

Resolution #2018-60
Supporting the 2019 Legislative Priorities of the New Mexico Counties,
Re-Affirming Support for Amendments to the Whistleblower Protection Act,
and Other Curry County Priorities

WHEREAS, on August 2, 2018, the Board of Directors of the New Mexico Counties (NMC) approved five legislative priorities for consideration by the New Mexico Legislature at its 2019 regular legislative session; *and*,

WHEREAS, NMC has requested that the Board of County Commissioners in each of the state's 33 counties discuss and approve a resolution supporting NMC's legislative priorities; *and*,

WHEREAS, this is an important step in assuring maximum understanding of, and support for, NMC's legislative priorities at the county level; *and*,

WHEREAS, the adoption of such resolutions will enable NMC to demonstrate to the state legislature strong local and statewide support for NMC's legislative priorities; *and*,

WHEREAS, the NMC's legislative priorities include support for legislation on the following five (5) issues:

1. HB2 Appropriation

Detention Reimbursement Fund: Restore funding for the County Detention Facilities Reimbursement Act to the original appropriation level of \$5 million.

Prisoner Transport and Extradition: Create a line item in the DFA budget for \$750,000 to reimburse Counties that provide transportation of state prisoners. Statute 4-44-18C NMSA authorizes the state to make such payment. Counties should not be responsible to pay for state prisoner extradition.

EMS Funding: Appropriate \$5 million annually to the Emergency Medical Services Fund in the Department of Health budget and identify a designated revenue mechanism to provide continuous fund growth and stability.

2. Behavioral Health

Require the New Mexico Human Services Department to ensure the provision of comprehensive services to adult and juvenile offenders, housed with the department of corrections or in a county detention center, who have a serious mental illness including co-occurring substance use disorders. Services shall include targeted, individualized interventions that address those persons' behavioral health needs while they are incarcerated and connect them to resources and services immediately upon release that reduce the likelihood of recidivism, detention, and incarceration, such as supportive housing, public assistance, medical assistance, behavioral health treatment, and employment training.

3. Tax Reform

NMC supports tax reform efforts that improve economic efficiency, economic development, ease of administration, and overall fairness of the state and local tax system. NMC strongly believes that counties must participate in all efforts to restructure and reform the state and local tax system. NMC also opposes legislation that has a significant negative impact on county revenue.

4. Fire Protection Fund

Remove the State Fire Marshal’s Office and Fire Protection Fund from the New Mexico Public Regulation Commission with the goal of improving public safety services through increased advocacy and communication with fire services statewide.

5. Forfeiture Act Reform

Address unintended consequences of the 2015 amendments to the New Mexico Forfeiture Act by fixing the confusion around abandoned property, providing for reimbursement to local law enforcement agencies for the costs of storage and disposal of seized property, and extending due process protections to local DWI vehicle seizures. This legislation will not include the limited equitable sharing provisions contained in the 2017 and 2018 bills; *and*,

WHEREAS, the NMC Board, in August of 2016, approved and the Board of Curry County Commissioners at their public meeting on August 22, 2016 and September 19, 2017 adopted a Resolution supporting legislation modifying the Whistleblower Protection Act.

NOW, THEREFORE, BE IT RESOLVED that the Board of Curry County Commissioners does hereby support the five (5) legislative priorities of the New Mexico Counties as set forth above, as well as legislation modifying the Whistleblower Protection Act, and urges that legislation incorporating these priorities be enacted by the state legislature during its 2019 regular session.

BE IT FURTHER RESOLVED that Curry County approves and supports legislative action on the additional four (4) issues:

1. Whistleblower Protection Act (WPA)

Support an amendment to the Whistleblower Protection Act which will (1) provide that damages do not start accruing until the public employee first gives the employer written notice of the claim, (2) make it discretionary (not mandatory) for a judge to order reinstatement but only for a classified non-supervisory employee, and (3) prohibit a public employer from taking any retaliatory action against a public employee because the public employee communicates to the public employer or a third party information about a matter of public concern.

2. Low Income Property Tax Rebate

Support amendments that would allow, but not require each county in January of every odd-numbered year, to propose the question of whether or not to resolve to adopt a local ordinance that would authorize a property tax rebate for low income property tax owners (7-2-14.3(6) NMSA). Only two (2) counties have in place the rebate: Los Alamos and Santa Fe counties. Eligibility for this tax rebate is a modified gross income of \$24,000 or lower and the requirements of acting on this matter every two (2) years costs the counties money in legal notices and other requirement and has a tendency to be forgotten with other responsibilities. The option should stay, but not be a requirement.

3. Probate Judge

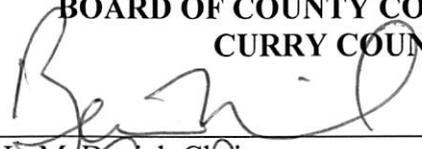
Supports Legislation eliminating the requirement that Counties have a Probate Judge position and allow the position to be a local option decision made by the Board of County Commissioners.

4. Industrial Revenue Bond (IRB)

Remove or modify statutory IRB differences between counties and municipalities. IRB's are an important tool for rural economic development. The differences between city and county statutes are confusing and penalize counties; particularly allowing counties to have input on the municipal "15 mile" extraterritorial zones.

ADOPTED this 20th of November, 2018.

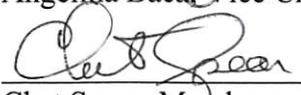
**BOARD OF COUNTY COMMISSIONERS OF
CURRY COUNTY, NEW MEXICO**



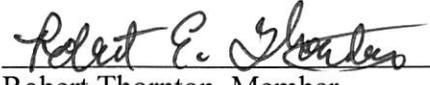
Ben L. McDaniel, Chair



Angelina Baca, Vice Chair



Chet Spear, Member



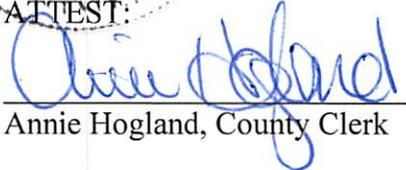
Robert Thornton, Member

Absent

Seth Martin, Member

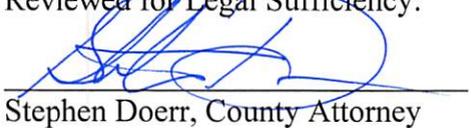


ATTEST:



Annie Hogland, County Clerk

Reviewed for Legal Sufficiency:



Stephen Doerr, County Attorney