



**2000-2001
PUBLIC
SAFETY
RESOLUTIONS**

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NMML PUBLIC SAFETY RESOLUTIONS

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RESOLUTION NO. 2000-40

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 departments needs.

Passed, Approved and Adopted this 31st day of August, 2000 at the City of Carlsbad, New Mexico.

RESOLUTION NO. 2000-41

**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 31st day of August, 2000 at the City of Carlsbad, New Mexico.

RESOLUTION NO. 2000-42

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 31st day of August, 2000 at the City of Carlsbad, New Mexico.

RESOLUTION NO. 2000-43

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 31st day of August, 2000 at the City of Carlsbad, New Mexico.

RESOLUTION NO. 2000-44

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 31st day of August, 2000 at the City of Carlsbad, New Mexico.

RESOLUTION NO. 2000-45

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 31st day of August, 2000 at the City of Carlsbad, New Mexico.

RESOLUTION NO. 2000-46

**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 31st day of August, 2000 at the City of Carlsbad, New Mexico.

RESOLUTION NO. 2000-47

**CONCERNING AMENDMENT OF THE FIREWORKS
LICENSING AND SAFETY ACT**

Whereas, Section 60-2C-1 et seq. NMSA 1978, cited as the “Fireworks Licensing and Safety Act” (“Act”) governs the sale and use of fireworks within New Mexico; and

Whereas, the Act authorizes and empowers the governing body of a municipality under certain circumstances to ban the sale and use of certain aerial and ground audible fireworks; and

Whereas, the Act authorizes and empowers the governing body of a municipality under certain circumstances to limit the use within its jurisdiction of other fireworks to only certain areas under certain conditions; and

Whereas, the Act authorizes and empowers the governing body of a municipality under certain circumstances to ban the use and sale of all fireworks within wildlands in its jurisdiction, under certain conditions; and

Whereas, the Act authorizes and empowers the governing body of a municipality under certain circumstances to ban or restrict the use or sale of display fireworks; and

Whereas, many areas of the State of New Mexico are experiencing extremely high fire danger due to long-term lack of rainfall, causing actual or threatened loss of life, property, and environment including in some cases watersheds for municipal water supplies; and

Whereas, all fireworks whether they are aerial, ground audible, or ground or hand-held sparkling and smoke devices, have the potential to cause life-, property-, and environment-threatening fire damage; and

Whereas, “wildlands” is not a defined term and is subject to widely varying interpretations.

Now, Therefore Be It Resolved that the New Mexico Municipal League supports legislation to amend the Fireworks Licensing and Safety Act to allow local governments, subject to the current statutory requirements regarding determination of extreme or severe drought conditions, to impose restrictions on the sale and use of fireworks within their corporate boundaries up to and including an absolute ban on the sale and use of any type of fireworks any place within the corporate boundaries.

Be It Further Resolved that the language in that Act relating to wildlands be deleted.

Passed, Approved and Adopted this 31st day of August, 2000 at the City of Carlsbad, New Mexico.

2000 PS Committee Priority: **MEDIUM**
2000 RESOLUTIONS Committee Priority: **HIGH**

RESOLUTION NO. 2000-48

CONCERNING SUPPORT OF LEGISLATION FOR THE USE OF PHOTO RADAR ENFORCEMENT AND RED LIGHT CAMERAS.

Whereas, “photo radar” is a system that combines a photograph of a vehicle and its driver with a record of speed checked by radio microwaves or other electrical device staffed during operation by a police officer; and

Whereas, “ Red Light Cameras” is a system that combines a photograph of a vehicle and its driver with a record of signal violations checked by radio microwaves or other electrical device staffed during operation by a police officer; and

Whereas, the use of photo radar and red light cameras may enable local governments to enforce speed and signal violations and improve safety in local communities; and

Whereas, these photo radar and red light cameras will modify driver behavior; and

Whereas, the use of photo radar and red light cameras could reduce accident rates, deaths, pain, suffering, permanent disabilities, inconvenience of lost income and property damage and decrease insurance rates; and

Whereas, it would benefit law enforcement by increasing traffic law compliance, reducing call outs and reporting which would give officers more time to patrol neighborhoods; and

Whereas, one speed camera has the impact of 19 additional traffic officers; and

Whereas, placing photo radar and red light cameras in certain areas could increase public and officer safety by reducing pursuits, confrontations and exposure to traffic; and

Whereas, speeding and signal violations by drivers of motor vehicles creates serious safety concerns in New Mexico’s local communities and is a frequently occurring driver error-related cause contributing to crashes; and

Whereas, this technology is used in over 70 countries; and

Whereas, after a statistical study in Mesa, Arizona accident rates were down 22%; in Portland, Oregon speed violations were down 30% after eight deployments; and in Tempe, Arizona school zone speed violations were down 50% in nine months; and

Whereas, current statutory language does not specifically enable the use of photo radar and red light cameras and such language is necessary for implementation; and

Whereas, program implementation would allow law enforcement agencies the opportunity to sell and re-energize traffic safety education to the public.

Now, Therefore, Be It Resolved that the New Mexico Municipal League supports the statutory revisions, which will enable implementation of photo radar and red light cameras within the state of New Mexico.

Passed, Approved and Adopted this 31st day of August, 2000 at the City of Carlsbad, New Mexico.