

BERNALILLO COUNTY

BOARD OF COUNTY COMMISSIONERS

ADMINISTRATIVE RESOLUTION NO. 2018-3

A RESOLUTION ESTABLISHING THE 2018 FEDERAL LEGISLATIVE POLICY PRIORITIES OF THE COUNTY OF BERNALILLO FOR THE 115th CONGRESS, SECOND SESSION, OF THE UNITED STATES OF AMERICA

WHEREAS, one third of the State of New Mexico's population resides in Bernalillo

County; and

WHEREAS, Bernalillo County's transportation, behavioral health, public safety, economic development, finance and water resources program priorities are impacted by federal legislation, grants and regulations; and

WHEREAS, over the past six years the County's federal program has been affected by the earmarking moratorium, changes in the members of the New Mexico Congressional Delegation, and implementation of the Budget Control Act of 2011 which increased the debt ceiling and put in place a plan to cut \$1.2 trillion from the federal budget over ten years; and

WHEREAS, securing discretionary federal funding is increasingly competitive; and

WHEREAS, County has used federal program resources efficiently and effectively for the benefit of County residents; and

WHEREAS, Bernalillo County works with the New Mexico Association of Counties and the National Association of Counties to advance support for programs and funding to benefit local government; and

WHEREAS, decisions by Congress and Federal Agencies will impact legislation, FY 19 funding, and regulations that will affect the following County priorities:

1 **Sunport Boulevard Extension Project**

2
3 The Sunport Boulevard Extension has gone through multiple environmental reviews because
4 of requirements by USDOT to ensure that it is most comprehensive. The Federal Highway
5 Administration required that a previous environmental review be expanded to include
6 Woodward Road and the Sunport Interchange at I-25. This expanded evaluation is nearing
7 completion and will result in a required public hearing in February 2018. The Federal
8 Highway Administration Office in Santa Fe and the New Mexico DOT will then receive
9 public comments and FHWA is expected to issue a final project decision in the spring or
10 early summer 2018. Bernalillo County and its Washington advocates will follow the public
11 hearing and review of the final environmental assessment by NMDOT and FHWA/Santa Fe.
12 The New Mexico Congressional delegation has followed the review of the environmental
13 assessment and is interested in FHWA's final project determination.
14

15 **Reimbursement of \$2.95 million from Army Corps of Engineers**

16
17 Bernalillo County has sought reimbursement for \$3,701,007 from the U.S. Army Corps of
18 Engineers for funds advanced by the County for construction of the Valley Utilities and the
19 West Levee Projects. The County's funding was used to complete water and sewer
20 improvement projects in the South Valley and to support the Middle Rio Grande
21 Conservancy District's construction of the West Levee Project. Both projects received
22 federal funds from the U. S. Army Corps of Engineers through Section 593 of the Water
23 Resources Development Act of 1999 (WRDA'99). The *Central New Mexico* provision in
24 WRDA'99 authorized funding for water infrastructure projects in Bernalillo, Sandoval, and
25 Valencia Counties.
26

27 The County received \$750,000 in reimbursement funding from the USACE in fall 2017. The
28 remaining \$2,951,007 is expected to be reimbursed by the Corps as funding is made available
29 in future appropriations and the Corps annual work programs. The County will consider use
30 of the reimbursement for future water resources projects in unincorporated Bernalillo
31 County.
32

33 **Bus Rapid Transit (BRT) FY 19 Planning**

34
35 Support funding for expanded and improved Regional Transit Service and Bus Rapid
36 Transit projects that increase travel options for County residents in the Albuquerque
37 Metropolitan Area, and the region.
38

39 **South Valley Rail Freight Facilities**

40 Bernalillo County has submitted a \$10.88 million Infrastructure for Rebuilding America
41 (INFRA) grant application to the U.S. Department of Transportation for roadway and utility
42 (water, sewer, storm drain, electric) infrastructure upgrades that, if funded, would support
43 two rail freight facilities in the South Valley – the Sunport South project and New Mexico
44 Terminal Services. Both projects are located adjacent to the National Highway Freight

1 Network served by Interstate 25 and the NMRX railroad as well as adjacent to the
2 Albuquerque Sunport. Private sector contributions will serve as a local match and will be
3 comprised of approximately \$7.64 million worth of upgrades to existing rail lines. This
4 private sector amount is 41% of the projected \$18.52 million cost, exceeding the 20% local
5 match that is required.

6 While \$8.5 billion in freight comes into New Mexico, primarily on the Burlington Northern
7 Santa Fe (BNSF) Transcon line, \$8.3 billion is again merely passing through en route to
8 other markets. Only 20% the Albuquerque region's exports move by intermodal shipping
9 containers. Bernalillo County/Albuquerque does not have outbound intermodal rail service
10 but is served by Amarillo and El Paso rail connections. A full unit train is required by BNSF
11 to make Bernalillo County/Albuquerque an intermodal connection. The proposed Central
12 New Mexico Rail Park at the Belen Transcon cutoff south of Albuquerque is a certified
13 BNSF site for intermodal shipping. The need exists for transload facilities which the INFRA
14 grant is intended to help fund.

15 Growth in goods (logistics dependent) sector industries is necessary to support increased
16 freight including agriculture, mining, utilities, construction, manufacturing, wholesale and
17 retail trade, and transportation/ warehousing. In the Albuquerque area for 2014, 102,000 jobs
18 (28 percent of total down from 35 percent a decade earlier) are in the goods sector.
19 Bernalillo County/Albuquerque is still recovering from the Great Recession. Most local
20 manufacturing is in computer and electronic equipment followed by food products (35% and
21 15% decrease since 2004). However, Albuquerque is a leader in high tech manufacturing
22 (40% all manufacturing). Warehousing and storage has seen a 33% increase in employment
23 over the past decade (Transportation and Logistics Hub Study).

24 **Alternatives to Incarceration**

25
26 Operating the Metropolitan Detention Center (MDC) is affected by costs associated with
27 inmates, as a percentage of the jail's population, needing behavioral health or substance
28 abuse services. Bernalillo County MDC spends approximately \$6 million per year for
29 behavioral health and substance abuse treatments for inmates. More than two thirds of MDC
30 inmates struggle with substance abuse, mental illness, or co-occurring disorders. Once
31 released, many individuals lack the education and job skills to transition successfully back to
32 community. Fifty to sixty percent of those leaving MDC are expected to reoffend within one
33 to three years, and this rate for those with behavioral health disorders is significantly higher.
34 The financial, societal, familial, and community impacts of this re-offense cycle are
35 enormous.

36
37 Breaking this cycle is a focus of Bernalillo County, who will open in spring 2018 a Resource
38 Re-entry Center that will assist released inmates get services and guidance with the goal of
39 reducing recidivism and providing a warm hand-off back into the community. Bernalillo
40 County is working to implement an array of services and programs in collaboration with
41 partner entities, spanning both public/behavioral health systems and criminal justice systems,
42 with the aim of diverting from the jail those individuals who are better served through
43 treatment and other services as an alternative to incarceration. Diversion is about trying to
44 reduce the amount of crime occurring in the community by linking offenders to services to
45 prevent them from returning to criminal habits and lifestyle.

1
2 Bernalillo County supports funding for the Second Chance Reauthorization Act to reduce
3 recidivism and more successfully link high risk/high need individuals to appropriate levels of
4 care in the community. Bernalillo County will continue to seek federal grant and other
5 funding opportunities to implement alternatives to incarceration, which is proven to be a
6 more cost-effective approach to improving public health and safety while reducing jail
7 population.
8

9 **Support Federal Behavioral Health Funding**

10
11 Bernalillo County is implementing its comprehensive Behavioral Health Initiative. The
12 initiative has four primary foci – prevention/harm reduction, supportive housing, community
13 supports, and crisis services. Bernalillo County is working with local and state partners,
14 including the University of New Mexico Hospital, the State of New Mexico and the City of
15 Albuquerque as well as community subject matter experts, to address an array of needs
16 including a regional crisis triage/stabilization center, intensive case management, wrap-
17 around supportive housing, the creation of community engagement teams, and mobile crisis
18 units. One outcome of such collaboration will be the May 2018 opening of Bernalillo
19 County’s Resource Re-Entry Center that will improve re-entry mental health treatment
20 services for inmates released from the Metropolitan Detention Center into the community.
21

22 Funding for this initiative comes from the Behavioral Health Tax, which Bernalillo County
23 voters approved in 2014. The County will use this funding to develop and implement
24 programs, as well as to use as a matching fund source to secure additional, program-specific
25 federal funding such as Sequential Intercept Grants, Correctional Facility Grants, Opioid
26 Treatment and Prevention Grants, and Law Enforcement Training authorized by the
27 Comprehensive Justice and Mental Health Act of 2015 (HR 1854). Department of Justice
28 grants for mental health programs and related law enforcement corrections programs, court-
29 ordered assisted outpatient treatment, pretrial screen and supervision, behavioral health
30 assessments and intervention, and residential substance abuse treatment for inmates are also
31 desired.
32

33 Implementation of the Behavioral Health Initiative has revealed significant challenges with
34 collecting and analyzing client specific data for individuals diagnosed with mental illness
35 who are frequently utilizing jails and hospital emergency services. The Behavioral Health
36 Initiative has encountered additional privacy challenges beyond HIPAA, in that the New
37 Mexico Mental Health Code prohibits the sharing of information of individuals with mental
38 illness without a signed release. The state statute does not have an exception for studies and
39 is more restrictive than HIPAA. The limitations on sharing individualized data significantly
40 limits the County’s ability to identify and serve frequent utilizers in our community.
41 Bernalillo County will seek amendments to the New Mexico Mental Health Code to address
42 this limitation during the winter 2018 legislative session.
43

44 Bernalillo County supports legislation that would provide increased funding for behavioral
45 healthcare, including prevention as well as substance abuse research, treatment and recovery
46 services, to state and local governments. Recent studies by the University of New Mexico

1 Institute of Social Research have suggested that nearly 50% of Bernalillo County residents
2 needing mental health or addiction treatment services are not getting the help they need
3 because of gaps in New Mexico's behavioral health continuum of care. Untreated behavioral
4 health conditions have led to increased interactions with law enforcement, overuse of
5 hospital emergency and inpatient services, and unnecessary suffering on the part of patients
6 and their families. These conditions are directly related to the need for alternatives to
7 incarceration, which is also part of this resolution.
8

9 **Oppose Efforts to Eliminate or Limit Tax-Exempt Status of Municipal Bonds**

10
11 Tax-exempt bonds have been a feature of the federal tax code since 1913 and are a critical
12 financing tool for counties nationwide. State and local governments invested more than
13 \$3.3 trillion in infrastructure projects through long-term tax-exempt municipal bonds from
14 2003-2012. 45 percent of long-term state and local tax-exempt bonds funded the building of
15 schools, hospitals, roads and jails; and 75 percent of all national infrastructure projects are
16 completed using bond financing. Tax-exempt bonds are a critical tool for counties to
17 facilitate the budgeting and financing of long-range investments in the infrastructure and
18 facilities necessary to meet public demand for government services. Without the tax
19 exemption, counties would pay more to raise capital, a cost that would ultimately be borne
20 by the taxpayers, through means such as reduced spending on the roads and bridges for
21 which counties are responsible, decreased economic development, higher taxes or higher
22 user fees.

23
24 Municipal general obligation bonds are the most reliable and predictable source of revenue
25 that Bernalillo County has for capital improvements.
26

27 **Support the Marketplace Fairness Act and the Remote Transaction Parity Act**

28
29 Bernalillo County supports legislation that would allow state and local governments to
30 enforce existing state and local sales and use tax laws on remote (online) retailers.
31 According to a National League of Cities May 2013 report entitled "US Metro Economies:
32 Impact of Marketplace Fairness on Select Jurisdictions", Bernalillo County (including City
33 of Albuquerque) did not collect, or lost, approximately \$7,700,000 in gross receipts taxes
34 due to online sales in 2013. This amount increased from \$5,895,000 in 2011 and \$6,719,000
35 in 2012. The National Association of Counties and the National League of Cities support
36 this legislation.
37

38 **Land Mobile Radio (LMR) System**

39
40 The City of Albuquerque and the County of Bernalillo are in the planning process of
41 replacing existing LMR systems due to age of equipment and unsupported subsystems.
42 Both the City and the County need to move forward with the replacement of the LMR
43 systems together to accomplish common goals. Goals include reduction in costs and
44 redundancy in systems, improved interoperability among other public safety agencies,
45 increased radio system coverage for an overall public safety benefit to the public.
46 \$9,400,000 is required for necessary City/County infrastructure and the County's
47 infrastructure, plus \$1 million for each additional site. Bernalillo County voters approved

1 \$1,000,000 in 2016 general obligation bonds to cover a portion of the County's share of this
2 project. Bernalillo County will be pursuing federal funding through the Assistance to
3 Firefighting Grant (AFG) program for the purchase or lease of handheld radio equipment.

4
5 **Support Federal FY 19 Funding requests** for Sandia and Los Alamos National Labs and
6 the Air Force Research Laboratory housed at Kirtland Air Force Base, at the highest
7 funding level possible.

8
9 **Support Federal FY 19 Funding requests** for continued monitoring and clean-up of the
10 Kirtland Air Force Base jet fuel spill.

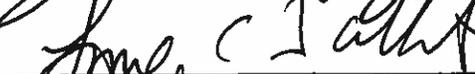
11
12 **NOW, THEREFORE**, be it resolved by the Board of County Commissioners, the
13 governing body of the County of Bernalillo, that the 2018 Federal Legislative Policy for the
14 115th Congress, Second Session of the United States of America be adopted.

15 **DONE**, this 9th day of January, 2018.



16 **BOARD OF COUNTY COMMISSIONERS**

17 
18 Steven Michael Quezada, Chair

19 
20 Lonnie C. Talbert, Vice Chair

21 
22 Debbie Malley, Member

23 
24 Maggie Hart Stebbins, Member

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26 Wayne A. Johnson, Member

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29
30 APPROVED AS TO FORM:

31 
32 W. Ken Martinez, County Attorney

33
34 ATTEST
35 
36 Linda Stover, County Clerk