

The Honorable Perry Klare
Probate Judge, Los Alamos County
1000 Central Avenue, Suite 240
Los Alamos, NM 87544

July 15, 2025

Los Alamos County Council
1000 Central Avenue, Suite 350
Los Alamos, NM 87544

Subject: A Formal Petition for the Immediate Provision of Health Benefits and a Salary Adjustment for the Office of the Probate Judge

Dear Chair Cull and Honorable Members of the County Council,

I am writing to you today in my official capacity as the Probate Judge for Los Alamos County. I write with the utmost respect for this Council and for the citizens of Los Alamos, whom we all serve. The purpose of this petition is to formally request your immediate action on two critical matters pertaining to the Office of the Probate Judge: the provision of standard health benefits and a fair and equitable adjustment to the salary, which currently stands at a level that undermines the dignity and sustainability of this vital judicial office.

An Immediate and No-Cost Pathway to Health Benefits

My most *urgent* need is access to health insurance. I respectfully submit that a clear and immediate pathway for this already exists under established state policy, requiring no new county legislation and incurring no extraordinary cost.

According to the official benefits eligibility rules administered by the State of New Mexico's General Services Department, Risk Management Division (RMD), which manages the plan available to Local Public Bodies like Los Alamos County:

"Elected Officials of the State or Local Public Bodies (LPB) are considered eligible and not required to meet the work schedule of 20 hours/week."

As an elected official of Los Alamos County, this provision makes me statutorily eligible for enrollment in the state's health, dental, and vision benefits plan. The standard minimum-hour

requirements are explicitly waived. Therefore, I formally request that the Council direct the County Manager to take the necessary administrative steps to facilitate my immediate enrollment in this existing plan. This is not a request for a new policy, but an appeal for the administration to execute an existing one.

A Justifiable and Necessary Salary Adjustment

The current annual salary for the Probate Judge is \$4,637. When measured against the hours required to diligently and lawfully execute the duties of the office—which include the meticulous review of legal pleadings to ensure compliance with New Mexico’s complex probate code—this compensation falls well below the state's minimum wage of \$12.00 per hour.

The Los Alamos County Probate Judge currently operates without any official support staff. While the County Clerks are exceptionally gracious in providing assistance, their valuable help falls outside their official job descriptions. This contrasts sharply with the operational models of many other New Mexico probate judges, who are typically provided with dedicated clerks and often do not even conduct in-person meetings. Despite this lack of formal support, I am committed to accessibility and efficiency. I maintain a dedicated cell phone for official duties, have responded to emergency calls, and am typically available to address probate requests by the next business day. This level of service, provided without official administrative support, underscores the significant demands and responsibilities of the office.

It is important to note that the statutory qualifications for the New Mexico Probate Judge are intentionally minimal, requiring no legal degree or specific legal experience beyond basic elector requirements of being 18 years of age. This places a unique onus on the individual holding the office to navigate complex legal procedures without providing direct legal advice—a very fine line that demands careful judgment and a deep understanding of the Uniform Probate Code. Even if a clerk were provided to interact with citizens, they would require extensive, specialized training to handle inquiries effectively while strictly adhering to the prohibition against dispensing legal advice. My ability to efficiently manage all aspects of this judicial role personally, including direct citizen interaction, demonstrates a level of proficiency that streamlines the process for Los Alamos County residents.

There is a clear legislative intent and ongoing discussion within the state to grant counties greater autonomy in determining salaries for elected county officials, including the Probate Judge. While the current statutory cap exists, the spirit of recent legislative efforts, such as proposed constitutional amendments, indicates a move towards empowering local governance to set compensation levels that truly reflect the responsibilities and local economic conditions. Providing a salary that constitutes a living wage is essential for the health of the office itself.

Requested Actions

The fiscal impact of these requests is negligible within the County's overall budget, yet their impact on the integrity and fairness of our local government is profound. Therefore, I respectfully petition the Los Alamos County Council to:

- 1. Pass a motion directing the County Manager to *immediately* facilitate the enrollment of the Probate Judge in the State of New Mexico's employee benefits plan, per the eligibility rules for elected officials.**
- 2. Introduce and pass a resolution at the next feasible Council meeting to adjust the annual salary for the Office of the Probate Judge to a fair and equitable level that is commensurate with its judicial responsibilities and within the cap already authorized by New Mexico state law, aligning with the broader state-level discussions on local control over elected official compensation.**

Thank you for your time, your consideration, and your dedicated service to Los Alamos County. I trust that you will find this petition to be a reasonable and necessary measure to uphold the principles of good governance and fairness. I look forward to your prompt and positive action on this matter.

Sincerely,

The Honorable Perry Klare Esq.
Probate Judge
Los Alamos County

References:

1. N.M. Gen. Servs. Dep't, Risk Mgmt. Div., *Local Public Body Benefits Eligibility Rules*, § 1.1.2 (rev. July 1, 2024).
2. N.M. Stat. Ann. § 50-4-22(A) (2024) (setting the state minimum wage at \$12.00 per hour).
3. N.M. Stat. Ann. § 4-44-4.1(F) (2024).
4. *See, e.g.*, S.J.R. 1, 56th Leg., 1st Sess. (N.M. 2023) (proposing a constitutional amendment to allow counties greater flexibility in setting compensation for elected officials); H.B. 245, 56th Leg., 1st Sess. (N.M. 2023) (related to county officer salaries).
5. *See* N.M. Const. art. VII, § 2; N.M. Stat. Ann. § 1-8-18(A) (2024); N.M. Stat. Ann. § 31-13-1(C) (2024) (outlining general qualifications for elected officials, including age, residency, and citizenship, without requiring a legal degree for probate judges).