COMMISSIONERS' AFFILIATE MEETING
May 29, 2026

Talking Points for Statutory Amendment Committee

How It Came About

- Brought forward from the Attorney's Affiliate Chair Michael Eshleman in August 2025 to help find ways to:
  - Address issues specific to counties and the way they are structured (we are not municipalities)
  - Clarify roles and responsibilities of the various elected offices and county managers and how they interact
  - Reduce costly litigation
  - Remove outdated statutes and modernize terminology including definitions
  - Clarify areas that are unclear in statute
  - Restructure in a more logical manner
- The Board directed NMC to facilitate the working group led by the Attorneys' Affiliate
- NMC sends out the meeting announcements and minutes but is not driving the narrative. This is up to the members to negotiate.
- Would like to address some issues in the upcoming 60-day session
- Should only proceed with things that have consensus
- This may take multiple years
- Trying to find balance & equity

Process to Date

- On October 6th, a preliminary structural meeting was held and affiliate chairs were invited. It was determined that the working group should include 2 representatives from each elected affiliate, managers, and attorneys. Affiliate chairs were asked to identify two representatives to serve on the working group.
- On December 8th, the first official meeting was held to discuss county statutes, problem areas, and things that might need to be addressed (i.e. elected officials who believe they only need to work 8 hours a month, elected officials not having adequate resources to meet statutory requirements, new mandates from the state, policy decisions and enforcement, authority over personnel, chief deputy qualifications, specialized funds, training considerations, elected official vacancies). Affiliate representatives were encouraged to advise their affiliates of this initiative during the NMC Legislative Conference
- On March 16th, the working group went through the draft recommendations to Chapter 4: Counties (Version 1 - 72 pages) and discussed areas that needed further clarification, repeal, and restructuring. It was clear that there was contention around personnel issues and this topic was set aside to be discussed in greater detail at a later date.
- On April 6th, the working group reviewed Chapter 4: Counties (Version 2 – 97 pages) with the incorporation of items discussed during the March 16th meeting and made further recommendations.

- On April 20th, the working group reviewed a revised document titled County Elected Officials Governance & Administration Act (46 pages) which included the reorganization of the various articles and sections, but removed the sections considered for repeal and other minor changes.
- On May 11th, the working group specifically focused on personnel issues to be incorporated into the proposed Act document. The group decided to add another meeting before the NMC Annual Conference for June 8th.

Next Steps

- June 8th – Next meeting of the working group
- NMC Annual Conference – Affiliate representatives to report out to their affiliates
- June 29th – Follow from Annual Conference affiliate discussions
- July – NMC Legislative Committee
- August – NMC Board of Directors Consideration of Legislative Initiatives
- Fall – Interim Meetings
- January – 60-Day Legislative Session

Overview of the Handout

The document provided to the affiliate today includes all the proposals to date, the restructuring, the removal of the sections proposed for repeal, and each section has a notation on what was changed and why.

<u>Highlights</u>

- Proposed definitions
- Cleans up the classification of counties' language no longer needed since the salary cap consideration was removed, but the language is still needed for certain tax statutes
- Sets expectations for engagement of an elected official once voted into office
- Would allow for cost-of-living adjustments during the term of office
- Provides for a mediation of disputes
- Amends the elected official advisory board which already exists in statute to include the Probate Judges, help in mitigating litigation, and provide a communication forum
- Clarifies the independently elected officials right to appoint their deputy chief, they must pass a background check (the Commission can remove the chief deputy for certain disqualifying acts)
- Clarifies that the manager and attorney are squarely under the Commission while acknowledging their responsibilities to the overall county and its operations
- Establishes a specialized fund for each independently elected official
- Clarifies sections related to litigation against counties
- Clarifies sections relations to removal of an elected official
- Amends the definitions, use of, processes and implementation for ordinances, resolutions, policies, and rules
- Clarifies the application of policies approved by the Commission while trying to strike a balance between the Commission, who is ultimately responsible for all

affairs of the county, and the independently elected officials, who have certain statutory obligations and privileges by virtue of being chosen by the people

- Addresses the requirement for a merit system
- Seeks to fix the elected officials currently off-cycle in certain counties

<u>Commissioner Specific</u>

- Allow Commissions to increase the size of the Commission based on population if they so choose
- Removes redistricting standards already in election code
- Adds the ability of a county to select a Vice Chair and that they may preside if the chair is absent or there is a vacancy and clarifies the term
- Addresses specific language for Los Alamos County to determine whether their elected officials are full or part time per their charter
- Removed the population limitation on tax levies
- Modernized language regarding Commission role on bridges, unincorporated county authority
- Modernized language on receipts and expenditures to track the fiscal year and allow posting of the report on the website
- Modernized language on Commissioner liability for money and expenditures
- Removed vote requirement on recovery of money