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**2011-2012  
PUBLIC  
SAFETY  
RESOLUTIONS**

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## RESOLUTION 2011-32

### 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 opposes any state or federal legislation that would prohibit or require local law enforcement from assisting federal agencies in the enforcement of federal 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 1st day of September at the City of Roswell, New Mexico.

## RESOLUTION 2011-33

### 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 1st day of September at the City of Roswell, New Mexico.

2011 PS Committee Priority: **HIGH #2**

## RESOLUTION 2011-34

### 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 the Department of Transportation to establish 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.

**Passed, Approved and Adopted** this 1st day of September at the City of Roswell, New Mexico.

## RESOLUTION 2011-35

### CONCERNING THE EMS FUND ACT

**Whereas**, Emergency Medical Services (EMS) is the only health care that is universally available to all of New Mexico's residents and visitors 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 supports 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 1st day of September at the City of Roswell, New Mexico.

2011 PS Committee Priority: **MEDIUM**

## RESOLUTION 2011-36

### 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 1st day of September at the City of Roswell, New Mexico.



## RESOLUTION 2011-37

### 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 1st day of September at the City of Roswell, New Mexico.

## RESOLUTION 2011-38

### 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 1st day of September at the City of Roswell, New Mexico.

## RESOLUTION 2011-39

### CONCERNING THE E911 FUND – A STATE AND LOCAL PARTNERSHIP

**Whereas**, the Enhanced 911 Act, Section 63-9D NMSA 1978, established the 911 emergency surcharge and the Enhanced 911 Fund to enable the development, installation and operation of an enhanced 911 emergency response system throughout the State of New Mexico; and

**Whereas**, the purpose of the Enhanced 911 Act, Section 63-9D-2B NMSA 1978, states that enhanced 911 emergency reporting systems are to be operated under shared state and local governmental management and control; and

**Whereas**, an April 2006 Legislative Finance Committee audit on the status of E911 implementation in the State of New Mexico found that “there is not a coordinated long-range plan that includes local and state government”; and

**Whereas**, in response to this LFC audit, the Governor issued Executive Orders 2007-5 and 2007-6 to establish, respectively, the Local Level E911 Advisory Committee and the State E911 Coordinating Committee; and

**Whereas**, these two committees are required to report to the state their collective findings and recommendations under the direction of Senate Joint Memorial 34 from the 2010 Regular Session and will continue to dialogue on creating and maintaining an effective long-range plan for emergency response systems within New Mexico; and

**Whereas**, the need for better coordination between state and local government, especially in these times of economic strain, is essential to the continued success of E911 implementation and emergency response systems in the State of New Mexico.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League work with the New Mexico Association of Counties to ensure that long term local government interests and needs are being met under the intent and purpose of the Enhanced 911 Act, Section 63-9D NMSA 1978, by becoming more actively involved in a partnership with the state regarding usage and disposition of the E911 Fund.

**Passed, Approved and Adopted** this 1st day of September at the City of Roswell, New Mexico.

## RESOLUTION 2011-40

### CONCERNING AMENDING THE SEX OFFENDER REGISTRATION AND NOTIFICATION ACT

**Whereas**, the New Mexico Sex Offender Registration and Notification Act (SORNA), NMSA §29-11A-1 et seq., requires offenders convicted of certain sexual offenses in New Mexico to register with the sheriff of the county where the offender resides; and,

**Whereas**, other states also have similar registration statutes, but may define sexual offenses somewhat differently than New Mexico; and,

**Whereas**, sex offenders registered in other states are not required to register as a sex offender when they move to New Mexico unless their former state of residence defines sexual offenses in the same fashion as New Mexico; and,

**Whereas**, New Mexico has become an attractive relocation destination for sex offenders from other states who wish to avoid registering as sex offenders in their new communities; and,

**Whereas**, SORNA does not currently prevent sex offenders from living near elementary schools, neighborhood parks or other locations frequented by young children; and,

**Whereas**, the continued presence of sex offenders near areas where children are found in large concentration poses an increased risk of harm to children.

**Now, Therefore Be It Resolved** that the New Mexico Municipal League supports amendment of the Sex Offender Registration and Notification Act to require sex offenders relocating from other states to register that status in New Mexico without exception; and,

**Be It Further Resolved** that the amendments to SORNA also address the subject of registered offenders living or meeting in close proximity to schools, parks or other government owned facilities frequented by children.

**Passed, Approved and Adopted** this 1st day of September at the City of Roswell, New Mexico.

## RESOLUTION 2011-41

### CONCERNING MUNICIPAL AUTHORITY TO REGULATE FIREWORKS

**Whereas**, Section 60-2C-1 et seq., NMSA 1978, the “Fireworks Licensing and Safety Act” comprises the State of New Mexico’s regulation of the sale and use of fireworks; and

**Whereas**, this Act, by requiring the State Fire Marshall to enforce its provisions, recognizes that fireworks and their associated dangers are matters directly relevant to fire control and public safety in general; and

**Whereas**, the current Act fails to adequately weigh the potential danger to citizens and financial costs of fires that may be caused by fireworks; and

**Whereas**, the extreme weather conditions experienced by our state have clearly shown that even one spark, no matter the cause, can result in catastrophic fires that have destroyed homes, threatened lives and tainted municipal watersheds; and

**Whereas**, the Fireworks Licensing and Safety Act grants certain limited powers to municipalities to restrict the sale and use of fireworks during extreme or severe drought conditions upon hearing and subsequent issuance of a proclamation; however, these powers are limited and do not cover all fireworks, and do not permit municipalities to ban the sale and use of all fireworks within their borders in the interest of public safety; and

**Whereas**, the state legislature has granted municipalities the power to define and abate nuisances, to pass ordinances providing for the health, safety and welfare of its inhabitants, and to take such actions as are necessary and proper to protect persons and property; thus recognizing that local government best knows of current and local conditions affecting public safety; and

**Whereas**, municipalities must be afforded the greatest latitude in the regulation of the sale and use of all types of fireworks and must be permitted the appropriate authority to take such actions as are necessary to protect the health, safety and welfare of its inhabitants and property.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League seeks legislation to grant municipalities the authority to enact ordinances at any time regulating the sale and use of any firework, up to and including a complete ban.

**Be It Further Resolved** that the legislation also grant municipalities the option to issue an emergency proclamation at any time declaring extreme or severe drought conditions if the governing body determines such conditions exist; the proclamation shall describe the restrictions on the sale and use, up to and including a ban, of any firework deemed by the governing body as necessary for the protection of the health, welfare and safety of persons and property.

**Passed Approved and Adopted** this 1st day of September at the City of Roswell, New Mexico.

2011 PS Committee Priority: **HIGH #1**