

NEW MEXICO ASSOCIATION OF COUNTIES
NEW MEXICO DETENTION ADMINISTRATORS' AFFILIATE

RESOLUTION NUMBER 1

Inclusion of Felony Offenders Sentenced To Local County Detention Facilities, Within The
County Detention Facility Reimbursement Act And Fund (33-3B-1 to 33-3B-4)

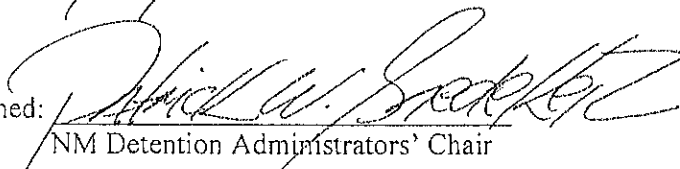
Whereas, 33-3B-1 through 33-3B-4 NMSA 1978 is cited as the "County Detention Facility
Reimbursement Act"; and

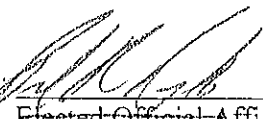
Whereas, felony offenders sentenced to local county detention facilities, are not included within
the "County Detention Facility Reimbursement Act and Fund;" and

Whereas, county detention facilities bear the costs of housing and caring for all felony offenders
who are sentenced to local county detention facilities;


Now Therefore Be It Resolved, that the New Mexico Association of Counties support
legislation that would enact a new section of the County Detention Facility Reimbursement Act
(33-3B-1 to 33-3B-4 NMSA 1978); expanding the definition of felony offender to include all
felony offenders sentenced to local county detention facilities; and enact a new section of the
County Detention Facility Reimbursement Act (33-3B-1 to 22-3B-4 NMSA 1978); mandating
reimbursement to counties for all costs incurred during any period in which a felony offender is
sentenced to a local county detention facility; and is in the custody of that county's detention
facility. Such reimbursement shall be in accordance with Section 3 – Rate of Reimbursement for
Felony Offenders; and Section 4 – Reimbursement Fund – Creation – Distribution; of the County
Detention Facility Reimbursement Act (33-3B-1 to 33-3B-4).

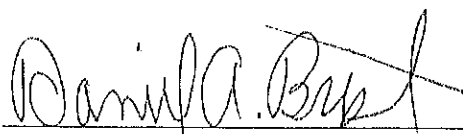
Date: 06/03/09

Signed: 
NM Detention Administrators' Chair

Signed: 
Elected Official Affiliate CHAIR
COMMISSIONERS


06/04/09
SHERIFF AFFILIATE CHAIR.


06/4/09
MANAGER AFFILIATE CHAIR

Signed: 
NM Detention Administrators' Chair
Attorney's Affiliate

New Mexico Association of Counties

New Mexico Detention Administrators' Affiliate

Resolution # 2

Length of Stay for Arrestees Held on Felony Charges in New Mexico Detention Facilities

Whereas, over 60% of the arrestees held in local New Mexico detention facilities are charged with at least one felony; and

Whereas, more than 50% of arrestees held in detention centers spent over 7 ½ months in jail; and

Whereas, unsentenced probation violators spent more than two months in jail from the time they were booked to the time they were sentenced; and

Whereas, unsentenced arrestees on new charges spent a median of 167 days in jail from the time they were booked to the time the case was closed by the District Court; and

Whereas, courts can exercise considerable control over how quickly cases move through the court system without sacrificing justice; and

Whereas, there is a significant delay between the date that individuals are sentenced and the date they are transported to prison; and those days are spent in a local detention facility; and

Whereas, detention center administrators do not control jail admissions or length of stay and cannot directly affect jail populations; and

Whereas, jail populations in New Mexico continue to grow while crime rates continue to fall; and

Whereas, felony arrestees comprise a large portion of jail population and stay in jail longer than misdemeanor arrestees; and

Whereas, reductions in the length of stay of felony arrestees would have a significant impact on jail populations; and

Whereas, examining how people get into jail, how people leave jail, and how long people stay in jail can assist local government officials in conducting effective criminal justice oversight and improve public safety;

Now Therefore Be It Resolved, that the New Mexico Association of Counties support legislation that would convene stakeholders to improve the administration of justice process in New Mexico, to include expediting of the Judgment and Sentence process, working with County Sheriffs to reduce delay in transporting arrestees to prison, quicken the scheduling of probation revocation hearings, and review and investigate the use of earned meritorious sentence deductions allowed by law, and the development of jail population analysis systems.

Be It Further Resolved, that stakeholders include but are not limited to representatives from the New Mexico Association of Counties, the New Mexico Municipal League, the Department of Corrections and Rehabilitation, representatives from federal, state, and county law enforcement, and representatives from local and district courts, district attorneys, public defenders, and local and state government.

Be It Further Resolved, that the New Mexico Association of Counties report its findings to the appropriate committee of the legislature.

Date: 06/03/2009

Signed [Signature]
Affiliate Chair

Signed [Signature]
Elected Official Affiliate CHAIR
COMMISSIONERS

[Signature] 06/04/09
SHERIFF AFFILIATE CHAIR.

[Signature] 06/04/09
MANAGER AFFILIATE CHAIR

Signed [Signature]
Affiliate Chair

NEW MEXICO ASSOCIATION OF COUNTIES
FIRE AND EMERGENCY MANAGERS AFFILIATE

RESOLUTION NUMBER #2

INCREASE MONTHLY PERA BENEFIT FOR VOLUNTEER
FIREFIGHTERS

WHEREAS, 80% of New Mexico is served by volunteer firefighters, and

WHEREAS, these volunteers save New Mexico taxpayers millions of dollars, and

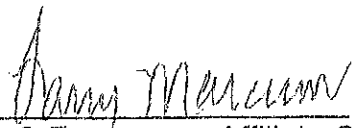
WHEREAS, it is increasingly difficult to recruit and retain qualified volunteers, and

WHEREAS, there continue to be few incentives, rewards and benefits for these volunteers, and

WHEREAS, the benefit payment has never been increased since its inception in the early 1980's, and

WHEREAS, the volunteer firefighter PERA Fund is sufficient to support and increase the monthly benefit;

NOW THEREFORE BE IT RESOLVED that the New Mexico Association of Counties seeks legislation that will increase the monthly benefit payment for qualifying volunteer firefighters.

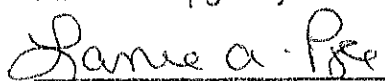


Fire & Emergency Affiliate Chair

6/4/09
Date



Commissioners Affiliate Chair



Managers Affiliate Chair

6/4/09
Date

6-4-09
Date

NEW MEXICO ASSOCIATION OF COUNTIES

PUBLIC WORKS AFFILIATE

**RESOLUTION NUMBER 1
MUNICIPAL AND COUNTY FRANCHISE FEES**

WHEREAS, Sections 3-42-1 and 3-42-2 NMSA 1978 authorize municipalities in New Mexico to enter into franchise agreements for the purpose of construction and operation of a public utility; and Section 62-1-3 NMSA 1978 authorizes counties in New Mexico to enter into franchise agreements to permit public utilities to use public highways and streets to locate various fixtures, appliances and structures; and

WHEREAS, municipalities are permitted to charge a reasonable franchise fee as compensation for the use of the public streets and rights of way by public utilities; but counties have been prohibited by opinions of the attorney general of New Mexico and a court decision from charging a reasonable franchise fee as compensation for the use of public streets and rights of way by public utilities; and

WHEREAS, the New Mexico court of appeals recently issued its opinion in *State of New Mexico ex real Madrid v. UU Bar Ranch Ltd Partnership*, 137 N.M. 719, 114 P.3d 399, in which the court ruled that public rights of way are interests in real property and thus subject to the provisions of public rights of way without first complying with statutory requirements for the disposition of interests in real property; and

WHEREAS, the use of public rights of way by public utility companies without the payment of a reasonable fee constitutes a disposition of an interest in real property and violates the anti-donation clause of the constitution of New Mexico; and

WHEREAS, the appropriate resolution of the issues surrounding the negotiation of franchise fees may be replacement of the negotiation process with the granting of consistent statutory authority for municipalities and counties to impose reasonable franchise fees or a franchise tax;

NOW THEREFORE BE IT RESOLVED, that the New Mexico Association of Counties seeks legislation that would authorize a county to collect franchise fees from companies or corporations and to require compensation for the use of public highways, streets and alleys of unincorporated towns.

Public Works Affiliate Chair



Attorneys Affiliate Chair

Date

Managers Affiliate Chair



Commissioners Affiliate Chair

**NEW MEXICO ASSOCIATION OF COUNTIES
TREASURERS AFFILIATE**

RESOLUTION NUMBER 1

CHANGING TERMS FOR COUNTY ELECTED OFFICIALS

WHEREAS, the Constitution of the State of New Mexico limits county elected officials to two consecutive four-year terms, and does not limit the number of terms for any other local government elected officials, and

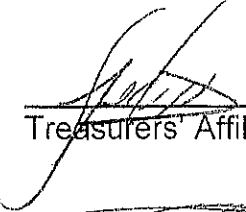
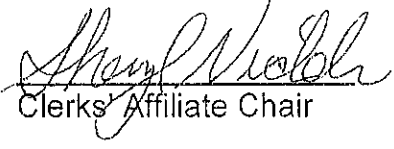
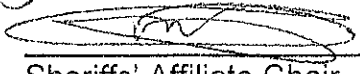

WHEREAS, it is essential to preserve the constitutional balance of power between local elected offices while maintaining valuable leadership resources, particularly in counties with small populations where it is difficult to find qualified people who are interested in serving, and

WHEREAS, County officials who are limited to two terms are less able to develop and implement long term projects and policy goals which results in decreased stability and efficiency, and

WHEREAS, the two term limit is indiscriminately applied, without regard to quality of service of a particular official, and is wasteful of quality leadership experience and results in a loss of institutional and policy making memory, and

WHEREAS, the two term limit restricts the power of citizens to return to office those county officials who have done a favorable job for their constituents;

NOW THEREFORE BE IT RESOLVED that the New Mexico Association of Counties seeks legislation amending Article X, Section 2 of the State Constitution extending the existing term for county elected officials from two four-year terms to three four-year terms. Voting on the proposed amendment will take place in the 2010 election.

 _____ Treasurers' Affiliate Chair	<u>6-4-09</u> Date	 _____ Clerks' Affiliate Chair	<u>6-4-09</u> Date
 _____ Sheriffs' Affiliate Chair	<u>06/04/09</u> Date	_____ Assessors' Affiliate Chair	_____ Date
_____ Probate Judges' Affiliate Chair	_____ Date	 _____ Commissioners' Affiliate Chair	<u>6-4-09</u> Date