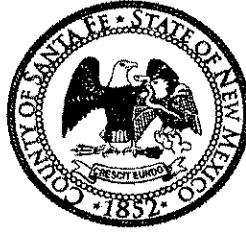


**NO PACKET MATERIAL
FOR THIS ITEM**

Daniel "Danny" Mayfield
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

MEMORANDUM

To: Board of County Commissioners

From: Teresa Martinez, Finance Director *TM*

Through: Katherine Miller

Date: September 11, 2012

RE: ***BCC Written Order Setting the Tax Rates on the Net Taxable Value of Property***

ISSUE

The Finance Division is requesting that the Board of County Commissioners (BCC) issue a written order setting the Santa Fe County property tax rates on the net taxable value allocated to the appropriate governmental units for the 2012 Tax Year.

BACKGROUND

Pursuant to Section 7-38-33 NMSA 1978, each year the Secretary of the Department of Finance and Administration (DFA) issues a written order to set the property tax rates for all governmental units which share in the tax. DFA must issue this order on or before September 1 of each year. This year September 1 falls on a Saturday thus DFA will issue its order for the 2012 Tax Year on the next business day which is September 4, 2012.

Section 7-38-34 NMSA 1978 requires that *"Within five days of receipt of the property tax rate-setting order from the department of finance and administration, each board of county commissioners shall issue its written order imposing the tax at the rates set on the net taxable value of property allocated to the appropriate governmental units..."* These imposed rates are then to be used to bill property owners for the coming tax year which runs from November 1, 2011 to October 31, 2013.

The September 11, 2012 BCC meeting falls on the fifth business day (the statutory deadline) following the scheduled issuance of the property tax rate order by DFA, thus the rates will be brought forward for the BCC to issue its written order setting the property tax rates for the Tax Year beginning November 1, 2012.

ACTION REQUESTED

The Finance Division respectfully requests that the BCC issue a written order setting the property tax rates for the tax year 2012 pursuant to Section 7-38-34 NMSA 1978.

SANTA FE COUNTY

ORDER

A WRITTEN ORDER SETTING THE TAX RATES ON THE NET TAXABLE VALUE OF PROPERTY ALLOCATED TO SANTA FE COUNTY

THIS MATTER having come before the Board of County Commissioners during the meeting of September 11, 2012, during which the Board imposed the tax rates set forth on Exhibit "A" hereto, all consistent with its statutory obligation pursuant to Section 7-38-34 NMSA 1978 as amended;

IT IS THEREFORE ORDERED that the rates set by the New Mexico Department of Finance and Administration, attached to this Order, and as adopted by the Board of County Commissioners and incorporated herein as Exhibit "A" are hereby imposed for the 2012 Tax Year.

BOARD OF COUNTY COMMISSIONERS

By: _____
Liz Stefanics, Chair

ATTEST:

Valerie Espinoza, County Clerk

Approved as to form:

Stephen C. Ross, County Attorney

**NO PACKET MATERIAL FOR THESE
ITEMS**

XIII. A - B

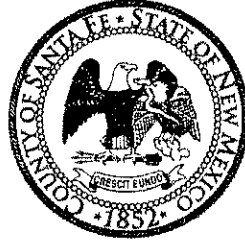
**NO PACKET MATERIAL FOR THIS
ITEM**

EXECUTIVE SESSION

Daniel "Danny" Mayfield
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

Date: September 11, 2012
To: Board of County Commissioners
From: Lisa Roybal on behalf of Katherine Miller, County Manager
Subject: A Resolution Supporting Real Property Sales Disclosure

ISSUE:

The following agenda item is: A Resolution Supporting Real Property Sales Disclosure (Commissioner Stefanics)

This Resolution represents one of the key issues and legislative priorities of the New Mexico Association of Counties identified by counties through the voices of their Affiliate organizations.

RECOMMENDATION:

I respectfully request the Board of County Commissioners support and approve this agenda item.

ATTACHMENTS:

Attached is information in relation to 7-38-12.1 Residential property transfers; affidavit to be filed with assessor.

**SANTA FE COUNTY
RESOLUTION NO. 2012 -**

A Resolution Supporting Real Property Sales Disclosure

WHEREAS, NMSA 1978, Section 7-38-12.1 requires transferors or transferees of “residential property” to file an affidavit with the County Assessor disclosing sale price and other related information;

WHEREAS, “residential property” is defined in the property tax code at NMSA 1978, Section 7-35-1 as “property consisting of one or more dwellings together with appurtenant structures, the land underlying both the dwellings and the appurtenant structures and a quantity of land reasonably necessary for parking and other uses that facilitate the use of the dwellings and appurtenant structures” and does not include vacant land that is zoned residential;

WHEREAS, the Assessor’s duty is to appraise and assess all taxable properties, residential and non-residential, fairly and equitably according to market value;

WHEREAS, the best approach in determining the market value of a property is utilizing the “sales comparison approach” which requires the use of sales data;

WHEREAS, NMSA 1978, Section 7-38-12.1 only requires the disclosure of “residential” sales data to the Assessor; and

WHEREAS, without adequate sales data the assessor must rely on other less reliable approaches to fairly assess non-residential properties.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners for Santa Fe County supports legislation that will provide for the disclosure of sales data for all real property.

APPROVED, ADOPTED AND PASSED this ____ day of ____, 2012.

BOARD OF COUNTY COMMISSIONERS

By: _____
Liz Stefanics, Chair

ATTEST:

Valerie Espinoza, County Clerk

APPROVED AS TO FORM:



Stephen C. Ross, County Attorney

7-38-12.1. Residential property transfers; affidavit to be filed with assessor.

A. After January 1, 2004, a transferor or the transferor's authorized agent or a transferee or the transferee's authorized agent presenting for recording with a county clerk a deed, real estate contract or memorandum of real estate contract transferring an interest in real property classified as residential property for property taxation purposes shall also file with the county assessor within thirty days of the date of filing with the county clerk an affidavit signed and completed in accordance with the provisions of Subsection B of this section.

B. The affidavit required for submission shall be in a form approved by the department and signed by the transferors or their authorized agents or the transferees or their authorized agents of any interest in residential real property transferred by deed or real estate contract. The affidavit shall contain only the following information to be used only for analytical and statistical purposes in the application of appraisal methods:

- (1) the complete names of all transferors and transferees;
- (2) the current mailing addresses of all transferors and transferees;
- (3) the legal description of the real property interest transferred as it appears in the document of transfer;
- (4) the full consideration, including money or any other thing of value, paid or exchanged for the transfer and the terms of the sale including any amount of seller incentives; and
- (5) the value and a description of personal property that is included in the sale price.

C. Upon receipt of the affidavit required by Subsection A of this section, the county assessor shall place the date of receipt on the original affidavit and on a copy of the affidavit. The county assessor shall retain the original affidavit as a confidential record and as proof of compliance and shall return the copy marked with the date of receipt to the person presenting the affidavit. The assessor shall index the affidavits in a manner that permits cross-referencing to other records in the assessor's office pertaining to the specific property described in the affidavit. The affidavit and its contents are not part of the valuation record of the assessor.

D. The affidavit required by Subsection A of this section shall not be required for:

- (1) a deed transferring nonresidential property;
- (2) a deed that results from the payment in full or forfeiture by a transferee under a recorded real estate contract or recorded memorandum of real estate contract;
- (3) a lease of or easement on real property, regardless of the length of term;
- (4) a deed, patent or contract for sale or transfer of real property in which an agency or representative of the United States, New Mexico or any political subdivision of the state is the named grantor or grantee and authorized transferor or transferee;
- (5) a quitclaim deed to quiet title or clear boundary disputes;
- (6) a conveyance of real property executed pursuant to court order;
- (7) a deed to an unpatented mining claim;
- (8) an instrument solely to provide or release security for a debt or obligation;
- (9) an instrument that confirms or corrects a deed previously recorded;
- (10) an instrument between husband and wife or parent and child with only nominal actual

consideration therefor;

- (11) an instrument arising out of a sale for delinquent taxes or assessments;
- (12) an instrument accomplishing a court-ordered partition;
- (13) an instrument arising out of a merger or incorporation;
- (14) an instrument by a subsidiary corporation to its parent corporation for no consideration, nominal consideration or in sole consideration of the cancellation or surrender of the subsidiary's stock;
- (15) an instrument from a person to a trustee or from a trustee to a trust beneficiary with only nominal actual consideration therefor;
- (16) an instrument to or from an intermediary for the purpose of creating a joint tenancy estate or some other form of ownership; or
- (17) an instrument delivered to establish a gift or a distribution from an estate of a decedent or trust.

E. The affidavit required by Subsection A of this section shall not be construed to be a valuation record pursuant to Section 7-38-19 NMSA 1978.

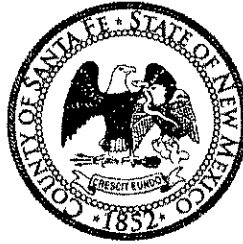
F. Prior to November 1, 2003, the department shall print and distribute to each county assessor affidavit forms for distribution to the public upon request.

History: Laws 2003, ch. 118, § 2; 2005, ch. 24, § 1.

Daniel "Danny" Mayfield
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

Date: September 11, 2012

To: Board of County Commissioners

From: Lisa Roybal on behalf of Katherine Miller, County Manager

Subject: A Resolution Supporting Local Government Database Royalties

ISSUE:

The following agenda item is:

A Resolution Supporting Local Government Database Royalties (Commissioner Stefanics)

In 2012, the NMAC Executive Committee and the NM Municipal League Executive Committee jointly endorsed the concept for a bill, which was introduced as Senate Bill 245 seeking to allow local governments to charge a royalty for access to certain databases in the same way as state agencies may currently charge a royalty for access to their databases.

This Resolution represents one of the key issues and legislative priorities of the New Mexico Association of Counties identified by counties through the voices of their Affiliate organizations.

RECOMMENDATION:

I respectfully request the Board of County Commissioners support and approve this agenda item.

ATTACHMENTS: Supplemental Information from the County Clerks Affiliate Resolution are enclosed as well as the 2012 Senate Bill 245.

**SANTA FE COUNTY
RESOLUTION NO. 2012 -**

A Resolution Supporting Local Government Database Royalties

WHEREAS, pursuant to NMSA 1978, Section 14-3-15.1, county databases are public records, subject to the inspection in accordance with the Inspection of Public Records Act, NMSA 1978, Section 14-2-1 et seq., which as of 2011 mandates electronic sharing of public information upon request of any person;

WHEREAS, state agencies may charge a royalty for their databases pursuant to NMSA 1978, Section 14-3-15.1 but local public bodies have no similar statutory authority to charge a royalty associated with access to their databases, including property records, tax files, assessor valuations, etc.; and

WHEREAS, in 2012 the Executive Committees of the Association of Counties and the Municipal League both endorsed legislation that would create a parallel process for local governments to charge royalties for complete access to databases in the same manner as state agencies already do.

NOW, THEREFORE, BE IT RESOLVED THAT the Santa Fe County supports legislation that would allow local governments the same option already provided to state agencies to charge a royalty for complete access to certain databases.

APPROVED, ADOPTED AND PASSED this ____ day of ____, 2012.

BOARD OF COUNTY COMMISSIONERS

Liz Stefanics, Chair

Approved as to form:

Attest:



Stephen C. Ross,
Santa Fe County Attorney

Valerie Espinoza,
Santa Fe County Clerk

**Supplemental Information For
County Clerks Affiliate Resolution 8
Local Government Database Royalties
REQUEST NMAC PRIORITY STATUS**

In 2012, the NMAC Executive Committee and the NM Municipal League Executive Committee jointly endorsed the concept for this bill, which was introduced as SB 245 (see attached – the crucial amendments are on pages 8 and 9). The bill seeks to allow local governments to charge a royalty for access to certain databases in the same way as state agencies may currently charge a royalty for access to their databases.

County Clerks receive requests for a complete electronic copy of the Property Records Database, Assessors receive requests for valuations of each property in the county including the names and addresses of each owner, and Treasurers receive requests for the tax rolls of the county. Increasingly, those requesting the entire database want to receive this information for free. Under existing law, state agencies may currently charge a royalty fee for access to their complete databases. This bill mirrors the language already in place for state agencies and extends that option to local governments.

There is litigation against several counties initiated by companies attempting to receive all this information for free. So far the counties have won in court. This bill would provide clarity with regard to the ability to charge a fee for access to the information in local government databases.

As this issue affects more than one Affiliate, the NMAC County Clerks Affiliate requests priority status for this bill.

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SENATE BILL 245

50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012

INTRODUCED BY

David Ulibarri

AN ACT

RELATING TO PUBLIC RECORDS; UPDATING CERTAIN PROVISIONS
CONCERNING INDEXING OF COUNTY RECORDS; PROVIDING FOR PROTECTION
OF STATE, COUNTY AND MUNICIPAL DATABASES; RECONCILING MULTIPLE
AMENDMENTS TO THE SAME SECTION OF LAW IN LAWS 2011; DECLARING
AN EMERGENCY.

(see pages 8 & 9)

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 14-2-6 NMSA 1978 (being Laws 1993,
Chapter 258, Section 3, as amended by Laws 2011, Chapter 134,
Section 3 and by Laws 2011, Chapter 181, Section 1 and also by
Laws 2011, Chapter 182, Section 1) is amended to read:

"14-2-6. DEFINITIONS.--As used in the Inspection of
Public Records Act:

A. "custodian" means any person responsible for the
maintenance, care or keeping of a public body's public records,

.188154.1

underscored material = new
~~[bracketed material] = delete~~

underscoring material = new
~~[bracketed material] = delete~~

1 for a document or product generated by a geographic information
2 system

3 C. Except as otherwise provided by federal or state
4 law, information contained in a computer database shall be a
5 public record and shall be subject to disclosure in printed or
6 typed format by a county or municipality that has inserted that
7 information into the database, in accordance with the Public
8 Records Act.

9 D. The administrator may advise and assist county
10 and municipal officials with the procedures, schedules and
11 technical standards for the retention of computer databases.

12 E. A county or municipality that has inserted data
13 in a computer database shall authorize an electronic copy to be
14 made of the computer database of a public record on a currently
15 available electronic medium for a person if the person agrees
16 to pay a reasonable fee based upon the cost of:

- 17 (1) materials;
18 (2) making an electronic copy of the computer
19 database; and
20 (3) personnel time to research and retrieve
21 the electronic record.

22 F. A county or municipality that has inserted data
23 in a computer database created to record property rights or
24 taxation records shall authorize an electronic copy to be made
25 of the computer database of a public record on a currently

.188154.1

new material

underscoring material = new
~~[bracketed material]~~ = delete

- 1 available electronic medium for a person if the person agrees:
- 2 (1) not to make unauthorized copies of the
- 3 database;
- 4 (2) not to use the database for solicitation
- 5 or advertisement unless such use is otherwise specifically
- 6 authorized by law;
- 7 (3) not to allow access to the database by any
- 8 other person; and
- 9 (4) if the request is for more than one
- 10 hundred records, to pay a royalty or other consideration to the
- 11 county or municipality as may be agreed upon by the county or
- 12 municipality that created the database.

New Material

13 [F-] G Subject to any confidentiality provisions
14 of law, a county or municipality may permit another federal,
15 state or local government entity access to all or any portion
16 of a computer database created by the county or municipality.

17 [G-] H A county or municipality may at its option,
18 and if it has the capability, permit access or use of its
19 computer and network system to search, manipulate or retrieve
20 information from a computer database and charge reasonable fees
21 based on the cost of materials, personnel time, access time and
22 the use of the ~~[county]~~ county's or municipality's computer
23 network."

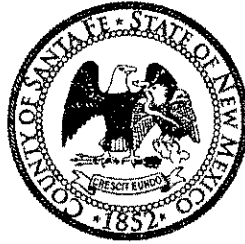
24 **SECTION 5.** Section 14-10-1 NMSA 1978 (being Laws 1903,
25 Chapter 87, Section 1, as amended) is amended to read:

.188154.1

Daniel "Danny" Mayfield
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

Date: September 11, 2012

To: Board of County Commissioners

From: Lisa Roybal on behalf of Katherine Miller, County Manager

Subject: A Resolution Requesting Legislative Support for Traffic Violation Reform

ISSUE:

The following agenda item is:

A Resolution Requesting Legislative Support for Traffic Violation Reform (Commissioner Stefanics)

Several states have successfully changed the way they deal with these infractions by providing civil penalties rather than criminal penalties for these traffic violations.

This Resolution represents one of the key issues and legislative priorities of the New Mexico Association of Counties identified by counties through the voices of their Affiliate organizations.

RECOMMENDATION:

I respectfully request the Board of County Commissioners support and approve this agenda item.

ATTACHMENTS: Attached is information from a Report of the New Mexico Reengineering Commission to the New Mexico Supreme Court October 1,2011 in regard to Citations as Civil and Not Criminal.

**SANTA FE COUNTY
RESOLUTION NO. 2012 -**

A Resolution Requesting Legislative Support For Traffic Violation Reform

WHEREAS, New Mexico law provides criminal penalties for a broad spectrum of traffic violations, such as exceeding the speed limit and failure to stop at a stop sign;

WHEREAS, thousands of individuals are incarcerated in county detention facilities each year for failure to pay penalty assessments for traffic infractions or for failing to appear for court dates for their traffic violations, costing counties in excess of \$3.6 million annually;

WHEREAS, assessing criminal penalties for minor traffic violations puts a substantial burden not only on county detention facilities but also on law enforcement agencies (in Bernalillo County alone there are approximately 40,000 outstanding warrants relating to traffic offenses) and the court system (the Santa Fe County magistrate court estimates that it takes about 40 hours of judge's time per week to handle these cases); and

WHEREAS, several states have successfully changed the way they deal with these infractions by providing civil penalties rather than criminal penalties for these traffic violations.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of County Commissioners for Santa Fe County supports legislative reform for minor traffic violations.

APPROVED, ADOPTED AND PASSED this ____ day of ____, 2012.


BOARD OF COUNTY COMMISSIONERS

By: _____
Liz Stefanics, Chair

ATTEST:

APPROVED AS TO FORM:

Valerie Espinoza, County Clerk



Stephen C. Ross, County Attorney

Citations As Civil And Not Criminal

Citations are currently petty misdemeanors and all of them, including the PAs, require full criminal process. This means that a driver cannot be found to have committed the offense without a hearing before a judge, so that when the driver ignores the citation the court must issue an arrest warrant in order to get the driver into court, adjudicate the citation, and enter judgment. Courts spend time and energy trying to give notice to delinquent drivers who have not appeared to address a citation, and many thousands of arrest warrants are issued every year because the driver did not go to court to pay or contest the citation.

If PAs were civil and not criminal, the initial process would be the same as proposed above. A citation would provide 15 days to pay or require an appearance on a date the officer wrote on the ticket, about 30 days after the date of issuance. Officers send the citations to the court, court clerks scan the citation into Odyssey, the CPC enters the data and opens a case on the citation, and most drivers follow the instructions on the citation by sending payment to the CPC by mail, phone or internet.

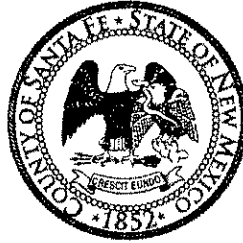
If the driver fails to pay or to appear on the required date, the court does not need to try to track down the driver to schedule a court date nor need the court issue a warrant. Instead, the judge enters a default judgment against the driver, who now owes the fine and fees stated on the citation as well as court costs.

- Collection of fines, fees and costs is supported by collateral consequences intended to get the driver to pay the citation. These collateral consequences can include suspension of the driver's license, suspension of the registration for the car the driver was driving, suspension of or inability to obtain a license to hunt or fish, referral of the matter to a professional collection agency, and other similar measures.
- If the collateral consequences and other collection efforts fail to convince the driver to pay after a set time (for example, 180 days), the court could open a contempt case, give notice to the driver, and proceed to adjudicate the contempt if the driver responds to notice or issue an arrest warrant if the driver fails to respond to notice from the court.
- Making penalty assessment misdemeanors civil infractions may create a more efficient system in the courts and a better means to collect money owed to the courts. This change would not completely eradicate the ability of a judge to issue a warrant for a defendant. The warrant becomes the last action to be taken as it is connected to a contempt charge.
- Law enforcement would benefit because there would be many, many fewer outstanding traffic warrants to be accounted for by each agency as well as NCIC. Additionally, there will be more officer time on the roads when they do not have to book someone into jail for a traffic violation warrant.
- Many states have appointed hearing officers to handle the adjudication of civil traffic infractions which, in this time of fewer resources, allows for magistrate and metropolitan court judges to focus on the more serious civil and criminal cases.

Daniel "Danny" Mayfield
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

Date: September 11, 2012

To: Board of County Commissioners

From: Lisa Roybal on behalf of Katherine Miller, County Manager

Subject: A Resolution Requesting Legislative Support to Create a Recurring Revenue Stream from Rural Emergency Medical Services

ISSUE:

The following agenda item is:

A Resolution Requesting Legislative Support to Create a Recurring Revenue Stream from Rural Emergency Medical Services (Commissioner Stefanics)

This Resolution represents one of the key issues and legislative priorities of the New Mexico Association of Counties identified by counties through the voices of their Affiliate organizations.

RECOMMENDATION:

I respectfully request the Board of County Commissioners support and approve this agenda item.

**SANTA FE COUNTY
RESOLUTION NO. 2012 -**

**A Resolution Requesting Legislative Support to Create a Recurring
Revenue Stream from Rural Emergency Medical Services**

WHEREAS, emergency medical services are essential to the health, safety, and welfare of the people of rural communities by providing potentially life-saving emergency care and transportation to the nearest emergency medical treatment at hospital emergency rooms;

WHEREAS, local government plays an essential role in providing emergency medical services with public funds because the cost of service is generally not covered fully by the fees for services paid by patients;

WHEREAS, many local governments, particularly rural counties with low income populations where the need for EMS is especially acute, do not generate enough tax revenue to provide adequate funding to sustain reliable and viable emergency medical services;

WHEREAS, it is in the interest of the State of New Mexico and its citizens that rural counties have the capacity to provide quality and efficient emergency medical services; and

WHEREAS, a steady, reliable, and consistent state-based revenue stream for rural EMS is critically needed for New Mexico to ensure the public health, safety, and welfare.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of County Commissioners for Santa Fe County supports legislation that would create a state-based revenue stream, other than existing emergency response funds, to supplemental local funds for rural EMS and calls upon the State Legislature to amend applicable statutes to create such a source of recurring funds.

APPROVED, ADOPTED AND PASSED this ____ day of ____, 2012.

BOARD OF COUNTY COMMISSIONERS

By: _____
Liz Stefanics, Chair

ATTEST:

Valerie Espinoza, County Clerk

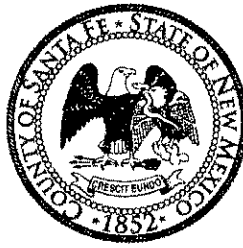
APPROVED AS TO FORM:

Stephen C. Ross, County Attorney

Daniel "Danny" Mayfield
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

Date: September 11, 2012

To: Board of County Commissioners

From: Lisa Roybal on behalf of Katherine Miller, County Manager

Subject: A Resolution Supporting Fireworks Licensing and Safety

ISSUE:

The following agenda item is:

A Resolution Supporting Fireworks Licensing and Safety (Commissioner Stefanics)

This Resolution represents one of the key issues and legislative priorities of the New Mexico Association of Counties identified by counties through the voices of their Affiliate organizations.

RECOMMENDATION:

I respectfully request the Board of County Commissioners support and approve this agenda item.

ATTACHMENTS

Attached please view additional information regarding 60-2C-8.1 Extreme or Severe Drought Conditions; Restricted Sale and Use.

**SANTA FE COUNTY
RESOLUTION NO. 2012 -**

A Resolution Supporting Fireworks Licensing and Safety

WHEREAS, 2,427,023 acres burned across New Mexico between 2008-2011, roughly two times the 2002-2007 acreage of 1,357,887;

WHEREAS, according to statistics from the National Interagency Fire Center (NIFC), the New Mexico average number of fires between 2008-2011 was 1,328 and between 2002-2007 was 1,681 a decrease in the average fires; however between 2008-2011 the average acres burned per fire was 415.65, almost four times the 2002-2007 average acres per fire which was 113.61;

WHEREAS, the risk to life, property and the environment clearly exists within New Mexico, due to the extremely dry conditions; and

WHEREAS, extreme fire situations can severely tax current local, state, and federal resources;

WHEREAS, the 1999 amendments to the Fireworks Licensing and Safety Act ("the Act"), NMSA 1978, Sections 60-2C-1 through 60-2C-11, authorized governing bodies of counties to limit and restrict the sale and use of fireworks within the unincorporated portions of the County under certain circumstances;

WHEREAS, Section 60-2C-8.1.E of the Act authorizes the governing body of a county to hold a hearing to determine if fireworks restrictions should be imposed within the unincorporated portions of the county affected by extreme or severe drought conditions, with the findings of the governing body to be based on current drought indices published by the National Weather Service and any other relevant information supplied by the U.S. Forest Service;

WHEREAS, pursuant to 60-2C-8.1 F of the Act, the governing body of a county shall issue a proclamation declaring extreme or severe drought conditions within the unincorporated portions of the county if the governing body determines such conditions exist;

WHEREAS, pursuant to 60-2C-8.1 F of the Act, the governing body has the authority within such a proclamation to ban the sale or use of various classes of fireworks within the unincorporated portions of the county if the governing body determines extreme or severe drought conditions exist within the unincorporated portions of the county; and

WHEREAS, the National Integrated Drought Information System has determined and found that extreme or severe drought conditions do exist within the unincorporated

portions of the counties, with such findings being based on current drought indices published by the national weather service or relevant information supplied by the U.S. Forest Service.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of County Commissioners for Santa Fe County supports legislation that would amend NMSA 1978, Section 60-2C-8.1 (B)(1) (1999) and NMSA 1978, Section 60-2C-8.1 (F)(1) (1999) to include "roman candles, mines and shells."

APPROVED, ADOPTED AND PASSED this ____ day of ____, 2012.

BOARD OF COUNTY COMMISSIONERS

By: _____
Liz Stefanics, Chair

ATTEST:

Valerie Espinoza, County Clerk

APPROVED AS TO FORM:



Stephen C. Ross, County Attorney

60-2C-8.1. Extreme or severe drought conditions; restricted sale and use.

A. The governing body of a municipality may hold a hearing to determine if fireworks restrictions should be imposed within the boundaries of the incorporated municipality affected by extreme or severe drought conditions. The findings of the governing body shall be based on current drought indices published by the national weather service and any other relevant information supplied by the United States forest service.

B. Pursuant to any hearing under Subsection A of this section, the governing body of a municipality shall issue a proclamation declaring extreme or severe drought conditions within the boundaries of the incorporated municipality if the governing body determines such conditions exist. The governing body's proclamation:

(1) shall ban the sale and use of missile-type rockets, helicopters, aerial spinners, stick-type rockets and ground audible devices within the affected drought area; and

(2) shall give the governing body the power to:

(a) limit the use within its jurisdiction of any fireworks not listed in Paragraph (1) of this subsection to areas that are paved or barren or that have a readily accessible source of water for use by the homeowner or the general public;

(b) ban the use of all fireworks within wildlands in its jurisdiction, after consultation with the state forester; and

(c) ban or restrict the sale or use of display fireworks.

C. The municipal governing body's proclamation declaring an extreme or severe drought condition shall be issued no less than twenty days prior to a holiday for which fireworks may be sold. The proclamation shall explain restrictions on the sale or use of fireworks and permitted sales or uses of fireworks.

D. A municipal governing body's proclamation shall be effective for thirty days and the governing body may issue succeeding proclamations if extreme or severe drought conditions warrant. A proclamation may be modified or rescinded within its thirty-day period by the governing body upon conducting an emergency hearing to determine if weather conditions have improved.

E. The governing body of a county may hold a hearing to determine if fireworks restrictions should be imposed within the unincorporated portions of the county affected by extreme or severe drought conditions. The findings of the governing body shall be based on current drought indices published by the national weather service and any other relevant information supplied by the United States forest service.

F. Pursuant to any hearing under Subsection E of this section, the governing body of a county shall issue a proclamation declaring extreme or severe drought conditions within the unincorporated portions of the county if the governing body determines such conditions exist. The governing body's proclamation:

(1) shall ban the sale and use of missile-type rockets, helicopters, aerial spinners, stick-type rockets and ground audible devices within the affected drought area; and

(2) shall give the governing body the power to:

(a) limit the use within its jurisdiction of any fireworks not listed in Paragraph (1) of this subsection to areas that are paved or barren or that have a readily accessible source of water for use by the homeowner or the general public;

(b) ban the use of all fireworks within wildlands in its jurisdiction, after consultation with the state forester; and

(c) ban or restrict the sale or use of display fireworks.

G. The county governing body's proclamation declaring an extreme or severe drought condition shall be issued no less than twenty days prior to a holiday for which fireworks may be sold. The proclamation shall explain restrictions on the sale or use of fireworks and permitted sales or uses of fireworks.

H. Except as otherwise provided in this subsection, a proclamation shall be effective for thirty days, and the county governing body may issue succeeding proclamations if extreme or severe drought conditions warrant. A proclamation may be modified or rescinded within its thirty-day period by the governing body upon conducting an emergency hearing to determine if weather conditions have improved.

History: Laws 1997, ch. 17, § 9; 1999, ch. 58, § 3.

Daniel "Danny" Mayfield

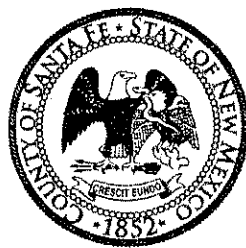
Commissioner, District 1

Virginia Vigil

Commissioner, District 2

Robert A. Anaya

Commissioner, District 3



Kathy Holian

Commissioner, District 4

Liz Stefanics

Commissioner, District 5

Katherine Miller

County Manager

Date: September 11, 2012

To: Board of County Commissioners

From: Lisa Roybal on behalf of Katherine Miller, County Manager

Subject: A Resolution Supporting Delinquent Property Tax Sales

ISSUE:

The following agenda item is:

A Resolution Supporting Delinquent Property Tax Sales (Commissioner Stefanics)

This Resolution represents one of the key issues and legislative priorities of the New Mexico Association of Counties identified by counties through the voices of their Affiliate organizations.

RECOMMENDATION:

I respectfully request the Board of County Commissioners support and approve this agenda item.

ATTACHMENTS

Attached is information in relation to 7-38-65 Collection of delinquent taxes on real property; sale of real property.

**SANTA FE COUNTY
RESOLUTION NO. 2012 -**

A Resolution Supporting Delinquent Property Tax Sales

WHEREAS, county treasurers turn over to the New Mexico Department of Taxation and Revenue, Property Tax Division, delinquent properties that are 2 years delinquent on June 30 of each year;

WHEREAS, the Property Tax Division has sole authority to sell these properties at auction if taxes remain unpaid; and

WHEREAS, all penalties and interest amounts associated with these properties are given to the Property Tax Division to pay for the costs of performing this collection effort on behalf of counties.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of County Commissioners for Santa Fe County supports legislation that would amend NMSA 1978, Section 7-38-65A to make mandatory rather than discretionary the sale by the Taxation and Revenue Department of real property on which taxes are delinquent.

APPROVED, ADOPTED AND PASSED this ____ day of ____, 2012.

BOARD OF COUNTY COMMISSIONERS

By: _____
Liz Stefanics, Chair

ATTEST:

Valerie Espinoza, County Clerk

APPROVED AS TO FORM:

Stephen C. Ross, County Attorney

7-38-65. Collection of delinquent taxes on real property; sale of real property.

A. If a lien exists by the operation of Section 7-38-48 NMSA 1978, the department may collect delinquent taxes on real property by selling the real property on which the taxes have become delinquent. The sale of real property for delinquent taxes shall be in accordance with the provisions of the Property Tax Code [Articles 35 to 38 of Chapter 7 NMSA 1978]. Real property may be sold for delinquent taxes at any time after the expiration of three years from the first date shown on the tax delinquency list on which the taxes became delinquent. Real property shall be offered for sale for delinquent taxes either within four years after the first date shown on the tax delinquency list on which the taxes became delinquent or, if the department is barred by operation of law or by order of a court of competent jurisdiction from offering the property for sale for delinquent taxes within four years after the first date shown on the tax delinquency list on which the taxes became delinquent, within one year from the time the department determines that it is no longer barred from selling the property, unless:

- (1) all delinquent taxes, penalties, interest and costs due are paid by 5:00 p.m. of the day prior to the date of the sale; or
- (2) an installment agreement for payment of all delinquent taxes, penalties, interests and costs due is entered into with the department by 5:00 p.m. of the day prior to the date of the sale pursuant to Section 7-38-68 NMSA 1978.

B. Failure to offer property for sale within the time prescribed by Subsection A of this section shall not impair the validity or effect of any sale which does take place.

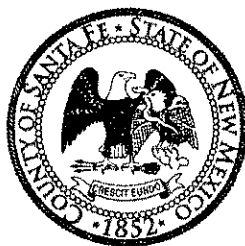
C. The time requirements of this section are subject to the provisions of Section 7-38-83 NMSA 1978.

History: 1953 Comp., § 72-31-65, enacted by Laws 1973, ch. 258, § 105; 1983, ch. 215, § 3; 1985, ch. 109, § 9; 1985, ch. 226, § 1; 1990, ch. 22, § 7; 2001, ch. 253, § 1; 2001, ch. 254, § 1; 2003, ch. 95, § 4.

Daniel "Danny" Mayfield
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

Date: September 11, 2012

To: Board of County Commissioners

From: Lisa Roybal on behalf of Katherine Miller, County Manager

Subject: A Resolution Supporting the 2013 Legislative Priorities of the New Mexico Association of Counties

ISSUE:

The following agenda item is:

A Resolution Supporting the 2013 Legislative Priorities of the New Mexico Association of Counties (Commissioner Stefanics)

The New Mexico Association of Counties (NMAC) mission is to work as a united body by equally representing the interests of all counties through designated elected county officials to promote effective and efficient county government.

The NMAC lobbying team works year round to advance the legislative priorities of the counties through the voices of their Affiliate organizations. Legislative team support includes: (1) providing early assistance to the Affiliate groups with identifying matters requiring a legislative or constitutional fix; (2) discussing the issues with the full Board of Directors for determination of which will ultimately be adopted as NMAC priorities; (3) taking the many steps required to turn the resolution into a bill.

This Resolution supports the following six issues as legislative priorities:

- A. Disclosure of sales data for all real property;
- B. Authorizing local government royalties for database access;
- C. Decriminalization of minor traffic offenses;
- D. Funding for rural emergency medical systems;
- E. Mandating sales of delinquent properties; and
- F. Expanding the list of fireworks restricted by local governments.

RECOMMENDATION:

I respectfully request the Board of County Commissioners support and approve this agenda item.

102 Grant Avenue · P.O. Box 276 · Santa Fe, New Mexico 87504-0276 · 505-986-6200 · FAX:
505-995-2740 www.santafecounty.org

**SANTA FE COUNTY
RESOLUTION NO. 2012 -**

**A Resolution Supporting the 2013 Legislative Priorities
of the New Mexico Association of Counties**

WHEREAS, in August, 2012, the Board of Directors of the New Mexico Association of Counties approved six legislative priorities for consideration by the New Mexico Legislature at its 2013 Regular legislative session;

WHEREAS, the Association has requested that the Board of County Commissioners in each of the state's 33 counties adopt a resolution supporting the Association's legislative priorities;

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

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

WHEREAS, the legislative priorities adopted by the Association's Board of Directors include support for legislation on the following six issues:

- A. Disclosure of sales data for all real property;
- B. Authorizing local government royalties for database access;
- C. Decriminalization of minor traffic offenses;
- D. Funding for rural emergency medical systems;
- E. Mandating sales of delinquent properties;
- F. Expanding the list of fireworks restricted by local governments

NOW, THEREFORE, BE IT RESOLVED that the Santa Fe Board of County Commissioners does hereby support the legislative priorities of the New Mexico Association of Counties as set forth above, and urges that legislation incorporating these priorities be enacted by the state legislature during its 2013 Regular legislative session.

APPROVED, ADOPTED AND PASSED this ____ day of ____, 2012.

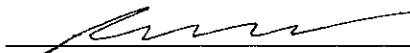
BOARD OF COUNTY COMMISSIONERS

By: _____
Liz Stefanics, Chair

ATTEST:

Valerie Espinoza, County Clerk

APPROVED AS TO FORM:



Stephen C. Ross, County Attorney

NO PACKET MATERIAL
FOR THIS ITEM