision; (3) negligence. These definitions may also facilitate potential employment related claims (and requirements set forth by HB 20).

Resolution 42 - revised paragraph 2 to read as follows: "Whereas, emotions are running high and politically expedient measures are being taken and policy is being developed and implemented without sufficient input from all stakeholders."

We also made a number of minor, non-substantive revisions to both documents to correct typos and to ensure consistency of defined terms.