

April 17, 2017: Report Re: Fireworks Vote by the County Commission

I attended the County Commission meeting on Tuesday, April 11, 2017, to oppose modifying the County's Safe and Sane Fireworks ordinance. At issue was whether or not "specialty retailers," such as Bowlin's Travel on I-10, would be permitted to sell aerial and ground audible fireworks year round.

Attached is a guest column published in NM Politics.net on April 9 as well as the Sun News article of April 11, 2017. Essentially, the Sun News had opposed loosening of the fireworks law, while the Las Cruces Bulletin supported changing the law.

At the March 14 County Commission meeting, by a vote of 4-1, the Commission voted to publish the amended ordinance. At that time 7 people spoke during the "public input" section of the meeting to support amending the ordinance; only 2 people (one PVA member and me) opposed the amendment.

At the April 11 County Commission meeting, **by a vote of 4-1, the Commission voted to pass the amended ordinance.** At that time 8 people spoke during the "public input" section of the meeting to support amending the ordinance; only 4 people (two PVA members, a fire fighter and me) opposed the amendment. Commissioner Vasquez asked for the audience to raise their hands if they supported a change to the ordinance, and about one third of the audience did so; he did not ask how many opposed the change. The lone dissent each meeting was by Commissioner Garrett, who provided very cogent reasons to not amend the ordinance and discussed ethical duties and recusals in some detail.

My public input to the commission consisted of three main points:

1. Permitting more fireworks to be sold in the county, even if supposedly just to non-county residents, would result in many of the fireworks being discharged in prohibited areas of the county, which compromises public safety;
2. Given that Commissioner Solis and Vasquez each received \$2,500 from Bowlin's Travel, with Commissioner Vasquez's money being provided after his election, these Commissioners should recuse themselves from the vote due to a public perception of a conflict of interest ("pay for play"). Commissioner Rawson indicated that he received \$100 or \$200 from a fireworks vendor.
3. The fire fighter who provided input to the commission to oppose amending the current ordinance is a fire professional who should be heeded by the commission.

I truly thank everyone who called or emailed the commissioners and well as those who attended the Commission meeting and those who addressed the Commission during the public input. Commissioner Solis mentioned that she received a large number of emails and telephone call on this subject.

You may recall that the January agenda for the Commission called for a complete repeal of the County's Safe and Sane Fireworks ordinance, which Commissioner Vasquez withdrew due to public pressure. The result was the "specialty retailer" amendment that was passed on April 11.

I doubt that the fireworks vendors are done with this issue, now that they have gotten the Commission to support changing the ordinance. I suspect the fireworks vendors will want more in the future. To prevent their success when the time comes, we will need to mount a sustained effort to persuade the Commission not to further weaken the Safe and Sane Fireworks ordinance. Please pass this information along to whomever you wish.

All the best,

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