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2008-2009

PUBLIC

SAFETY

RESOLUTIONS

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RESOLUTION NO. 2008-46

**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 wild lands 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.

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 to impose restrictions on the sale and use of fireworks on all lands within their corporate boundaries and on lands owned by a municipality outside its boundaries up to and including an absolute ban on the sale and use of any type of fireworks any place within the corporate boundaries.

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-47

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 the deployment of photo radar and red light cameras 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 municipal boundaries.

Be It Further Resolved that municipalities should be allowed to retain all fines and fees resulting from photo enforcement to support the program.

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-48

**CONCERNING REIMBURSEMENT FOR LAW ENFORCEMENT
TRAINING AT SATELLITE ACADEMIES**

Whereas, New Mexico state law requires law enforcement officers to be trained and certified within one year of their hiring date and requires that the state provide its basic training at no cost to local public bodies; and

Whereas, in addition to the state Academy located in Santa Fe, eleven certified satellite academies are currently providing training in various regions of the state; and

Whereas, overcrowding at the state Academy in Santa Fe causes delays in the basic training schedule and impacts the quality of law enforcement training; and

Whereas, the regional locations of satellite academies enables them to provide convenient service in a more timely manner; and

Whereas, the state pays the basic training costs for municipal cadets who attend the Academy in Santa Fe but does not reimburse municipalities for basic training their officers receive at satellite academies; and

Whereas, this inequity causes financial hardship on those municipalities that train their officers at satellite academies.

Now, Therefore, Be It Resolved that the New Mexico Municipal League supports legislation to require the state to reimburse municipalities for the costs of basic training for officers attending satellite academies.

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-49

CONCERNING OPPOSITION TO PROPOSED FEDERAL LEGISLATION CALLING FOR STATE AND LOCAL POLICE TO ENFORCE FEDERAL CIVIL IMMIGRATION LAWS

Whereas, the New Mexico Municipal League (NMML) strongly denounces terrorism and acknowledges that federal, state and local governments should protect the public from terrorist attacks in a rational and deliberate manner to ensure that security measures enhance public safety without violating the constitutional rights and infringing upon the civil liberties of its residents; and

Whereas, the NMML considers police the real experts in ensuring public safety and recognizes that local and state police in New Mexico have diligently responded to new homeland security mandates; and

Whereas, on July 9, 2003, Representative Charles Norwood (R-GA) introduced the Clear Law Enforcement for Criminal Alien Removal Act of 2003 (CLEAR Act), H.R. 2671 and on November 20, 2003, Senator Jeff Sessions (R-AL) introduced a similar measure entitled the Homeland Security Enhancement Act of 2003 (HSEA); and

Whereas, the CLEAR Act and HSEA will require local and state police to add federal civil immigration law enforcement to their already long list of duties or risk the loss of federal funding; and

Whereas, the enforcement of federal civil immigration law will distract local and state law enforcement from their primary mission of ensuring public safety and preventing crime in our community by having them focus on the apprehension of illegal immigrants instead of criminals and by adding burdensome paperwork and reporting requirements; and

Whereas, local law enforcement already has the authority to arrest anyone, regardless of immigration status, who commits a crime and threatens the public safety of our community; and

Whereas, the enactment of the CLEAR Act and the HSEA would undermine community policing and create an atmosphere where immigrants begin to see local police as federal immigration enforcement agents with the power to deport them or their family members, making them less likely to approach local law enforcement with information on crimes or suspicious activity; and

Whereas, the CLEAR Act and HSEA will lead to the misapplication of complex and technical immigration laws because local police will not be guaranteed the seventeen weeks of immigration law training required of federal enforcement agents; and

Whereas, New Mexico has enacted legislation to increase public and road safety that allows qualified applicants, regardless of immigration status, to obtain a driver's license and the enactment of HSEA would penalize any state which issues such licenses by withholding federal highway safety funds; and

Whereas, the CLEAR ACT and HSEA will endanger the lives of immigrant victims of crime by undermining the Violence Against Women Act (VAWA) and the Victims of Trafficking and Violence Prevention Act, both enacted by the federal government to provide them with particular protections; and

Whereas, many immigrant victims of crime are unlikely to report the crime to law enforcement if they believe that seeking police protection will result in deportation and ultimately in losing custody of their children; and

Whereas, enforcement of the CLEAR Act and HSEA invites racial profiling and other infringements on civil rights and liberties guaranteed under the United States Constitution of those individuals who speak languages other than English, appear to be of certain ethnic background or speak English with an accent; and

Whereas, the CLEAR Act and HSEA set a dangerous precedent of enforcement of federal law by local and state law enforcement; and

Whereas, immigrant communities play a vital role in the economic and cultural landscape of New Mexico and precaution must be taken to ensure that our laws do not insinuate that all immigrants are suspected terrorists; and

Whereas, over 56 ordinances, police directives, resolutions, and policies nationwide protect immigrants' access to police protection; and

Whereas, locally and nationwide there is a broad spectrum in opposition to the CLEAR Act and HSEA including law enforcement, elected officials and government associations, domestic violence prevention advocates, service providers, conservative thinkers, faith-based groups, civil rights, civil liberties, and human rights organizations, immigrant/refugee rights groups, labor unions, businesses, and financial service providers in addition to community members; and

Whereas, while the NMML supports the fight against terrorism at home and abroad, this goal cannot be reached by placing the unmanageable burden of enforcing federal civil immigration law on local and state law enforcement.

Now, Therefore, Be It Resolved that the New Mexico Municipal League opposes the enactment of the CLEAR Act and HSEA or compelling local law enforcement to enforce federal civil immigration laws; and

Be It Further Resolved that the New Mexico Municipal League reaffirms its commitment to civil rights and equal access to all municipal services including police protection regardless of immigration status.

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-50

CONCERNING THE ADOPTION OF APPROPRIATE PHYSICAL FITNESS STANDARDS FOR LAW ENFORCEMENT

Whereas, the New Mexico Law Enforcement Academy Board enforces the regulations and standards for qualifying law enforcement officers; and

Whereas, the current New Mexico standards, contained in the New Mexico Administrative Code, were taken from previous Cooper Institute “percentile” standards that are now outdated and pose problems if used as a mandatory standard for selection, training or maintenance; and

Whereas, the Cooper Institute has rejected its own “percentile” rankings since they do not predict the ability to do the job and do not demonstrate criterion validity; and

Whereas, with the required emphasis on job relatedness brought about by the Civil Rights Act of 1991 and the ADA, the age and gender based norms, as mandatory standards, are no longer recommended by the Cooper Institute; and

Whereas, according to Cooper, New Mexico’s fitness standards are age and gender adjusted thus conflicting with present law; and

Whereas, New Mexico Regulations are silent on any association between fitness standards and the jobs to which they must relate; and

Whereas, New Mexico makes no provision for certification reciprocity with other states in the matter of out-of-state peace officer hires; and

Whereas, forty-eight states have adopted new Standards – the ranges of which are found to be predictive of job performance.

Now, Therefore, Be It Resolved that the New Mexico Municipal League urge the State Law Enforcement Academy Board to adopt new Physical Fitness *Standards* for Law Enforcement.

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-51

CONCERNING GANG RELATED CRIME AND ACTIVITY IN NEW MEXICO

Whereas, New Mexico has a serious and growing gang problem that arises primarily from its geography and demographics; and

Whereas, the state has seen an increase in the number of hate groups, street gangs, prison gangs, outlaw motorcycle gangs, and their associated members, from the West Coast, Midwest, Mexico, Cuba, and neighboring states; and

Whereas, gangs instill fear, threaten our schools, children and homes, affect public safety, community image and quality of life issues in communities of every size throughout our state; and

Whereas, 2008 statistics show there are 324 validated gangs and 9,550 documented gang members in our state, representing an increase in number of gang members of 11% per year since 2002; and

Whereas, this steady increase is consistent with results of a recent New Mexico Statewide Gang Threat Assessment in which over 73% of law enforcement agencies reported New Mexico's gang problem to be either serious or very serious; and

Whereas, according to Uniform Crime Reporting data from 2006, New Mexico ranked 9th among states in violent crime rates which, in large part, can be attributed to criminal gang activity; and

Whereas, there is a need for standardized definitions of a gang, gang member, and gang crime; and

Whereas, if criminal justice professionals are to effectively work together and share gang-related intelligence across jurisdictions, it is imperative that they employ the same standards to determine what constitutes a gang, gang member, and gang crime; and

Whereas, gang-related legislation has been enacted in every state that borders New Mexico.

Now, Therefore, Be It Resolved that the New Mexico Municipal League supports legislation to reduce gang activity.

Be It Further Resolved that the New Mexico Municipal League supports legislation that will help reduce or eliminate the furtherance of criminal gang activity.

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-52

**CONCERNING ADMINISTRATIVE SUSPENSION OF
DRIVERS' LICENSES OF PERSONS DRIVING
UNDER THE INFLUENCE OF DRUGS**

Whereas, driving while under the influence of alcohol and drugs has been identified as a major problem in New Mexico over the past 20 years; and

Whereas, the Legislature has taken many steps to discourage drivers from engaging in this destructive activity; and

Whereas, statutory penalties, standards, and administrative sanctions for persons driving under the influence of alcohol have been established and increased over the years in order to deter impaired driving; and

Whereas, the State of New Mexico has no administrative remedy to suspend the driver's license of a person who is driving under the influence of drugs, due in large part to the absence of standards to determine the levels of drug impairment at which administrative action could be taken; and

Whereas, the effects of driving under the influence of drugs are as destructive and no less costly as the effects of driving under the influence of alcohol.

Now, Therefore Be It Resolved that the New Mexico Municipal League seeks, through whatever avenues are appropriate, the establishment of administrative standards and procedures to suspend the driver's license of any person found to have been driving under the influence of drugs.

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-53

CONCERNING SUPPORT OF ADDITIONAL LEGISLATION TO ATTACK THE GROWING METHAMPHETAMINE PROBLEM IN NEW MEXICO

Whereas, the dramatic increase in the manufacture and use of methamphetamine has been described by Senator Jim Talent of Missouri as “the single worst drug threat that any of us have confronted in our lifetime”; and

Whereas, the officials in the State of Minnesota report that 70-80% of the people in jail in that state are there for methamphetamine related crime; and

Whereas, in San Diego, tests reveal that over 35% of the men arrested in that city tested positive for methamphetamine in their system; and

Whereas, small children have been found at one-third of the methamphetamine labs raided by law enforcement officers; and

Whereas, forty-four (44) states have passed or are considering legislation relating to the manufacture and sale of methamphetamine; and

Whereas, Congress is currently considering the “Combat Meth Act” to provide a comprehensive federal response to the methamphetamine crisis; and

Whereas, in addition to legislation to control the sale, registration and distribution of pseudoephedrine and other methamphetamine precursors, additional legislation should be enacted to address other issues created by the methamphetamine epidemic.

Now, Therefore, Be It Resolved that the New Mexico Municipal League supports legislation that will:

1. Increase funding for regional drug task force agencies or local public agencies;
2. Increase requirements for bail alternatives for offenses including the manufacture, sale and distribution of methamphetamine;
3. Increase penalties for the manufacture, sale and distribution of methamphetamine;
4. Provide funding to reimburse state and local public safety agencies for the cost of dismantling and cleaning up methamphetamine labs; and
5. Establish a statewide “Meth Stopper” program patterned after the existing “Crime Stoppers” program.

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

2008 PS Committee Priority: **HIGH**

RESOLUTION NO. 2008-54

**CONCERNING DEVELOPMENT OF A STATE PLAN TO
DESIGNATE HAZARDOUS CARGO ROUTES**

Whereas, hazardous cargo is frequently transported via motor vehicles; and

Whereas, many highways in New Mexico run directly through our municipalities and communities; and

Whereas, the presence of hazardous cargo on the streets of a community presents a danger to its inhabitants; and

Whereas, emergency responders are better able to assess risks to the community and respond to dangers if they have an idea that hazardous cargo may be involved in an accident; and

Whereas, the United States has developed regulations that allow the states to designate the routes upon which hazardous cargo may travel; and

Whereas, the municipalities and communities in New Mexico are vitally interested in obtaining protections afforded by hazardous cargo routes; and

Whereas, the establishment of hazardous cargo routes would also benefit those who transport hazardous cargo by directing them toward roads most suited for their loads.

Now, Therefore, Be It Resolved that the New Mexico Municipal League urges the State to enact legislation authorizing establishment of hazardous cargo routes according to Federal regulations to increase the safety of the State's communities; and

Be It Further Resolved that municipalities and the State work together in the State's development and implementation of a plan to designate hazardous cargo routes.

Be It Further Resolved that funding be provided to reimburse municipal HazMat teams and other responders for costs incurred responding to HazMat incidents on state highways.

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-55

CONCERNING THE EMS FUND ACT

Whereas, Emergency Medical Services is the only health care that is universally available to all of New Mexico's 1.9 million residents regardless of ability to pay; and

Whereas, pre-hospital treatment and transport by volunteer and paid emergency medical responders are the two most crucial components of emergency medical care; and

Whereas, the citizens demand and deserve an increasing level of care, however funding for the training and necessary equipment is not available; and

Whereas, emergency medical services that provide first response, such as fire departments, are not eligible to charge for response or treatment; and

Whereas, the costs of providing healthcare, whether hospital, clinic, or pre-hospital based, continue to rise, while funding, including reimbursement from fees charged, continue to decline; and

Whereas, future access to this essential care will be dependent on adequate funding to ensure the best pre-hospital care is delivered through the providing of training, equipment, resources, medical direction, technical assistance, and quality improvement; and

Whereas, EMS in New Mexico has continued to progress at a pace comparable to most states, however, future growth and reduction of morbidity and mortality is being greatly impeded by cuts in federal and state funding; and

Whereas, the current level of funding provided by the EMS Fund Act only provides approximately one-third of the amount that is requested from New Mexico EMS services; and

Whereas, the current funding levels and projected future cuts will prevent the future growth of EMS, and the decrease in providers and services will result in an increase in morbidity and mortality; and

Whereas, EMS in New Mexico must have solid financial resources if they are to continue providing critical services in a consistent and reliable manner.

Now, Therefore, Be It Resolved that the New Mexico Municipal League seeks an increase to the EMS Fund Act for use by EMS in the State of New Mexico; and

Be It Further Resolved, that the existing funding formula will continue to be used, but the funding base amount and maximum allowable fund award be raised to accommodate the increasing costs of providing pre-hospital services.

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

2008 PS Committee Priority: **HIGH**

RESOLUTION NO. 2008-56

CONCERNING THE LAW ENFORCEMENT PROTECTION FUND

Whereas, the Law Enforcement Protection Fund (LEPF) is a state dedicated fund from which annual distributions are made to municipal, county, tribal and university police departments; and

Whereas, two distributions are made to municipal departments, one on a rating using the population class of the municipality as the basis, and the second based on an amount per full-time certified officer; and

Whereas, the LEPF monies may be used for equipment, advanced training, matching funds for federal grants, and up to 50% of replacement salaries for officers attending basic training; and

Whereas, costs of equipment and training continue to increase and new technologies are necessary to continue to provide quality service and protection; and

Whereas, the number of demands and responsibilities placed on law enforcement continues to increase while most departments are functioning at less than their full quota of officers; and

Whereas, available federal monies and grants to police agencies have all but disappeared; and

Whereas, the current LEPF distributions from the State are \$20,000, \$30,000 and \$40,000 annually based on population and \$600 per officer; and

Whereas, LEPF distributions have not been increased since 2000.

Now, Therefore, Be It Resolved that the New Mexico Municipal League seeks legislation to increase the distributions from the Law Enforcement Protection Fund to a level that is sufficient for law enforcement needs.

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-57

**CONCERNING REGISTERED SEX OFFENDERS LIVING OR MEETING
IN CLOSE PROXIMITY TO SCHOOLS, PARKS
AND OTHER PUBLIC FACILITIES**

Whereas, the New Mexico Sex Offenders Registration and Notification Act (SORNA), NMSA 29-11A-1 et seq., requires convicted sex offenders to register with the sheriff of the county where the offender is currently residing; and

Whereas, an analysis of the sex offender registration list shows that a large number of New Mexico registered offenders live nearby elementary schools, neighborhood parks and other places frequented by young children; and

Whereas, SORNA does not address the issue of offenders living or holding meetings near these facilities.

Now, Therefore Be It Resolved that the New Mexico Municipal League supports passage of an amendment to New Mexico's Sex Offender Registration and Notification Act addressing the subject of registered offenders living or meeting in close proximity to schools, parks or other public facilities frequented by children.

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-58

CONCERNING DFA REGULATIONS ON PUBLIC SAFETY ANSWERING POINTS (PSAPs)

Whereas, municipalities, counties, tribes and other local governments are charged with providing for the safety and welfare of the citizens of New Mexico; and

Whereas, calls for emergency response to public safety, fire, ambulance and other emergency concerns are answered at Public Safety Answering Points; and

Whereas, personnel at the Public Safety Answering Points dispatch appropriate responders to deal with requests and serve to facilitate communication between the responders and those in need; and

Whereas, the Legislature of the State of New Mexico has imposed certain fees on telephone communications to be used to assist in providing necessary equipment for Public Safety Answering Points so they may remain technologically viable; and

Whereas, the Department of Finance and Administration is charged with administering the funds from the fees on telephone communications in order to equitably distribute funding to provide services to all New Mexicans; and

Whereas, in its effort to provide efficiency, the Department of Finance and Administration has enacted regulations with requirements beyond those implemented by the legislature; and

Whereas, the Department of Finance and Administration's regulations have, in some instances, endangered public safety and welfare through the requirement of consolidation; and

Whereas, compliance with Department of Finance and Administration regulations has resulted both in higher dispatch costs and a lower level of service for some local governments than was provided before consolidation.

Now, Therefore Be It Resolved that the New Mexico Municipal League formally requests the Department of Finance and Administration to revise its regulations and rules regarding consolidation of dispatching in a manner that does not exceed the statutory requirements.

Be It Further Resolved that the Department of Finance and Administration is called upon to immediately release funds to those local governments that meet the statutory definition of PSAP, regardless of consolidation, in order to assist them in updating their current dispatch systems.

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-59

CONCERNING DRUG TESTING FOR PUBLIC ASSISTANCE RECIPIENTS

Whereas, serious problems exist relating to drug use; and

Whereas, the 1996 Welfare Reform Act authorized states to impose mandatory drug testing as a prerequisite to receiving state welfare assistance; and

Whereas, employers in New Mexico report difficulties in locating a workforce capable of passing drug tests; and

Whereas, it is in the interest of municipal governments to promote the safety of all of their citizens.

Now, Therefore, Be It Resolved that the New Mexico Municipal League supports drug testing of public assistance recipients.

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-60

**CONCERNING DRUG TESTING FOR
STUDENTS WITH TRUANCY PROBLEMS**

Whereas, serious problems exist in educating our children these days; and

Whereas, with the “No Child Left Behind Act”, teachers must explain to parents why their children are failing; and

Whereas, if a teacher has many students who fail, even if due to outside influences, they may be considered a poor teacher, and be in danger of losing their job; and

Whereas, often times truancy is an indicator of a change in lifestyle; and

Whereas, the goal of all teachers is to educate and help students with problems, and to reach them before they become involved further in a criminal lifestyle; and

Whereas, many students are currently being drug tested as a condition for participating in extra-curricular activities.

Now, Therefore, Be It Resolved that the New Mexico Municipal League supports amending the Municipal Code and the Children’s Code to allow for drug testing of students with truancy problems.

Be It Further Resolved that this is not intended as punishment, but to get help for the student before a bigger problem develops.

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-61

**CONCERNING DWI OFFENSES AND
THE DRIVER'S LICENSE REVOCATION PROCESS**

Whereas, the New Mexico Legislature has recognized the serious problem of impaired driving in the state; and,

Whereas, the Legislature has implemented stricter standards and tougher penalties to combat the situation; and,

Whereas, revocation of driving privileges due to DWI is dependent on an administrative process that does not safeguard the interest of the general population; and,

Whereas, the various courts of the state are well equipped to afford all parties appearing before them due process; and,

Whereas, allowing courts who hear the criminal case to make the administrative decision regarding driving privileges affords certain economies of time and effort to both parties to the license and law enforcement; and,

Whereas, transferring the revocation process to the courts will, most likely save overtime funds for law enforcement agencies; and,

Now, Therefore, Be It Resolved that the New Mexico Municipal League requests the New Mexico Legislature to transfer license revocation in cases involving DWI to the various courts of the state.

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-62

**CONCERNING PART-TIME CERTIFIED POLICE OFFICERS
PERFORMING LAW ENFORCEMENT DUTIES**

Whereas, the employment pool for full-time, salaried law enforcement officers has diminished to the point that many agencies in New Mexico have difficulty keeping their force fully staffed; and,

Whereas, agencies may have a greater chance to provide necessary law enforcement services to their citizens by utilizing the services of persons who wish to work part-time; and,

Whereas, the legislature has made some changes in the statutes to allow part-time personnel to handle traffic duties of a law enforcement officer (i.e. §66-8-124); and,

Whereas, the statutes still require, in some instances, that other duties are to be performed by full-time, salaried police officers; and,

Whereas, both the state and local agencies would be able to ensure that these duties are properly performed by requiring part-time officers to be certified and requiring the officers to maintain certification through training.

Now, Therefore Be It Resolved that the New Mexico Municipal League seeks legislation to amend any sections of the New Mexico statutes which require a duty to be performed by a full-time, salaried law enforcement officer to also allow that duty to be performed by a part-time, salaried, certified law enforcement officer.

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-63

CONCERNING THE STATE FIRE FUND

Whereas, the State's Fire Fund was established to assist fire departments across the State with expenses incurred while protecting the lives and property of the citizens of the State of New Mexico; and

Whereas, the money that makes up this fund comes from homeowners property insurance in the form of \$3 from every \$100 spent; and

Whereas, the fire service of the State of New Mexico has worked extremely hard over the past 18 years to receive all monies generated from this fund and was successful over the past two years legislative sessions; and

Whereas, with the recent legislative changes, a Grants Fund was established to assist fire departments with money for large projects such as apparatus and station construction, lessening the financial burdens on most municipal and county governments; and

Whereas, fire departments needs are growing at a pace that is more than the fund is producing; and

Whereas, revenue generated from this fund has actually decreased during the past fiscal year, meaning less money for some departments in the distribution formula that is currently used; and

Whereas, with increasing responsibilities being handled by the fire service, in the form of wildland efforts, Haz Mat, EMS, code enforcement, fire investigations, public fire safety programs, and many other functions, additional money is needed to fund all of these programs; and

Whereas, the fire departments are charged with improving or maintaining their ISO ratings in order to provide lower insurance costs to the citizens of the State of New Mexico.

Now Therefore Be it Resolved, that the New Mexico Municipal League recognizes the needs of the fire departments across the state and how hard we have all worked to get the money in the hands of the fire departments to assist with expenditures and the establishment of the Grants Fund;

Be it Further Resolved, that the New Mexico Municipal League supports retention of the Fire Fund for fire service purposes.

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-64

**CONCERNING LOCAL OPTION 911 EMERGENCY
COMMUNICATION SYSTEM SERVICE FEE**

Whereas, the 911 communication system provides immediate access to emergency services for telephone subscribers who wish to use the 911 system; and

Whereas, telephone subscribers derive significant benefit from ongoing operation of dispatch centers across the state of New Mexico; and

Whereas, a fee paid by telephone subscribers is a practical and equitable revenue mechanism to finance operating and/or capital costs incurred by dispatch centers in the delivery of emergency communication system services; and

Whereas, local New Mexico municipalities have limited resources available to allocate to many competing demands for service; and

Whereas, a local option 911 emergency communication system service fee would provide a revenue stream dedicated to the cost of providing emergency communication system services.

Now, Therefore, Be It Resolved that the New Mexico Municipal League supports legislation to provide the authority to impose a local option 911 emergency communication system service fee.

Passed, Approved and Adopted this 14th day of August, 2008 at the City of Clovis, New Mexico.

RESOLUTION NO. 2008-65

**CONCERNING THE ESTABLISHMENT OF
A METROPOLITAN COURT IN DONA ANA COUNTY**

Whereas, the New Mexico Statutes (NMSA 1978, Section 34-8A-1, et seq. (1979)) provides for the establishment of a Metropolitan Court in a Class A county with a population of more than 200,000; and

Whereas, Dona Ana County, a Class A county, is rapidly approaching a population of 200,000; and

Whereas, a Metropolitan Court, among other things, hears cases involving misdemeanors, preliminary hearings regarding felony charges, cases involving violations of city ordinances, jury trials, and civil cases involving amounts under \$10,000; and

Whereas, a Metropolitan Court is a court of record for domestic violence and driving while intoxicated cases; and

Whereas, it is in the best interests of planning for the future of Dona Ana County that support be given to the establishment of a Metropolitan Court in Dona Ana County.

Now Therefore Be It Resolved, that the New Mexico Municipal League supports legislation establishing a Metropolitan Court in Dona Ana County.

Passed, Approved and Adopted this 14th day of August 2008 at the City of Clovis, New Mexico.