

INCORPORATED COUNTY OF LOS ALAMOS RESOLUTION NO. 16-14

AN ELECTION RESOLUTION SETTING FORTH ONE QUESTION TO BE SUBMITTED AT THE NOVEMBER 8, 2016 GENERAL ELECTION TO THE VOTERS OF THE INCORPORATED COUNTY OF LOS ALAMOS, WHICH QUESTION WOULD CONSOLIDATE ALL REMAINING POWERS AND DUTIES OF THE SHERIFF TO THE POLICE DEPARTMENT AND WOULD ABOLISH THE OFFICE OF THE SHERIFF AS AN ELECTIVE OFFICE

WHEREAS, the Los Alamos County Council on June 14, 2016, adopted Ordinance No. 665 calling for submittal to the electorate as a single ballot question at the November 8, 2016 general election proposed amendment to Article III, Subsections 304.1 and 304.4, Article IX, Section 911, and Article X, Section 1006 of the Los Alamos County Charter, relating to the office of the Sheriff, as shown in full in Exhibit "A" of this Resolution; and

WHEREAS, the Los Alamos County Council hereby determines and declares that the submittal of the question concerning the proposed charter amendments to the qualified electors of the County is duly authorized under Section 900 of the Charter.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Incorporated County of Los Alamos that:

Section 1. The following question shall be submitted to the qualified electors of the Incorporated County of Los Alamos for adoption or rejection at the November 8, 2016, General Election:

QUESTION NO. 1

Shall Articles III, IX and X of the Charter of the Incorporated County of Los Alamos be amended, pursuant to Resolution No. 16-14 relating to the office of the Sheriff, to amend subsections 304.1 and 304.4, and sections 911 and 1006 to consolidate all remaining powers and duties of the office of the sheriff to the police department and to abolish the office of the sheriff as an elective office effective January 1, 2019?

For
Against

Section 2. The County's qualified electors are eligible to vote on the Election Question. No judge or clerk of election shall allow a person to vote unless he or she is duly registered as a voter with the County Clerk.

Section 3. Persons desiring to vote at the Election must be registered to vote. Any person who is otherwise qualified to vote and who is not currently registered may register at the office of the Los Alamos County Clerk on or before 5:00 p.m. on October 11, 2016.

Section 4. The vote shall be canvassed as provided in Section 1-13-1 NMSA 1978, et seq., and the County Council shall certify the results of the Election and file the certificate of canvass in the official minute book of the County.

Section 5. This Resolution shall be published in the English and Spanish languages at least once a week for two consecutive weeks, the first being published between fifty and sixty days before the date of the Election in a newspaper or newspapers which maintain an office in and are of general circulation in the County and which otherwise qualify as legal newspapers in the County. The full text of the proposed amendments shall be posted in the English and Spanish languages at each voting place. The County Clerk is hereby instructed and authorized to carry out this provision.

Section 6. The officers of the County are hereby authorized and directed, for and on behalf of the County, to take all action necessary or appropriate to effectuate the provisions of this Resolution, including, without limiting the generality of the foregoing, the preparation of affidavits, instructions and election supplies, and the publication of notices.

Section 7. If any section, paragraph, clause or provision of this Resolution, shall for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Resolution.

Section 8. All bylaws, orders and resolutions, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any bylaw, order, or resolution, or parts hereof, heretofore repealed.

PASSED AND ADOPTED this 9th day of August, 2016.

**COUNCIL OF THE INCORPORATED COUNTY
OF LOS ALAMOS, NEW MEXICO**

**Rick Reiss
Council Chair**

ATTEST:

**Sharon Stover
Los Alamos County Clerk**

Exhibit "A"

- 304.1. *Other County Officers—Compensation.* The offices of Clerk, and Assessor, ~~and Sheriff~~ of the County shall be elective. Each of said officers shall be paid at a rate of compensation to be set by ordinance. Any ordinance changing compensation shall not go into effect during the term in which it was passed or during the final three months of a term of office of any said officers. The Council shall, by ordinance, provide for reimbursement of the actual and necessary expenses incurred by the Clerk, and Assessor ~~and Sheriff~~.
- 304.4. *Duties of the Sheriff, Police Department and Peace Officers.* The Council shall establish as a department of the County, a Police Department to be charged with conserving the peace and enforcing the laws of the State and the ordinances of the County. The ~~Sheriff~~ Police Department shall have those powers and duties assigned to sheriffs by state statutes, ~~including the powers of a peace officer, but the Sheriff shall not duplicate or perform those duties in this Charter or by ordinance or resolution assigned or delegated to the County's Police Department.~~
911. *Filling of Vacancies.* When a vacancy occurs in the elective offices of Clerk, or Assessor, ~~or Sheriff~~, the County Council shall appoint a qualified person to fill such office for the remainder of the unexpired term.
1006. *Abolition of Offices.* The offices of Treasurer, ~~and Surveyor~~, and Sheriff of Los Alamos County are abolished as elective offices.