

**BERNALILLO COUNTY**  
**Board of County Commissioners (BCC)**  
**Special Meeting**

Debbie O'Malley, Chair  
Art De La Cruz, Vice Chair



Maggie Hart Stebbins, Member  
Lonnie C. Talbert, Member  
Wayne A. Johnson, Member

Tom Zdunek, County Manager

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**Agenda**

**Monday, December 29, 2014 @ 2:00 PM**

**10TH FLOOR, CONFERENCE RM B.**

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**A. CALL TO ORDER**

2:00 PM Meeting called to order on December 29, 2014 at 10Th Floor, Conference Rm B., City/County Government Center, Albuquerque, NM.

**B. SILENT INNOVATION AND PLEDGE OF ALLEGIANCE**

**C. APPROVALS**

**1. COUNTY MANAGER: Salary Increase of Elected County Officials**

Motion to approve the increase in salaries of newly elected county officials pursuant to Section 4-44-4, NMSA 1978, effective January 1, 2015.

The 2013 New Mexico State Legislature amended Section 4-44-1 NMSA 1978, and other relevant sections, increasing the salaries of elected officials provided that the boards of county commissioners opt by majority vote to increase the salaries up to the amounts specified in the legislation. Only elected officials whose term of office begins on January 1, 2015, are eligible for the salary increase. Other newly elected county officials will be eligible for the increase effective January 1, 2017.

According to an October 21, 1998 Supreme Court of New Mexico decision, mid-term elected officials are not eligible for the salary increase.

Elected county officials now beginning a new term of office include two County Commissioners, the Assessor, the Probate Judge and the Sheriff. These officials

will be eligible for the increase on January 1, 2015, if adopted by the Board. County officials beginning new terms who would be eligible for the increase effective January 1, 2017, would be three Commissioners, the County Clerk, and the County Treasurer.

The last salary increase for elected officials was approved by the Board on December 12, 2006, and was effective January 1, 2007, for the first five elected officials, and January 1, 2009, for the remaining five elected officials.

**ATTACHMENTS:**

- NMSA 4-44-4 (PDF)
- HB0334 (PDF)
- Current-Proposed Salaries (PDF)
- Elected Official Salary Increase FAF (PDF)

**D. ADJORNMENT OF MEETING**



# Board of County Commissioners (BCC)

Meeting: 12/29/14 02:00 PM

Department: County Manager  
 Prepared By: Heidi Warren  
 Director: Tom Zdunek  
 DCM:  
 Sponsors: O'Malley

**Title:** Salary Increase of Elected County Officials

## Action:

Motion to approve the increase in salaries of newly elected county officials pursuant to Section 4-44-4, NMSA 1978, effective January 1, 2015.

## Summary:

The 2013 New Mexico State Legislature amended Section 4-44-1 NMSA 1978, and other relevant sections, increasing the salaries of elected officials provided that the boards of county commissioners opt by majority vote to increase the salaries up to the amounts specified in the legislation. Only elected officials whose term of office begins on January 1, 2015, are eligible for the salary increase. Other newly elected county officials will be eligible for the increase effective January 1, 2017. According to an October 21, 1998 Supreme Court of New Mexico decision, mid-term elected officials are not eligible for the salary increase.

Elected county officials now beginning a new term of office include two County Commissioners, the Assessor, the Probate Judge and the Sheriff. These officials will be eligible for the increase on January 1, 2015, if adopted by the Board. County officials beginning new terms who would be eligible for the increase effective January 1, 2017, would be three Commissioners, the County Clerk, and the County Treasurer.

The last salary increase for elected officials was approved by the Board on December 12, 2006, and was effective January 1, 2007, for the first five elected officials, and January 1, 2009, for the remaining five elected officials.

## Attachments:

- NMSA 4-44-4 (PDF)
- HB0334 (PDF)
- Current-Proposed Salaries (PDF)
- Elected Official Salary Increase FAF (PDF)

## Staff Analysis Summary:

Board of County Commissioners  
2:00 PM

Yvette Chavez Meeting

Pending

12/29/2014

## 4-44-4. Class A counties; salaries.

The annual salaries of elected officers of class A counties shall not exceed:

- A. county commissioners, thirty-four thousand five dollars (\$34,005) each;
- B. treasurer, seventy-five thousand three hundred twenty-seven dollars (\$75,327);
- C. assessor, seventy-five thousand three hundred twenty-seven dollars (\$75,327);
- D. sheriff, seventy-eight thousand five hundred fifty-five dollars (\$78,555);
- E. county clerk, seventy-five thousand three hundred twenty-seven dollars (\$75,327); and
- F. probate judge, thirty-three thousand one hundred forty-three dollars (\$33,143).

History: 1953 Comp., § 15-43-4, enacted by Laws 1957, ch. 196, § 2; 1959, ch. 262, § 1; 1961, ch. 247, § 1; 1965, ch. 236; § 1; 1969, ch. 219, § 3; 1970, ch. 83, § 1; 1973, ch. 380, § 1; 1974, ch. 70, § 1; 1976 (S.S.), ch. 14, § 1; 1978, ch. 191, § 1; 1980, ch. 135, § 1; 1982, ch. 39, § 1; 1986, ch. 67, § 1; 1990, ch. 82, § 1; 1994, ch. 38, § 1; 1998, ch. 11, § 1; 2002, ch. 79, § 1; 2006, ch. 87, § 1; 2011, ch. 56, § 16; 2013, ch. 188, § 2.

## AN ACT

RELATING TO COUNTIES; INCREASING THE SALARY LIMIT FOR ELECTED COUNTY OFFICIALS; ELIMINATING CERTAIN COUNTY CLASSES; AMENDING AND REPEALING SECTIONS OF THE NMSA 1978.

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

**SECTION 1.** Section 4-44-1 NMSA 1978 (being Laws 1957, Chapter 196, Section 1, as amended) is amended to read:

"4-44-1. CLASSIFICATION FOR SALARY PURPOSES.--

A. For the purpose of fixing salaries of county officers, the several counties of the state, except "H" class counties, are hereby classified as follows:

(1) those having a final, full assessed valuation of over seventy-five million dollars (\$75,000,000) and having a population of one hundred thousand persons or more as determined by the most current annual population data or estimate available from the United States census bureau, as class "A" counties;

(2) those having a final, full assessed valuation in excess of seventy-five million dollars (\$75,000,000) with a population of less than one hundred thousand persons as determined by the most current annual population data or estimate available from the United States census bureau, as class "B" counties; and

(3) those having a final, full assessed

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valuation equal to or less than seventy-five million dollars (\$75,000,000) with a population of less than one hundred thousand persons as determined by the most current annual population data or estimate available from the United States census bureau, as class "C" counties.

B. The assessed valuation for each year shall be the full valuation as finally fixed for that year."

**SECTION 2.** Section 4-44-4 NMSA 1978 (being Laws 1957, Chapter 196, Section 2, as amended) is amended to read:

"4-44-4. CLASS A COUNTIES--SALARIES.--The annual salaries of elected officers of class A counties shall not exceed:

A. county commissioners, thirty-four thousand five dollars (\$34,005) each;

B. treasurer, seventy-five thousand three hundred twenty-seven dollars (\$75,327);

C. assessor, seventy-five thousand three hundred twenty-seven dollars (\$75,327);

D. sheriff, seventy-eight thousand five hundred fifty-five dollars (\$78,555);

E. county clerk, seventy-five thousand three hundred twenty-seven dollars (\$75,327); and

F. probate judge, thirty-three thousand one hundred forty-three dollars (\$33,143)."

**SECTION 3.** Section 4-44-4.1 NMSA 1978 (being Laws 1986, HB 334  
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Chapter 67, Section 2, as amended) is amended to read:

"4-44-4.1. CLASS B COUNTIES--OVER THREE HUNDRED MILLION DOLLARS (\$300,000,000) VALUATION--SALARIES.--The annual salaries of elected officers of class B counties with an assessed valuation of over three hundred million dollars (\$300,000,000) shall not exceed:

A. county commissioners, twenty-six thousand two hundred fifty-seven dollars (\$26,257) each;

B. treasurer, sixty-five thousand eight hundred fifty-five dollars (\$65,855);

C. assessor, sixty-five thousand eight hundred fifty-five dollars (\$65,855);

D. sheriff, sixty-eight thousand six hundred fifty-four dollars (\$68,654);

E. county clerk, sixty-five thousand eight hundred fifty-five dollars (\$65,855); and

F. probate judge, twenty-three thousand twenty-eight dollars (\$23,028)."

**SECTION 4.** Section 4-44-5 NMSA 1978 (being Laws 1957, Chapter 196, Section 3, as amended) is amended to read:

"4-44-5. CLASS B COUNTIES--SALARIES.--The annual salaries of elected officers of class B counties with an assessed valuation of over seventy-five million dollars (\$75,000,000) but under three hundred million dollars (\$300,000,000) shall not exceed:

A. county commissioners, eighteen thousand seven hundred twenty-five dollars (\$18,725) each;

B. treasurer, fifty-six thousand three hundred eighty-six dollars (\$56,386);

C. county assessor, fifty-six thousand three hundred eighty-six dollars (\$56,386);

D. county sheriff, fifty-eight thousand nine hundred sixty-nine dollars (\$58,969);

E. county clerk, fifty-six thousand three hundred eighty-six dollars (\$56,386); and

F. probate judge, thirteen thousand one hundred twenty-nine dollars (\$13,129)."

**SECTION 5.** Section 4-44-6 NMSA 1978 (being Laws 1957, Chapter 196, Section 4, as amended) is amended to read:

"4-44-6. CLASS C COUNTIES--SALARIES.--The annual salaries of elected officers of class C counties shall not exceed:

A. county commissioners, eighteen thousand seven hundred twenty-five dollars (\$18,725) each;

B. county treasurer, fifty-six thousand three hundred eighty-six dollars (\$56,386);

C. county assessor, fifty-six thousand three hundred eighty-six dollars (\$56,386);

D. county sheriff, fifty-eight thousand nine hundred sixty-nine dollars (\$58,969);

E. county clerk, fifty-six thousand three hundred eighty-six dollars (\$56,386); and

F. probate judge, thirteen thousand one hundred twenty-nine dollars (\$13,129)."

**SECTION 6.** Section 4-44-12.3 NMSA 1978 (being Laws 1991, Chapter 91, Section 1, as amended) is amended to read:

"4-44-12.3. LEGISLATIVE INTENT--UNIFORM SALARY CHANGES.--

A. The intent of the legislature when enacting salary increases for elected county officials is to provide for equitable salary increases.

B. In accordance with Sections 4-44-3 through 4-44-6 NMSA 1978, the majority of a board of county commissioners may provide for salary increases for elected county officials; provided, however, that no salary increase shall take effect until the first day of the term of an elected county official who takes office after the date that salary increase is approved."

**SECTION 7.** Section 4-44-14 NMSA 1978 (being Laws 1955, Chapter 4, Section 2, as amended) is amended to read:

"4-44-14. H CLASS COUNTIES--SALARIES AND EXPENSES.--

A. Officers elected or appointed in a county of the H class shall receive no more than the following annual salaries:

(1) county commissioners, thirteen thousand

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seven hundred seventy-seven dollars (\$13,777);

(2) treasurer, six thousand eight hundred eighty-nine dollars (\$6,889);

(3) assessor, six thousand eight hundred eighty-nine dollars (\$6,889);

(4) sheriff, six thousand eight hundred eighty-nine dollars (\$6,889);

(5) county clerk, six thousand eight hundred eighty-nine dollars (\$6,889); and

(6) probate judge, four thousand thirty-one dollars (\$4,031).

B. The governing body of an H class county shall provide for salaries for the elected officials of the county pursuant to Section 4-44-12.3 NMSA 1978."

**SECTION 8. REPEAL.--**Sections 4-44-7, 4-44-8, 4-44-12.1, 4-44-12.2, 4-44-13 and 4-44-17 NMSA 1978 (being Laws 1957, Chapter 196, Sections 5 and 6, Laws 1982, Chapter 39, Sections 10 and 12, Laws 1957, Chapter 196, Section 12 and Laws 1953, Chapter 59, Section 1, as amended) are repealed.

**SECTION 9. EFFECTIVE DATE.--**

A. The effective date of the provisions of Sections 1 through 5, 7 and 8 of this act is January 1, 2014.

B. The effective date of the provisions of Section 6 of this act is July 1, 2013.

Current Elected Officials Salaries (effective 1/1/09)		Allowed Increase effective 1/1/15	Difference (after all 10 increases)	
			<i>for one</i>	<i>for five</i>
County Commissioner	\$ 29,569	\$ 34,005	\$ 4,436	\$ 22,180
County Assessor	\$ 65,501	\$ 75,327	\$ 9,826	
County Clerk	\$ 65,501	\$ 75,327	\$ 9,826	
County Probate Judge	\$ 28,820	\$ 33,143	\$ 4,323	
County Sheriff	\$ 68,308	\$ 78,555	\$ 10,247	
County Treasurer	\$ 65,501	\$ 75,327	\$ 9,826	
			<i>Total Salary Increase</i> \$ 66,228 <i>after full implementation</i>	

Attachment: Current-Proposed Salaries (4313 : Salary Increase of Elected County Officials)



# FINANCIAL ANALYSIS FORM

## SECTION 1: GENERAL INFORMATION

<b>Date:</b>	December 16, 2014
<b>Action Item Title:</b>	Salary Increase of Elected Officials
<b>Department:</b>	County Manager
<b>Form Prepared By: (Name, Title &amp; Phone Number)</b>	Brandee Pacheco, Financial Services Administrator III, 468-7415
<b>Form Reviewed By: (Budget Office Staff Name &amp; Title)</b>	Mario Ruiz, Financial Services Administrator III, 468-7178
<b>(1 thru 5 or all) BCC District:</b>	All

## SECTION 2: PROJECT OVERVIEW

Salary Increase for newly elected officials.

## SECTION 3: FUNDING SOURCE AND/OR REVENUE IMPACT

Funding Source	NEW	EXISTING	FY15	FY16	FY17	FY18	FY19	TOTALS
<b>RECURRING</b>								
Salary Programmatic Funds		X	21,158	-	-	-	-	\$ 21,158
GF Revenue			-	42,315	63,276	84,238	84,238	\$ 274,067
<b>SUB-TOTAL RECURRING</b>			<b>21,158</b>	<b>42,315</b>	<b>63,276</b>	<b>84,238</b>	<b>84,238</b>	\$ 295,225
<b>NON-RECURRING</b>								
			-	-	-	-	-	\$ -
<b>SUB-TOTAL NON-RECURRING</b>			-	-	-	-	-	\$ -
<b>Total Revenues</b>			<b>21,158</b>	<b>42,315</b>	<b>63,276</b>	<b>84,238</b>	<b>84,238</b>	\$ 295,225

\*New = New Funding Request/Not Currently Budgeted OR  
Existing = Funding Exists in the Budget

**TOTAL REVENUES \$ 295,225**

## SECTION 4: EXPENDITURE & STAFF IMPACT

Expenditure Description	NEW	EXISTING	FY15	FY16	FY17	FY18	FY19	TOTALS
<b>RECURRING</b>								
						-	-	\$ -
<b>SUB-TOTAL RECURRING</b>			-	-	-	-	-	\$ -
<b>NON-RECURRING</b>								
			-	-	-	-	-	\$ -
<b>SUB-TOTAL NON-RECURRING</b>			-	-	-	-	-	\$ -
<b>Sub-total Operating Expenditures</b>			-	-	-	-	-	\$ -

\*New = New Funding Request/Not Currently Budgeted OR  
Existing = Funding Exists in the Budget

Staff Position Title	Status*	New	Existing	FY15	FY16	FY17	FY18	FY19	TOTALS
New Term Elected Official Pay- January 2015	FT		X	16,634	33,269	33,269	33,269	33,269	\$ 149,710
New Term Elected Official Benefits- January 2015	FT		X	4,523	9,046	9,046	9,046	9,046	\$ 40,707
New Term Elected Official Pay- January 2017	FT		X	-	-	16,480	32,960	32,960	\$ 82,400
New Term Elected Official Benefits- January 2017	FT		X	-	-	4,481	8,963	8,963	\$ 22,407
<b>Sub-total Staff Cost Expenditures</b>				<b>21,157</b>	<b>42,315</b>	<b>63,276</b>	<b>84,238</b>	<b>84,238</b>	\$ 295,224

\*Status of Position enter FT = Full-Time Equivalent, PT = Part-Time FTE, T = Term

**TOTAL EXPENDITURES**

**TOTAL EXPENDITURES \$ 295,224**

Attachment: Elected Official Salary Increase FAF (4313 : Salary Increase of Elected County Officials)



# FINANCIAL ANALYSIS FORM

## SECTION 5: NARRATIVE

### FISCAL IMPLICATIONS

*Historical Information and Existing Funding (include match and in-kind funding)* - The 2013 New Mexico State Legislature amended Section 4-44-1 NMSA 1978, and other relevant sections, increasing the salaries of elected officials provided that the boards of county commissioners opt by majority vote to increase the salaries up to the amounts specified in the legislation.

*Current Impact of Proposed Action* - If approved the Assessor, two County Commissioners, Probate Judge and Sheriff are eligible for pay increases starting with their new terms on January 1, 2015. The budget will be impacted by \$21,157 for FY15. The budget for these pay increase was not included in the FY15 base budget. Salary Programmatic funds will need to be used to fund the pay increases.

*Future Implications* - County elected officials who did not receive a pay increase on January 1, 2015 will be eligible for raises on January 1, 2017. Those positions are three Commissioners, County Clerk, and County Treasurer. On average the budget will increase approximately \$21,000 annually until FY18. The total annual financial impact for all ten elected official pay increases will be \$84,238 which won't occur until FY18 as all newly elected positions will be in office for an entire fiscal year. Budget will need to be added for FY16 and future fiscal years to fund the pay increases.

### OTHER SIGNIFICANT ISSUES

*Departmental Impacts* - The various elected officials will see an increase to their salary budget effective January 1, 2015.

*Countywide Impacts* - The HR department will ensure that the Personnel Action Forms are completed in order for raises to be processed.

*Other* - None.

### JUSTIFICATION

*Mandated* - Section 4-44-4, NMSA 1978 Only elected officials whose term of office begins on January 1, 2015, are eligible for the salary increase. Other newly elected county officials will be eligible for the increase effective January 1, 2017. According to an October 21, 1998 Supreme Court of New Mexico decision, mid-term elected officials are not eligible for the salary increase.

*Program Relevance* - Elected county officials now beginning a new term of office include two County Commissioners, the Assessor, the Probate Judge and the Sheriff. These officials will be eligible for the increase on January 1, 2015, if adopted by the Board.

*Other Measures* - None

### ALTERNATIVES

If not approved the newly elected officials will not be eligible for raises until their new term begins which will be January 1, 2019.

### BUDGET / FINANCE RECOMMENDATION

Salary programmatic funds will be used for FY15 elected official pay increases. The Budget office is currently in the planning stages for FY16 and will add the increase to departments affected base budget for the upcoming fiscal years.

Attachment: Elected Official Salary Increase FAF (4313 : Salary Increase of Elected County Officials)