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2013-2014

PUBLIC

SAFETY

RESOLUTIONS

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RESOLUTION 2013-27

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 29th day of August at the Town of Taos, New Mexico.

RESOLUTION 2013-28

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 29th day of August at the Town of Taos, New Mexico.

RESOLUTION 2013-29

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 29th day of August at the Town of Taos, New Mexico.

RESOLUTION 2013-30

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, the New Mexico SORNA is not fully compliant with federal law (Title I of the Adam Walsh Child Protection and Safety Act of 2006, Public Law 109-248); and

Whereas, legislation to bring our state into federal compliance has been introduced over the past several years, including House Bill 179 (Rep. Herrell) in 2012, but has failed to pass; and

Whereas, the legislation needed for compliance includes the incorporation of a more comprehensive group of sex offenders and offenses for which registration is required, tighter and more extensive registration requirements, and expansion of the amount of information available to the public; and

Whereas, New Mexico has been losing critical federal funding because of its non-compliance with the federal law; and

Whereas, an additional consequence of our state's non-compliance is that 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 bring New Mexico into full compliance with federal law; 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 29th day of August at the Town of Taos, New Mexico.

RESOLUTION 2013-31

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 smoke generated from fires constitutes a known health threat for citizens, especially children and those with chronic respiratory and heart diseases, and has been linked to increased emergency department visits and hospitalizations; 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; and

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 29th day of August at the Town of Taos, New Mexico.

RESOLUTION 2013-32
CONCERNING EMS FUNDING

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 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, the current funding levels are inadequate and 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, Fire and EMS services in New Mexico must have solid financial resources if they are to continue providing critical first response services in a consistent and reliable manner; and

Whereas, the majority of EMS first response services in New Mexico are provided by fire-based departments.

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

Be it Further Resolved, that the New Mexico Municipal League supports utilizing a percentage of the Fire Protection Fund reversion money to supplement the EMS Fund Act so long as the funds are directly distributed to and utilized by the local EMS providers to enhance the level of EMS services provided and does not reduce the disbursement of Fire Fund monies to municipalities and counties; 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 29th day of August at the Town of Taos, New Mexico.

RESOLUTION 2013-33

CONCERNING DWI AND TRAFFIC ENFORCEMENT ON PUBLICLY ACCESSIBLE PRIVATE PROPERTY

Whereas, driving while intoxicated (“DWI”) and other traffic offenses can threaten the health, safety and welfare of every citizen of New Mexico; and

Whereas, DWI and traffic offenses can occur in a variety of means including alcohol intoxication and drug impairment; and

Whereas, DWI and traffic offenses can occur not only on public highways, roads, and streets but also in alleys and parking lots and other areas that are privately owned, but accessible to the general public; and

Whereas, the New Mexico Court of Appeals in the case of *Rio Rancho v. Young* imposed a requirement on local law enforcement officials to obtain the consent of the landowner prior to enforcing traffic laws, including DWI laws on private property; and

Whereas, the Court of Appeals based its decision on language contained in NMSA section 3-49-1(o) that states in relevant part: “A municipality may. . . . ; with the written consent of the owner, regulate the speed and traffic conditions on private property”; and

Whereas, this limitation on the ability of local law enforcement officials to enforce DWI and other traffic laws on private property that is accessible to the public is a threat to public health, safety and welfare.

Now, Therefore, Be It Resolved that the New Mexico Municipal League seek legislation to amend NMSA section 3-49-1(o) to remove the requirement that local law enforcement officials first secure the written permission of a landowner prior to enforcing DWI and traffic regulations on private property that is open to the public.

Passed Approved and Adopted this 29th day of August at the Town of Taos, New Mexico.