



**1999-2000  
PUBLIC  
SAFETY  
RESOLUTIONS**

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**RESOLUTION NO. 1999-36**

**CONCERNING THE FIRE PROTECTION FUND**

**Whereas**, the state legislative purpose of the Fire Protection Fund is to provide for distribution of funds "to incorporated cities, towns and villages, and to county fire districts, in proportion to their respective needs, for the use in operation, maintenance and betterment of local fire departments to the end that the hazards of loss by fire and fire insurance rates may be reduced and public safety thereby promoted;" and

**Whereas**, to many of the 356 State-recognized fire departments, this funding represents their sole source of operating money; and

**Whereas**, notwithstanding a 1998 increase in the annual distribution to fire departments from the Fire Protection Fund, a need still exists for a capital project fund, and hazardous materials response funding; and

**Whereas**, because of financial limitations, a majority of the departments, especially small municipal and county departments, are unable to support any capital projects, including basic fire apparatus and equipment, apparatus repairs, fire station construction or expansion and hazardous materials response.

**Now, Therefore, Be It Resolved** that the League supports legislation to establish an annual Fire Protection Fund Grant Program and a Hazardous Materials Response Grant Program, utilizing an additional percentage from the Fire Protection Fund, to allow departments with a demonstrated need an opportunity to apply for additional funding, specific to the department's needs.

**Passed, Approved and Adopted** this 2<sup>nd</sup> day of September, 1999 at the City of Albuquerque, New Mexico.

**RESOLUTION NO. 1999-37**

**CONCERNING MUNICIPAL REGULATION OF RECKLESS DRIVING AND  
DRIVING WHILE INTOXICATED ON PRIVATE PROPERTY**

**Whereas**, the state Traffic Code provides for enforcement of the reckless driving and driving while intoxicated laws on the streets and highways and elsewhere within the state, including on private property; and

**Whereas**, Section 3-49-1, NMSA 1978, prohibits municipalities from regulating speed and traffic conditions on private property, such as shopping center parking lots without the written consent of the landowner; and

**Whereas**, the New Mexico Court of Appeals has ruled that the term "regulating speed and traffic conditions" in Section 3-49-1 includes reckless driving and driving while intoxicated ordinances; and

**Whereas**, municipalities may no longer enforce such ordinances without the consent of the landowner, which consent may not be granted.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League seek legislation to amend Section 3-49-1 to delete the property owner consent requirement, thereby granting municipalities the same powers as the State in enforcing reckless driving and driving while intoxicated ordinances to include private property, public and private easements, and private roads open to public access, or regularly used by the public.

**Passed, Approved and Adopted** this 2<sup>nd</sup> day of September, 1999 at the City of Albuquerque, New Mexico.

**RESOLUTION NO. 1999-38**

**CONCERNING SUPPORT OF HATE CRIMES LEGISLATION**

**Whereas**, the New Mexico Municipal League is in the strongest opposition to any crime against persons or property which is motivated by hatred based on race, creed, gender, national origin, color, ethnicity, sexual orientation, age, disability, or any other characteristic which is intrinsic to the being of an individual person or group of persons; and

**Whereas**, the Municipal League affirms the dignity and right of all people to live in peace, and finds crimes based on prejudice and hatred to be offensive and intolerable in a community of civilized persons; and

**Whereas**, incidents of various kinds of hate crimes have been committed in communities in New Mexico; and

**Whereas**, legislation providing additional penalties for crimes committed because of hate or bias has been introduced and passed the State legislature but has been vetoed.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League supports legislation to enhance penalties for crimes motivated by hate and bias.

**Be It Further Resolved** that the Municipal League urges the Governor of the State of New Mexico to sign such a bill, if it is passed by the New Mexico legislature.

**Passed, Approved and Adopted** this 2<sup>nd</sup> day of September, 1999 at the City of Albuquerque, New Mexico.

**RESOLUTION NO. 1999-39**

**CONCERNING THE RETENTION OF THE LOCAL E-911 SURCHARGE**

**Whereas**, section 63-9D-6 authorizes local governments to recover from the E-911 network and database fund an amount necessary to recover the costs of purchasing, leasing, installing and maintaining equipment and the costs of developing and maintaining a network and database necessary to provide a 911 emergency system; and

**Whereas**, proposed technical changes in the delivery of E-911 service will result in substantial costs to local governments in order to maintain the system; and

**Whereas**, without the network and database surcharge, rural communities in New Mexico could not continue to provide the E-911 service; and

**Whereas**, a new, more powerful 911 router, around which the entire state 911 system is built, will be required by U.S. West and will impact local governments in their delivery of service including PSAP computer upgrades and conversion to digital networks, provision of alternate systems and back-up networks, nationwide telephone number portability, private branch exchange systems and alternative local exchange telephone service providers; and

**Whereas**, the E-911 program is important to our municipalities and one that needs to be kept up to date in order for it to be truly effective in delivering this vital service to our citizens.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League strongly urges the Legislature to retain the existing E-911 surcharge authorized for local governments in order to insure adequate funding for equipment replacement as well as technological components.

**Passed, Approved and Adopted** this 2<sup>nd</sup> day of September, 1999 at the City of Albuquerque, New Mexico.

**RESOLUTION NO. 1999-40**

**CONCERNING THE E-911 SURCHARGE STRUCTURE**

**Whereas**, the E-911 system was developed to provide citizens access to emergency services; and

**Whereas**, the E-911 system is used by wireless as well as wired telephone systems; and

**Whereas**, wireless users are not paying the E-911 surcharge thus placing the entire cost of the service on the users of wired telephone systems; and

**Whereas**, the exclusion of wireless systems from the payment of the E-911 surcharge creates an inequitable system of charges.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League urges the Legislature to include all telephone users in the payment of the E-911 service surcharge.

**Passed, Approved and Adopted** this 2<sup>nd</sup> day of September, 1999 at the City of Albuquerque, New Mexico.

## RESOLUTION NO. 1999-41

### CONCERNING LAW ENFORCEMENT ACADEMY EXPANSION

**Whereas**, the New Mexico Law Enforcement Academy has the responsibility to train and certify all New Mexico police officers; and

**Whereas**, the training requirements for law enforcement officers have exceeded the current available resources and class sizes and dormitory crowding have reached unacceptable levels; and

**Whereas**, the current facility is designed to house two students per room, the present programs often place four students per room and the demand for housing, dining, and training space will continue to increase in the future; and

**Whereas**, the usual backlog of applications for basic training is 40, and 1/3 of those entering do so in the last quarter of the one year grace period in which they are eligible for training; and

**Whereas**, inability of the Academy to train officers as quickly as the numbers demand results in liability exposure for municipalities; and

**Whereas**, continuing to provide quality, professional and timely basic and advanced training courses to municipal officers is essential to meeting the needs of each New Mexico municipality; and

**Whereas**, in 1993 the state legislature approved expenditure of \$1 million for the planning and design of an Academy expansion project and, in 1994, appropriated \$3.7 million to build Phase I of the expansion.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League supports adequate funding from the state legislature to complete Phase II of the New Mexico Law Enforcement Academy expansion project.

**Passed, Approved and Adopted** this 2<sup>nd</sup> day of September, 1999 at the City of Albuquerque, New Mexico.



**RESOLUTION NO. 1999-42**

**CONCERNING FUNDING FOR EDUCATION AND TRAINING  
OF EMERGENCY MEDICAL SERVICES PERSONNEL**

**Whereas**, emergency medical services personnel are first at the scene of illness or accident; and

**Whereas**, volunteers and paid emergency service providers are required to take classes and pass exams; and

**Whereas**, payment for these classes and for licensing/certification must be provided by individuals or by their Emergency Medical Services (EMS) departments; and

**Whereas**, volunteer EMS departments that do not transport patients, being unable to charge for patient care, are dependent on grants to pay for all education, training, equipment maintenance and supplies; and

**Whereas**, many individual volunteer emergency service providers must therefore assume much of the burden of paying "out of pocket" for the education and training that qualifies them to serve the public; and

**Whereas**, the EMS Fund Act, Section 24-10A-1 et. Seq. NMSA 1978, provides some annual funding to services, which funding has not been increased in six years, and which funding is not sufficient to pay for all necessary training and education for EMS personnel; and

**Whereas**, it is in the interest of the public health that emergency service providers have the best possible training and education.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League supports an increase to the EMS Fund that specifically targets services to support training, education and certification/licensing costs for all EMS personnel.

**Passed, Approved and Adopted** this 2<sup>nd</sup> day of September, 1999 at the City of Albuquerque, New Mexico.