

PART I CHARTER¹

ARTICLE I. POWERS OF THE COUNTY

100. Name and Boundaries.

The political subdivision presently existing and known as the County of Los Alamos shall exist and continue as a corporate and political entity by the name, the Incorporated County of Los Alamos, and shall have perpetual succession. Its boundaries shall be as they exist on the effective date of this Charter. The boundaries shall continue to be the same unless changed in the manner authorized by law.

101. Powers of County.

The County shall have all powers possible for a county or a municipal corporation under the constitution and laws of New Mexico as fully and completely as though they were specifically enumerated in this Charter.

(Ord. No. 558, § 1, 6-23-2010/Ref. 11-2-2010)

102. Construction.

The powers of the County under this Charter shall be interpreted liberally in favor of the County. The specific mention of particular powers in the Charter shall not- be construed as limiting in any way the general powers stated in this article.

103. Home Rule.

The purpose of this Charter is to provide for maximum self-government and the greatest possible exercise of home-rule powers. As provided in Article X, Section 6, of the Constitution of the State of New Mexico and in the Municipal Charter Act the County may exercise all legislative powers and perform all functions not expressly denied by general law or by other provisions of this Charter. In the absence of the exercise of any such power, the County may act in the manner provided by law.

(Amendment No. 5, passed 1/20/76, additional section; Ord. No. 558, § 2, 6-23-2010/Ref. 11-2-2010)

¹Editor's note(s)—Printed herein is the Charter for the County of Los Alamos, New Mexico, as adopted by electors on December 10, 1968, and effective on December 10, 1968. Amendments to the original Charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original Charter. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes have been used. Additions made for clarity are indicated by brackets.

ARTICLE II. THE COUNTY COUNCIL

200. General Provisions.

200.1. Membership and Qualifications. The governing body of the County shall be a Council of seven members elected by the qualified voters of the County at large. Only qualified voters who are residents of the County and are not otherwise employed by the County are eligible to hold the office of Councilor.

200.2. Forfeiture. A councilor shall forfeit his office if he (1) lacks any qualifications for the office, (2) violates any express prohibition of this Charter, (3) is convicted of a felony or a crime involving moral turpitude, or (4) is absent from all regular Council meetings for a period of ninety calendar days without being excused by the Council.

200.3. Judge of Qualification and Forfeiture. The Council shall be the judge of the qualification of its members and of the existence of grounds for forfeiture. A charge of forfeiture may be made by any Councilor at any regular meeting of the Council. A member against whom a charge of forfeiture has been made may request a public hearing within ten (10) days of the filing of the charge. Notice of a forfeiture hearing shall be published at least fourteen (14) days prior to the hearing. The Council shall not vote on the forfeiture charge sooner than ten (10) days after it is filed or prior to the public hearing, if one is requested. Decisions of the Council in matters of forfeiture are subject to review by the district court upon petition of the removed member.

200.4. Vacancies. When a vacancy occurs in the Council, it shall appoint a qualified person to serve for the remainder of the unexpired term. If the vacancy occurs within ninety (90) calendar days prior to the expiration of the term, no such appointment shall be made. If four or more vacancies exist, each vacant seat may be filled by majority vote of the remaining councilors who shall constitute a quorum for that purpose, Section 200.2 notwithstanding.

200.5. Compensation. Members of the Council shall be paid at a rate of compensation to be set by ordinance. Any ordinance changing compensation shall take effect for all Councilors on the first day of January following the general election after the ordinance is approved. The Council shall, by ordinance, provide for reimbursement of the actual and necessary expenses incurred by Councilors.

(Ord. No. 387, §§ 1—5, 1994; Ord. No. 560, § 1, 7-13-2010/Ref. 11-2-2010; Ord. No. 561, § 1, 6-23-2010/Ref. 11-2-2010)

201. Powers and Duties.

201.1. General. The Council shall, except as provided in this Charter, be vested with all power and authority and be charged with all the duties and obligations arising under the constitution and statutes of the State of New Mexico and imposed on counties and municipalities and on their governing bodies.

201.2. Bonds. The Council shall provide for a blanket bond at County expense for the bonding of County officers and of members of County boards which have the authority to invest funds.

202. Organization.

202.1. Council Chair. The Council shall annually elect from its members a Chair. The Chair shall be recognized as the head of county government for the purposes of emergency law, intergovernmental relations and ceremonial purposes. The Chair shall attend and preside at meetings of the Council, have equal voting rights with other members of the Council, present an annual state of county message, appoint members and officers of council

committees, assign, subject to Council approval, agenda items to committees, and perform other duties as specified by the Council.

202.2. Procedure and Agenda. The Council shall hold regular meetings at least twice a month at times and places prescribed by formal action of the Council. Special meetings may be held on the call of the Chair or of a majority of the Council members. All meetings of the Council shall be public except as otherwise provided by state law. The Council shall determine its own rules and order of business and shall provide for the keeping of minutes of its proceedings. The minutes shall be a public record. The Council shall place on the agenda of its next regular meeting the subject of any written request signed by five or more qualified voters of the County and presented to the county clerk at least ten (10) days prior to that meeting. The agenda for every Council meeting shall provide time for comments from the public. Voting, except on procedural motions, shall be by roll call of the entire Council and shall be recorded in the minutes. Except as otherwise provided by this charter, no action of the Council shall be valid unless adopted by the affirmative vote of at least four members. Four members shall be a quorum.

(Ord. No. 387, §§ 6, 7, 1994; Ord. No. 559, § 1, 6-23-2010/Ref. 11-2-2010; Ord. No. 568, § 1, 6-23-2010/Ref. 11-2-2010; Ord. No. 648, § 1, 7-29-2014)

203. Ordinances.

203.1. Actions Requiring Ordinances. In addition to those acts required by state law or by this Charter to be done by ordinance, those acts of the Council shall be by ordinance which:

- (a) establish a rule or regulation for the violation of which a penalty is or may be imposed;
- (b) levy taxes;
- (c) grant or renew a franchise;
- (d) set the rates charged by the County for utilities or waste removal;
- (e) authorize the borrowing of money;
- (f) convey or lease, or authorize the conveyance or lease, of any County-owned land.

All other acts of the Council may be done either by ordinance or by other formal action.

203.2. Procedure.

203.2.1. Introduction. An ordinance may be introduced by any member of the Council at any meeting of the Council. Every proposed ordinance shall be introduced in writing and shall be limited to one subject. The subject shall be clearly expressed in the title of the ordinance. The enacting clause of all ordinances shall be "Be it ordained by the governing body of the Incorporated County of Los Alamos ...".

203.2.2. Publication and Hearing. A notice of the proposed adoption of an ordinance shall be published once at least seven days before the Council meeting at which it is to be considered. The notice shall include the entire ordinance or a summary of it and shall state the time and place for a public hearing on the ordinance. If a summary is published, the notice shall state the times and places at which the entire ordinance is available for examination and/or purchase.

203.2.3. Adoption. After the public hearing, the Council may adopt the ordinance with or without amendment or reject it. If the ordinance is amended in any matter of substance, however, the Council may not adopt it until it has been considered by continuance of the meeting or at a future meeting not less than seven (7) days after the initial meeting. A notice of the adoption of the ordinance, including codifications or revisions to codifications, together with the ordinance either in its entirety or by a general summary of the subject matter contained in the ordinance, as directed by the governing body, shall be published and each adopted ordinance shall be promptly printed and made available to the public for examination and/or purchase. The Council may adopt all or part of any standard code of technical regulations by reference to the

code in adopting an ordinance. It shall not be necessary to publish the entire code, but copies of it shall be made available for examination and purchase by the public in the manner required for proposed and adopted ordinances.

203.2.4. Effective Date. Except as otherwise provided in this Charter, every adopted ordinance shall become effective thirty (30) days after the publication of the notice of its adoption or at any later date specified in the ordinance.

203.3. Emergency Ordinances. Notwithstanding the provisions of section 202.2 of this charter, in order to meet a public emergency that is an immediate danger to the public health or safety, the Council may adopt emergency ordinances by the affirmative vote of a majority of a quorum of councilors. No such ordinances shall levy taxes, grant or renew a franchise, convey or lease County lands, or set utility or waste removal rates. An emergency ordinance may be introduced and adopted at the same Council meeting and shall become effective upon adoption and shall stand repealed ninety days after adoption. An emergency ordinance shall be published within seven days after its adoption and shall be promptly printed and made available to the public for examination and/or purchase.

203.4. Resolutions. Every proposed resolution shall be published in full or in summary at least seven days before the Council meeting at which it is to be considered. If a summary is published, copies of the entire proposed resolution shall be made available to the public for examination and/or purchase at the Clerk's office.

203.5. Compilation and Codification. The Council shall provide for the compilation and codification of all County ordinances and resolutions having the effect of law. Such compilation shall be available to the public for examination and/or purchase.

(Ord. No. 387, §§ 8, 9, 1994; Ord. No. 559, §§ 1, 2, 6-23-2010/Ref. 11-2-2010)

ARTICLE III. ADMINISTRATION AND ORGANIZATION

300. County Manager.

The Council shall choose a County Manager for an indefinite term and fix compensation for the Manager. The County Manager shall serve at the discretion of the Council. Appointment shall be based on executive and administrative qualifications. The appointee shall establish residence in the County after appointment within a time specified by the Council. The County Manager shall designate other County staff to perform the duties of the County Manager during any temporary absences.

(Ord. No. 388, § 1, 1994; Ord. No. 649, § 1, 7-29-2014)

302. Duties and Powers of the County Manager.

The County Manager shall be the chief executive officer of the County. The County Manager shall be responsible to the Council for all operational requirements of the County and shall execute the vision, strategic goals and policies established by the Council. The County Manager shall be responsible for the performance of the duties of the Treasurer and the Surveyor of Los Alamos County. The County Manager shall also be responsible for those duties of a county clerk relating to orders for money. The County Manager may delegate duties only with the formal approval of the Council.

(Ord. No. 649, § 2, 7-29-2014)

303. Departments.

303.1. Creation. In addition to the departments created by this Charter, the Council may establish, by resolution, County departments it finds necessary to provide the services and functions required for the public good and shall prescribe the functions of the departments established. No function assigned by this Charter to a particular department is subject to change by the Council.

303.2. Administration. Each County department, except as provided in this Charter, shall be under the direction and supervision of the County Manager and shall be administered by an officer known as the department head. The County Manager shall appoint, suspend, or remove a department head only with the formal approval of the Council. The County Manager may serve as head of one or more departments and one person may serve as head of more than one department.

(Ord. No. 649, § 3, 7-29-2014)

304. Other County Officers—Compensation.

304.1. The offices of Clerk, 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, Assessor and Sheriff.

304.2. Duties of the Clerk. The Clerk shall be the clerk of the Council, shall maintain copies of all public records of the County, and shall be responsible for the performance of the duties assigned by state statutes to county clerks except for those duties of a clerk assigned to the County Manager by Section 302 of this Charter.

304.3. Duties of the Assessor. The Assessor shall be responsible for the duties assigned by state statutes to county assessors.

304.4. Duties of the Sheriff, Police Department and Peace Officers. The Council shall establish as a department of the County, [sic] 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 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.

(Amendment No. 1, passed 11/3/70, modification of original section; Amendment No. 4, passed 1/20/76, modification of original section; Ord. No. 388, § 3, 1994; Ord. No. 561, § 2, 6-23-2010/Ref. 11-2-2010; Ord. No. 649, § 4, 7-29-2014)

305. Standing Boards and Commissions and Ad Hoc Advisory Committees.

305.1. Creation. In addition to those boards otherwise created in this charter, the Council may create standing boards and commissions by ordinance and may create ad hoc advisory committees by council action. Members of standing boards and commissions and ad hoc advisory committees shall be appointed by the Council. No standing board or commission or ad hoc advisory committee created by the Council shall have any authority except as granted by the Council.

305.2. County Employees. Except for poll workers, who may serve as regular voting members of standing boards or commissions or ad hoc advisory committees, County employees serving on any standing board or commission or ad hoc advisory committee of the Council shall serve as non-voting members of such bodies.

305.3. Composition of Standing Boards and Commissions. No more than a simple majority of the voting members of any standing board or commission of the Council shall be members of the same political party.

305.4. Limitations. No person shall serve on the same standing board or commission for more than two terms in succession.

(Ord. No. 388, § 4, 1994; Ord. No. 562, § 1, 7-13-2010/Ref. 11-2-2010; Ord. No. 649, § 5, 7-29-14; Ord. No. 650, §§ 1, 2, 7-29-2014)

306. County Employment.

306.1. Non-discrimination. No person shall be discriminated against with respect to any County employment because of race, sex, country of origin, or religious or political beliefs.

306.2. Personnel Rules. The Council, by ordinance, shall establish a system of personnel administration providing that appointments and promotions of all County employees shall be made solely on the basis of merit. The ordinance shall provide for a Personnel Board as a standing board to serve in an appellate and advisory capacity in the administration of the personnel program. The Board shall report annually to the Council on the operation of the personnel system. The County may enter into collective bargaining contracts, but such contracts shall prohibit strikes against the County. The County may share with its employees the cost of insured benefit programs to the extent authorized by the Council.

306.3. Prohibited Political Activities. The Council shall prescribe in the personnel ordinance limitations on employee political activities, as are consistent with federal and state law.

306.4. Rights of Employees. County employees shall have the right to participate voluntarily in political activities at times other than their hours of work for the County.

(Ord. No. 562, § 2, 7-13-2010/Ref. 11-2-2010; Ord. 565, § 1, 6-23-2010/Ref. 11-2-2010)

307. County Attorney.

The Council shall appoint a County Attorney for an indefinite term and fix compensation for the position. The County Attorney shall serve at the discretion of the Council. The County Attorney shall be appointed on the basis of administrative and professional qualifications. The County Attorney shall be legal advisor to the Council, the County Manager, and the County departments, boards and commissions and shall represent the County in all legal proceedings.

(Ord. No. 388, § 5, 1994; Ord. No. 649, § 6, 7-29-2014)

308. Planning.

The Council shall adopt a comprehensive plan to guide the future physical development of the County. The initial adoption and any subsequent modifications of this plan shall take place only after public hearings.

ARTICLE IV. FINANCIAL PROCEDURES

400. Fiscal Year.

The fiscal year shall be set by ordinance.

(Ord. No. 389, § 1, 1994)

(Supp. No. 84, Update 1)

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401. Accounting System.

The Council shall adopt by formal action an accounting system conforming to accepted accounting principles.

402. Budget Submission.

The County Manager shall annually prepare and submit to the Council a budget for the ensuing fiscal year. The budget shall be accompanied by a budget message giving comparisons with past years as well as projections for future revenues and expenditures.

(Ord. No. 389, § 2, 1994; Ord. No. 649, § 7, 7-29-2014)

403. Council Action on Budget.

403.1. Publication. The Council shall publish a general summary of the budget and a notice stating the times and places where copies of the message and budget are available for inspection by the public and the time and place for the initial public hearing on the budget, which shall not be less than two (2) weeks after publication.

403.2. Adoption. After the public hearing, the Council may adopt the budget with or without amendment. No amendment to the budget shall increase the authorized expenditures to an amount greater than the total of the estimated income and cash reserves, nor shall any amendment change expenditures required by law or for debt service or for estimated cash deficits. The budget as adopted shall be a public record. The Council shall adopt the budget for the ensuing fiscal year for timely submission under state law. If the Council fails to adopt a budget[,] the amounts appropriated for operation during the current fiscal year shall be deemed adopted for the ensuing year on a prorated month-to-month basis until the Council adopts a budget for the new fiscal year.

403.3. Changes. The Council may at any time, by formal action, increase or decrease maximum expenditures within the limitations cited in 403.2. The County Manager may at any time make transfers within each department, but shall report such transfer to the Council.

(Ord. No. 389, §§ 3, 4, 1994; Ord. No. 649, § 8, 7-29-2014)

404. Procurement Procedures.

The Council shall adopt rules and regulations for the purchase of supplies, materials, services, fixed assets and other items necessary for any County function. A petty cash account and rules governing its use may be established by the Council.

405. Disbursement Procedures.

Disbursements shall be made by check or checks drawn on a depository or depositories approved by the Council. Authorized signatures on all bank accounts shall be approved by the Council by formal action.

406. Indebtedness.

Indebtedness shall be limited as allowed counties and municipalities under the constitution and statutes of the State of New Mexico.

407. Audit.

The Council shall provide for an independent annual audit of all County accounts and may provide for more frequent audits as it deems necessary. These audits shall be made by a certified public accountant or firm of such accountants having no personal interest, direct or indirect, in the fiscal affairs of the County government or any of its offices. The Council may, without requiring competitive bids, designate such accountant or firm annually or for a period not exceeding three years. The same accountant or firm of accountants shall not be retained for more than six consecutive years.

408. Capital Projects Permanent Fund.

The council shall create by ordinance and maintain a special fund to be known as the capital projects permanent fund. The principal of the fund shall not be expended but shall be invested in accordance with ordinances adopted by the council. Investment of the fund under this Section 408 shall be made pursuant to standards not lower than those established for investment of state permanent funds. Any investment of the funds in bonds, notes or other obligations of the county shall be at a yield not lower than the yield on comparable municipal securities at the time of investment. Income from investments shall be added to principal in accordance with ordinances adopted by the council in amounts sufficient to maintain the real value of the principal.

Income from the fund not required to be added to principal shall be distributable income from the fund and shall be expended in accordance with ordinances adopted by the council solely to pay all or part of the cost of capital projects. The council may add amounts to the principal of the capital projects permanent fund from the general fund or other available resources in accordance with ordinances to be adopted by the council.

(Ord. No. 346, § 1, 1986; Ord. No. 564, § 1, 6-23-2010/Ref. 11-2-2010)

409. Reserved.

Editor's note(s)—Former section 409, concerning an expenditure fund for capital projects, was repealed by Ord. No. 444, which was adopted by the county council on June 27, 2000, and approved by the voters at the general election on November 7, 2000.

410. Reserved.

Editor's note(s)—Former section 410, concerning a government operations assistance permanent fund, was repealed by Ord. No. 444, which was adopted by the county council on June 27, 2000, and approved by the voters at the general election on November 7, 2000.

ARTICLE V. UTILITIES

500. Utilities Department.

There shall be a Department of Public Utilities which shall operate the County-owned electric, gas, water and sewer utility systems under jurisdiction and control of the Board of Public Utilities.

501. Board of Public Utilities.

501.1. Qualifications and Terms for Membership on the Board of Public Utilities. The Board of Public Utilities shall consist of five (5) members who shall be appointed by the Council. To be eligible for appointment and service on

the Board of Public Utilities, a proposed member (1) must have been a resident of the County of Los Alamos for not less than one (1) year prior to the date of his appointment; (2) must be registered to vote in the County of Los Alamos; (3) must not hold any public office or be an employee of the County government; and (4) must not conduct any business with the Department of Public Utilities except as a consumer. A Board member may be removed any time during his appointment if he lacks any qualification for membership; if he willfully and intentionally violates any express prohibition of this section; if he is convicted of a felony or of a misdemeanor involving moral turpitude; if he is absent without a reasonable excuse from all regular meetings of the Board of Public Utilities during any continuous period of ninety (90) days; if he removes his residence from the County; or if he votes on matters of substantial financial interest to himself. The Council shall appoint one member for a five-year term to begin on the first day of July each year. Vacancies shall be filled by the Council for any unexpired term. A member of the Board of Public Utilities shall hold office until a successor has been appointed. As approved by the Board of Public Utilities, members of the Board shall be entitled to reimbursement for reasonable expenses incurred in carrying out their duties.

501.2. Conflict of Interest. Any member of the Board of Public Utilities who has a financial interest, other than as a consumer, in the outcome of any policy, decision or determination of the Board of Public Utilities shall not vote on that issue.

501.3. Organization of the Board of Public Utilities. The Board of Public Utilities shall adopt and shall file with the Council procedural rules and regulations not inconsistent with this Charter. No action shall be taken by the Board of Public Utilities except by the affirmative vote of at least three members. Three members shall constitute a quorum for the business of the Board. The Board shall meet at least once a month. The meetings and records shall be public. The County Administrator and the Utilities Manager shall be ex officio but non-voting members of the Board of Public Utilities.

(Ord. No. 389, § 5, 1994)

502. Manager of the Department of Public Utilities.

The head of the Utilities Department shall be known as the Utilities Manager. The Board of Public Utilities shall appoint, suspend or remove the Utilities Manager only with the formal approval of the Council. The Manager shall be appointed solely on the basis of his professional qualifications. The Manager shall conduct the business of the Utilities Department subject to the policies established by the Board. All other officers and employees of the Utilities Department shall be appointed and removed by the Manager in accordance with the regulations of this Charter and the personnel ordinance.

503. Cooperation with Other County Departments.

The Utilities Department shall have the right to require the services of the various County offices and departments and shall reimburse such departments to the extent agreed to by the Board and the Administrator. The Utilities Department may provide its services to other County offices and departments and shall be reimbursed from non-utility funds to the extent agreed to by the Board and the Administrator. Utility commodities shall be sold to the County on a compensatory basis and the Department of Public Utilities shall be reimbursed for these commodities from non-utility funds.

504. Rates and Charges.

The rates to be paid by consumers for electricity, gas, water and sewer service shall be proposed by the Board of Public Utilities and shall become effective upon adoption by the County Council. The Board of Public Utilities shall hold a public hearing before a change in rates or charges is put up for adoption. Two weeks before the hearing[,] a notice of the hearing and the proposed change must be published. The Department of Utilities

shall be operated on a compensatory basis. The rates and charges shall be just, reasonable, and comparable to those in neighboring communities and shall be uniform for all consumers of the same class. Different rate schedules may be established for different classes of consumers. Charges for other services provided by the Department of Public Utilities shall be set by the Board of Public Utilities.

505. Accounting and Reporting.

The Department of Public Utilities shall, not later than forty-five (45) days or other time set by ordinance after receipt of the report of the annual audit required by this Charter, furnish the Board of Public Utilities and the Council its annual report which shall include balance sheets, prepared according to generally accepted accounting principles, showing the financial condition, as of the end of the previous fiscal year, of each utility in the Department and of the Department as a whole. Such reports shall be kept on file in the County Clerk's office and shall be public records. A summary of the annual report shall be sent to all consumers.

(Ord. No. 389, § 6, 1994)

506. Budget.

The Department of Public Utilities Manager shall formulate the proposed budget with the Board of Public Utilities for timely submission to the Council for adoption. The proposed budget shall include payments to be made to the County in lieu of the franchise fees and the taxes that would be normally assessed against privately owned gas and electric utilities. It shall also include a proposed Schedule of Funds which shall prescribe the necessary annual rates for funding from revenue the replacement reserves, extension reserves, and any other reserves required.

(Ord. No. 389, § 7, 1994)

507. Bond Issues.

Subject to applicable state statutes[,] the Council, on the recommendation of the Board of Public Utilities, may authorize the issuance and sale of revenue bonds and general obligation bonds to finance the acquisition, construction, improvements and extensions of the utilities.

508. Investment of Funds.

The Board shall have the right to invest the reserve and contingency funds of the Department in accordance with laws and statutes of the State of New Mexico governing investment of public funds by local governing boards and bodies.

509. Priority of Budgeted Expenditures.

In order that the Department of Public Utilities can plan and utilize its proceeds for the maintenance, improvement and extension of the utilities system before any part of such proceeds is diverted to general County purposes, all funds derived from the operation of the utilities shall be managed and expended in accordance with the following policies. From the proceeds of the operation of the Department:

1. There shall first be set aside the funds required for current operations.
2. There shall next be set aside the funds required to redeem and pay interest on any bond issue for the utility which shall become due and payable during the next fiscal year.

3. There shall next be provided an adequate reserve to finance replacements required by normal depreciation of the utility plant or equipment as provided in the Schedule of Funds. These reserves may not be used by the County for financing County operations.
4. There shall be paid to the General Fund those amounts set forth in the budget as payments to be made to the County in lieu of franchise fees and taxes that would be normally assessed against privately owned gas and electric utilities.
5. There shall next be a provision for additions and improvements foreseen as necessary to meet future requirements for the utility systems as provided in the Schedule of Funds.
6. All remaining operating profits shall be transferred to the County General Fund.

510. Management Audit.

Within two years of the adoption of this Charter and at least every five years thereafter, the Board of Public Utilities shall employ a qualified consultant to review, comment, and make recommendations as to the operation and condition of the County Utilities.

ARTICLE VI. NOMINATIONS AND ELECTIONS

600. County Elections.

600.1. General. Except as otherwise provided by this Charter, the provisions of the election code of the State of New Mexico applicable to county government shall apply to elections held under this Charter.

600.2. Plurality or Majority of Votes Cast Required for Election. The candidate who receives a plurality of the votes cast for the office sought shall be elected to that office. If more than one candidate is to be elected to an office, the candidates, in the number to be elected, receiving the largest pluralities shall be elected. Unless otherwise provided by this Charter, all other questions submitted to the voters shall be decided by a majority of the voters voting on the question. The resolution of tie votes shall be determined by lot.

600.3. Canvassing Committee. The returns of every election shall be canvassed and certified to the Council by a Canvassing Committee consisting of three persons to be appointed by the Council. No person shall be appointed to the Committee unless he is a resident and a registered voter of the County. No more than two of the members of the Committee shall be members of the same political party. No person who is a candidate at an election to be canvassed by the Committee shall serve on the Committee. The Committee shall serve at the pleasure of the Council.

(Ord. No. 390, §§ 1, 2, 1994; Ord. No. 563, § 1, 6-23-2010/Ref. 11-2-2010)

601. Reserved.

Editor's note(s)—Ord. No. 563, § 2, adopted June 23, 2010/November 2, 2010, repealed § 601, which pertained to nominations and derived from Ord. No. 446, § 1, 6-27-2000/Ref. 11-7-2000.

602. Multiple Candidacies.

No person's name shall appear more than once on the ballot at any one election as a candidate for office under this Charter.

603. Election Code.

The Council may adopt by ordinance an election code that shall be consistent with this Charter.

ARTICLE VII. INITIATIVE, REFERENDUM AND RECALL

700. Direct Legislation by Initiative.

Adult residents of the County have the right to propose ordinances through the petition process to the Council and, if the Council fails to adopt the proposed ordinance without change of substance, to adopt or reject it at a County election. Initiative shall not extend to:

- a. The budget;
- b. Outstanding bonds or bonds previously approved at an election;
- c. Appropriations;
- d. Levy of taxes;
- e. Capital projects;
- f. Utility and solid waste rates;
- g. Compensation of county officers and employees;
- h. Zone map amendments; or
- i. As otherwise provided by law.

700.1. Petition requirements.

- 1. An adult resident of the County, hereinafter referred to as "the petitioner," shall present each proposed ordinance to the Clerk on forms provided by the Clerk, prior to circulating the petition. The date the petition forms are first received by the petitioner from the Clerk shall be the issuing date of the petitions.
- 2. The Clerk shall issue petition forms to the petitioner.
- 3. The petition issued by the Clerk shall contain:
 - a. A heading which states that the petition is for the purpose of enacting an ordinance by initiative, and which sets forth, in full, the text of the proposed ordinance;
 - b. A place for the person signing the petition to sign his name and to print his name and address, as registered;
 - c. A statement on each page, signed and sworn to by the person circulating the petition, that the signatures were obtained in his presence, that each signature is genuine to the best of his knowledge and belief, and that the person signing had the opportunity, before signing, to become familiar with the full text of the petition; and
 - d. A statement on each page that any petitioner, petition, circulator or person knowingly providing, or causing to be provided, any false information on a petition, forging a signature, or signing a petition when that person knows that he or she is not a qualified voter in the County of Los Alamos shall be subject to prosecution, as provided by law.

700.2. *[Number of signatures required.]* As to the number of signatures required, an initiative petition shall be deemed sufficient if signed by registered voters in an amount equal to fifteen percent (15%) of the arithmetic mean of the number of voters in the previous two general elections.

700.3. *Filing and validation of completed petition.*

1. A completed initiative petition shall be filed with the Clerk within ninety (90) calendar days following the date on which the Clerk issued the petition for circulation.
2. The petitioner may file individual signature pages at any time. The petitioner may assert to the Clerk at any time that the petition has sufficient signatures.
3. The Clerk shall validate the signature pages within ten (10) business days of receipt, and shall promptly notify the petitioner of any rejected signatures and the reasons for the rejections.
4. Within ten (10) business days of final submission or the deadline for filing, the Clerk shall determine whether the petition contains a sufficient number of valid signatures and shall notify the Council and the petitioner. If the petition does not contain a sufficient number of signatures, the Clerk shall reject the petition. The Clerk shall not accept a petition that is substantially similar to a rejected petition for a period of twelve (12) months from the date of notice of rejection.

700.4. *Council action.*

1. Following validation of sufficient signatures, the Clerk shall present the proposed ordinance to the Council at its next scheduled session. The Council shall, within thirty (30) calendar days, consider the proposed ordinance in accordance with its established procedures for legal reviews, publishing, hearing and enacting ordinances, except that no introduction beyond that of the Clerk shall be necessary.
2. If the Council fails to adopt the proposed ordinance, it shall enact an election resolution for the purpose of submitting the initiated ordinance to a vote in accordance with the election provisions of county and state law.
3. If the ordinance is approved by a majority of the ballots cast, it shall become effective upon certification of the election results, unless a later date is specified in the ordinance.
4. If the ordinance is disapproved by a majority of the ballots cast, the Clerk shall not accept a petition for a substantially similar proposed ordinance for a period of twelve (12) months from the date of the election at which it was disapproved.

700.5. *Notice.* All notices by either the Clerk or the petitioner, other than the Clerk's notice to the Council, shall be deemed complete if provided to the designated party in writing, delivered either in person or by other recognized delivery methods in which receipt is acknowledged, including electronic notifications.

(Ord. No. 598, § 1, 5-9-2012/Ref. 11-6-2012; Ord. No. 599, § 1, 5-9-2012/Ref. 11-6-2012; Ord. No. 600, § 1, 5-9-2012/Ref. 11-6-2012; Ord. No. 601, § 1, 5-9-2012/Ref. 11-6-2012; Ord. No. 602, § 1, 5-9-2012/Ref. 11-6-2012; Ord. No. 603, § 1, 5-9-2012/Ref. 11-6-2012)

701. **Referendum.**

Except as otherwise limited herein, the adult residents of the County shall have the right, through the petition process, to require the Council to reconsider any adopted ordinance. If the Council fails to repeal such an ordinance, said ordinance shall be subject to approval or rejection at a County election. The power of referendum shall not extend to:

- a. The budget;
- b. Appropriations;

- c. The levy of taxes;
- d. Capital projects already approved by election in accordance with State law or approved by inclusion in an adopted budget;
- e. Utility and solid waste rates;
- f. Compensation of county officers and employees;
- g. Zone map amendments;
- h. Recall and initiative ordinances; or
- i. As otherwise prohibited by State law.

701.1. Petition requirements.

- 1. Within thirty (30) calendar days of adoption of the ordinance by the Council, a qualified voter, hereinafter referred to as "the petitioner," shall present the proposed reconsideration of the subject ordinance to the Clerk for approval, on forms provided by the Clerk, prior to circulating the petition. The date the petition forms are first received by the petitioner from the Clerk shall be the issuing date of the petitions.
- 2. The Clerk shall issue petition forms to the petitioner.
- 3. The petition issued by the Clerk shall contain:
 - a. A heading which states that the petition is for the purpose of referendum to repeal an ordinance, specifying the title, number and a brief description of the ordinance;
 - b. A place for the person signing the petition to write his name (printed), address as registered and signature;
 - c. A statement on each page, signed and sworn to by the person circulating the petition, that the signatures were obtained in his presence, that each signature is genuine to the best of his knowledge and belief, and that the person signing had the opportunity, before signing, to become familiar with the full text of the petition; and
 - d. A statement on each page that any petitioner, petition circulator or person knowingly providing, or causing to be provided, any false information on a petition, forging a signature, or signing a petition when that person knows that he or she is not a qualified voter in the County shall be subject to prosecution, as provided by law.

701.2. Number of signatures. A referendum petition shall be deemed sufficient if signed by registered voters in an amount equal to fifteen percent (15%) of the arithmetic mean of the number of voters in the previous two (2) general elections.

701.3. Filing and validation of completed petition.

- 1. A completed referendum petition shall be filed with the Clerk within sixty (60) calendar days following the date on which the Clerk issued the petition for circulation.
- 2. The petitioner may file individual signature pages at any time. The petitioner may assert to the Clerk at any time that the petition has sufficient signatures.
- 3. The Clerk shall validate the signature pages within ten (10) business days of receipt, and shall promptly notify the petitioner of any rejected signatures and the reasons for the rejections.
- 4. Within ten (10) business days of final submission or the deadline for filing, the Clerk shall determine whether the petition contains a sufficient number of valid signatures and shall notify the Council and

the petitioner. If the petition does not contain a sufficient number of signatures, the Clerk shall reject the petition.

701.4. Council action.

1. Following validation of sufficient signatures, the Clerk shall present the referred ordinance to the Council at its next scheduled session. Any such ordinance, other than an emergency ordinance, shall automatically be suspended as of the date of such meeting. The Council shall, within thirty (30) calendar days, consider the referred ordinance in accordance with its established procedures for legal reviews, publishing, hearing, and repealing ordinances, except that no introduction beyond that of the Clerk shall be necessary.
2. If the Council fails to repeal the proposed ordinance, it shall enact an election resolution for the purpose of submitting the ordinance to a vote in accordance with the election provisions of county and state law.
3. If the ordinance is approved by a majority of the ballots cast, it shall be effective upon certification of the election results, unless a later date is specified in the ordinance.
4. If the ordinance is disapproved by a majority of the ballots cast, it shall be deemed repealed upon certification of the election results.

701.5. Notice. All notices by either the Clerk or the petitioner, other than the Clerk's notice to the Council, shall be deemed complete if provided to the designated party in writing. All notices by either the Clerk or the petitioner, other than the Clerk's notice to the Council, shall be deemed complete if provided to the designated party in writing, delivered either in person or by other recognized delivery methods in which receipt is acknowledged including electronic notifications.

(Ord. No. 387, § 10, 1994; Ord. No. 605, § 1, 5-9-2012/Ref. 11-6-2012; Ord. No. 606, § 1, 5-9-2012/Ref. 11-6-2012; Ord. No. 607, § 1, 5-9-2012/Ref. 11-6-2012; Ord. No. 608, § 1, 5-9-2012/Ref. 11-6-2012; Ord. No. 609, § 1, 5-9-2012/Ref. 11-6-2012; Ord. No. 610, § 1, 5-9-2012/Ref. 11-6-2012)

702. Recall.

An elected official of the County is subject to recall by the voters of the County in accordance with the provisions of Article 10, Section 9 of the New Mexico Constitution providing for recall on the grounds of malfeasance or misfeasance in office or violation of the oath of office by the official concerned, and any State law applicable thereto.

(Ord. No. 612, § 1, 5-9-2012/Ref. 11-6-2012)

703. [Reserved.]

(Ord. No. 604, § 1, 5-9-2012/Ref. 11-6-2012; Ord. No. 611, § 1, 5-9-2012/Ref. 11-6-2012; Ord. No. 613, § 1, 5-9-2012/Ref. 11-6-2012)

Editor's note(s)—Charter § 703, pertaining to initiative, referendum and recall was repealed by Ord. No. 604 insofar as it related to initiative, Ord. No. 611 insofar as it related to referendum and Ord. No. 613 insofar as it related to recall.

704. [Reserved.]

(Ord. No. 604, § 1, 5-9-2012/Ref. 11-6-2012; Ord. No. 611, § 1, 5-9-2012/Ref. 11-6-2012; Ord. No. 613, § 1, 5-9-2012/Ref. 11-6-2012)

Editor's note(s)—Charter § 704, pertaining to initiative, referendum and recall was repealed by Ord. No. 604 insofar as it related to initiative, Ord. No. 611 insofar as it related to referendum and Ord. No. 613 insofar as it related to recall.

ARTICLE VIII. INCORPORATED COUNTY COURT

800. General Provisions.

There shall be a Court of the Incorporated County of Los Alamos having jurisdiction over all offenses and complaints under County ordinances. The Court shall have those additional powers and duties assigned to municipal courts by state statute and may issue subpoenas and warrants and punish for contempt.

801. Council Action.

The Council shall provide by ordinance for the qualifications, bond, and salary of the Judge of the Court. The Council may provide by ordinance or resolution for a system under which a person accused of specified offenses may admit his guilt and pay a penalty assessment for the offense without being required to make a Court appearance.

ARTICLE IX. GENERAL PROVISIONS

900. Charter Amendments.

900.1 Amendments. Amendments to this Charter may be proposed: (1) by council ordinance; (2) by initiative ordinance pursuant to section 700 of this charter as it applies to process; or (3) by report of a Charter Commission that has been created by ordinance. Any such ordinance shall contain a full text of the proposed amendment.

900.2. Election. The proposed amendment or amendments shall be submitted to the electorate for adoption or rejection at an election to be held pursuant to the relevant provisions of section 700 of this charter relating to the process for initiative elections.

900.3. Publication. The Council shall provide for publication in its election resolution according to the election and publication procedures of county and state law, provided, that the Council shall, at a minimum, cause to be published the date of the election and the full text of the proposed amendment or amendments at least 20 days prior to the date of the election. The full text of the proposed amendment or amendments shall also be posted at each voting place.

900.4. Adoption. If a proposed amendment is adopted by a majority of the voters voting on the question, it shall become effective 30 days after the certification of the election results by the County Council.

900.5. Separate ballot questions. When distinct proposed amendments to the Charter are not dependent on each other, and there is no direct, necessary or logical connection between the operation of each, those amendments shall be submitted separately to the voters.

(Ord. No. 391, §§ 1, 3, 1994; Ord. No. 614, § 1, 5-9-2012/Ref. 11-6-2012; Ord. No. 615, § 1, 5-9-2012/Ref. 11-6-2012; Ord. No. 616, § 1, 5-9-2012/Ref. 11-6-2012; Ord. No. 617, § 1, 5-9-2012/Ref. 11-6-2012; Ord. No. 618, § 1, 5-9-2012/Ref. 11-6-2012)

901. Separability.

If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected. If the application of the Charter or any of its provisions to any person or circumstances is held invalid, the application of the Charter or any of its provisions to other persons or circumstances shall not be affected.

902. Titles and Subtitles.

Titles and subtitles appearing before the articles and sections of this Charter are not intended to determine or restrict the meaning of its provisions. No provision of this Charter shall be construed or limited by reason of the content of titles and subtitles.

903. Seal.

The County shall have a seal which shall contain the word "SEAL" in the center and shall also contain the words "Incorporated County of Los Alamos, New Mexico" surrounding the word "SEAL".

904. Reserved.

Editor's note(s)—Ord. No. 566, § 1, adopted June 23, 2010/November 2, 2010, repealed § 904, which pertained to action against the county and derived from original charter adopted 12-10-68.

905. Reserved.

Editor's note(s)—Ord. No. 562, § 3, adopted July 13, 2010/November 2, 2010, repealed § 905, which pertained to committees and boards and derived from Ord. No. 391, § 4, 1994.

906. Elected Officials.

906.1. Term of Office of Councilors. All County Councilors shall be elected for a term of four years, and after having served two consecutive terms, shall be ineligible to hold any County elective office for a period of two years.

906.2. Term of Office of Other Elected Officials—Restrictions. There shall be no restrictions on the number of terms which a judge of the Court of the Incorporated County of Los Alamos, also known as the Judge of the municipal Court in and for Los Alamos County, may serve, but all other elected officials, except as provided in Section 906.1, shall be ineligible to hold any County elective office for a period of two years after having served two consecutive terms.

(Ord. No. 391, §§ 5, 6, 1994; Amendment No. 2, passed 11/3/70, modification of original section.)

907. Additional Petition Requirements.

907.1. Certification of Forms. In addition to other requirements as specified in this Charter, each petition shall be upon forms obtained from the County Clerk at no charge to the petitioner. The County Clerk shall certify on each page: (a) the date on which it was issued; (b) the purpose of the petition; (c) the date the petition is due; and (d) the County seal.

907.2. Name and Address. Each signature on the petition shall be followed by the address of the person signing. Only the signatures of resident, [and] qualified voters of the County shall be counted.

907.3. Affidavit. Each page[,] when filed shall contain an affidavit executed by the circulator stating: (1) he personally circulated the page; (2) the number of signatures on the page; (3) that all signatures were affixed in his presence; (4) that he believes them to be genuine signatures of the persons whose names they purport to be; and (5) that each signer had the opportunity before signing to read the full text of the petition.

907.4. [Reserved]

907.5. Petition Certification. Within 20 days after the petition is filed, the Council shall certify the petition as to its sufficiency with regard to this Charter. If a petition is certified as insufficient, the County Clerk shall specify the particulars of insufficiency, and shall promptly send a copy of the certificate to the petitioners by registered mail. The petition may be supplemented once, within ten days after receiving the copy of such a certificate. The supplemental petition shall be executed in the same manner as the original petition. If the supplemented petition is certified insufficient by the Council, it shall be considered a final determination of insufficiency.

(Ord. No. 445, § 1, 6-27-2000/ref. 11-7-2000; Ord. No. 604, § 1, 5-9-2012/Ref. 11-6-2012; Ord. No. 611, § 1, 5-9-2012/Ref. 11-6-2012; Ord. No. 613, § 1, 5-9-2012/Ref. 11-6-2012)

Editor's note(s)—Subsection 907.4, pertaining to initiative, referendum and recall was repealed by Ord. No. 604 insofar as it related to initiative, Ord. No. 611 insofar as it related to referendum and Ord. No. 613 insofar as it related to recall.

908. Final Day of Act.

If the last day for performing an administrative duty, filing a petition, a declaration or other similar act, falls on a Saturday, Sunday, or holiday, the next succeeding day on which the County or municipal office is open during regular business hours shall be the final day for such performance.

909. Definition: Publish and Publication—Defined.

Except as otherwise provided in this Charter, the term "publish" or "publication" shall have the meaning as prescribed in state law for legal notices and shall also include posting at the Municipal Building, the public library and its branches, and such other places as may be designated by ordinance.

(Ord. No. 391, § 7, 1994; Ord. No. 567, § 1, 6-23-2010/11-2-2010)

910. Conflict of Interest.

Any elected official, County employee, committee member or advisory board member who has a financial interest in the outcome of any policy, decision, or determination shall not vote or act on the issue in which he has such an interest.

911. Filling of Vacancies.

When a vacancy occurs in the elective offices of Clerk, Assessor, or Sheriff, the County Council shall appoint a qualified person to fill such office for the remainder of the unexpired term.

912. Authority to Enter.

All laws governing the County, for the purpose of public safety, health and welfare, and pertaining to the inspections and investigations required thereunder, shall in their adopting ordinances and in codes adopted by reference thereby, have an "Authority to Enter" section. Such action shall state the purpose of entry and direct that County inspectors may enter all buildings at any reasonable time for inspections, and shall further state:

"This authority to enter shall not include the interiors of private parties, dwellings or living quarters, or the portions of commercial premises used as dwellings, or the non-public portions of commercial premises, except upon obtaining a search warrant, or permission of the occupant thereof, or permission of the party responsible therefor in the event the premises are unoccupied. The provisions of this section do not apply in the event of explosion, fire, or like emergency."

(Amendment No. 3, passed 11/7/72, additional section.)

ARTICLE X. TRANSITIONAL PROVISIONS

1000. Rights and Privileges Preserved.

Nothing in this Charter, except as specifically provided, shall be construed to affect or impair the rights, privileges, and duties of persons who are County officers or employees at the time of its adoption.

1001. Adoption and Certification.

This Charter shall be submitted to the qualified voters of Los Alamos County, and if a majority of those voting vote for its adoption, it shall become effective on January 1, 1969. The Board of Commissioners of Los Alamos County shall cause true copies of the adopted Charter to be certified by the Clerk and made available to the public for examination and/or purchase.

1003. Transfer of Powers.

The powers and duties of any County department, office, or agency abolished by this Charter shall be transferred as designated in this Charter or, in the absence of a Charter provision, as designated by the Council.

1004. Property and Pending Matters.

All County property, records, and equipment in existence on December 31, 1968[,] shall be transferred as designated by the Council. All rights, claims, actions, orders, contracts, and legal or administrative proceedings shall continue except as modified by the provisions of this Charter.

1005. County and Municipal Laws.

Each County ordinance, resolution, and regulation that is in force when this Charter becomes effective is repealed to the extent it is inconsistent with this Charter. Each ordinance, resolution, and regulation shall continue in effect to the extent it is not inconsistent with this Charter.

1006. Abolition of Offices.

The offices of Treasurer and Surveyor of Los Alamos County are abolished as elective offices.

CHARTER COMPARATIVE TABLE AMENDMENTS

This table shows the location of the sections of the basic Charter and any amendments thereto.

Ordinance Number	Adoption Date	Referendum Date	Section	Section this Charter
	12-10-1968(Ord.)			Arts. I—X
1(Amd.)	11- 3-1970			304
2(Amd.)	11- 3-1970			906
3(Amd.)	11- 7-1972			912
4(Amd.)	1-20-1976			304
5(Amd.)	1-20-1976			103
346	1986		1	408
387	1994		1—5	200
			6, 7	202
			8, 9	203
			10	701
388	1994		1	300
			3, 4	304, 305
			5	307
389	1994		1	400
			2, 3	402, 403
			4	403
			5	502
			6, 7	505, 506
390	1994		1, 2	600
391	1994		1	900
			3	900
			4, 5	905, 906
			6	906
			7	909
445	6-27-2000		1	907
446	6-27-2000		1	601
558	6-23-2010	11- 2-2010	1	101
			2	103
559	6-23-2010	11- 2-2010	1	202.2
			2	203.2.1
				203.2.3
				203.3
560	7-13-2010	11- 2-2010	1	200.4
561	6-23-2010	11- 2-2010	1	200.5
			2	304.1—304.4
562	7-13-2010	11- 2-2010	1	305

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			2	306.2
			3 Rpld	905
563	6-23-2010	11- 2-2010	1	600
			2 Rpld	601
564	6-23-2010	11- 2-2010	1	408
565	6-23-2010	11- 2-2010	1	306.3
566	6-23-2010	11- 2-2010	1 Rpld	904
567	6-23-2010	11- 2-2010	1	909
568	6-23-2010	11- 2-2010	1	202.1
598	5- 9-2012	11- 6-2012	1	700
599	5- 9-2012	11- 6-2012	1	700.1
600	5- 9-2012	11- 6-2012	1	700.2
601	5- 9-2012	11- 6-2012	1	700.3
602	5- 9-2012	11- 6-2012	1	700.4
603	5- 9-2012	11- 6-2012	1	700.5
604	5- 9-2012	11- 6-2012	1	703
				704
				907.4
605	5- 9-2012	11- 6-2012	1	701
606	5- 9-2012	11- 6-2012	1	701.1
607	5- 9-2012	11- 6-2012	1	701.2
608	5- 9-2012	11- 6-2012	1	701.3
609	5- 9-2012	11- 6-2012	1	701.4
610	5- 9-2012	11- 6-2012	1	701.5
611	5- 9-2012	11- 6-2012	1	703
				704
				907.4
612	5- 9-2012	11- 6-2012	1	702
613	5- 9-2012	11- 6-2012	1	703
				704
				907.4
614	5- 9-2012	11- 6-2012	1	900.1
615	5- 9-2012	11- 6-2012	1	900.2
616	5- 9-2012	11- 6-2012	1	900.3
617	5- 9-2012	11- 6-2012	1	900.4
618	5- 9-2012	11- 6-2012	1	900.5
648	7-29-2014	11- 4-2014	1	202.1
649	7-29-2014	11- 4-2014	1	300
			2	302
			3	303.2
			4	304.2
			5	305.1
			6	307
			7	402
			8	403.3

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650	7-29-2014	11- 4-2014	1, 2	305.1, 305.2
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