

Laurent, Anne

From: Martinez, Bernadette (HR)
Sent: Friday, July 18, 2025 2:21 PM
To: Klare, Perry
Cc: Leaphart, Alvin; Laurent, Anne; Pacheco, Victoria
Subject: Response to Petition

Good afternoon Mr. Klare,

Following the submission of your petition to the County Council, we scheduled an in-person meeting to present our research and discuss the options available to you. Unfortunately, the meeting ended abruptly when you chose to leave. I'd like to take this opportunity to finish explaining the options we were going to present to you that are available to you as an Elected Official.

In your petition, you requested to be enrolled in the State Health Insurance Plan, citing that Local Public Bodies (LPBs) are eligible participants. While LPBs may be eligible, the County does not participate in the State Health Insurance Plan. As a result, County-affiliated individuals, including Elected Officials, are not eligible for that coverage.

The County currently offers a self-insured medical plan, but it is only available to Regular and Limited-Term County Employees. For Elected Officials to be eligible, a change to the County ordinance would be required. The current ordinance in effect when you took office sets your compensation and states as follows:

"The probate judge shall be entitled to compensation at the rate of \$4,636.00 per annum. The probate judge shall also be reimbursed for actual and necessary expenses incurred in the performance of official duties as approved by the County Council."

At Council's discretion, this ordinance could be revised to provide the office of the Probate Judge health insurance benefits. However, if this ordinance change resulted in an increase in compensation to the office of the Probate Judge, the ordinance could not take effect during your term of office. ("No law shall be enacted giving any extra compensation to any public officer, servant, agent or contractor after services are rendered or contract made; nor shall the compensation of any officer be increased or diminished during his term of office, except as otherwise provided in this constitution.") N.M. Const. Art. IV, § 27. This provision of the state constitution does apply to county officers. ((See *State ex rel. Haragan v. Harris*, 126 N.M.310 (1998) citing *State ex rel Baca v Montoya*, 20 NM 104, 108-09, (1915) *Pollock v. Montoya*, 55 N.M. 390 (1951)).

To have this ordinance become effective during your term of office and avoid the above constitutional prohibition, you would have to pay 100% of the costs of the insurance, with the County paying for no part of the insurance. The monthly cost for a family plan is approximately \$2,400.00 a month. Also, please see Section 203 of the County Charter for the procedure and timelines for the adoption of an ordinance. Because of the notice requirements procedure, it typically takes 60 to 90 days for an ordinance to become effective. Further, if an ordinance with the above terms becomes effective, this would be a qualifying event under the County's plan. You would have to enroll in the program within 31 days of the effective date of the ordinance.

At the discretion of the County Council, an ordinance to increase the salary and to add benefits for the office of the Probate Judge where the County picks up a percentage of the cost of the benefits could also be passed. However, that ordinance could only go into effect once a new term of office for the Probate Judge occurs.

However, all the above is at the discretion of the County Council requiring adoption of ordinances as provided for in the County Charter.

Sincerely,



Bernadette Martinez, MBA, SHRM-CP

Deputy HR Manager

e: bernadette.martinez@lacnm.us

p: (505) 662-8067 | **c:** (505) 709-0879 | **f:** (505) 662-8000