

# **BERNALILLO COUNTY**



## **2016 Proposed County Charter**

**Submitted by:**

**Urban County Charter Commission**

**Recommended for Adoption by:**

**Bernalillo County  
Board of County Commissioners**

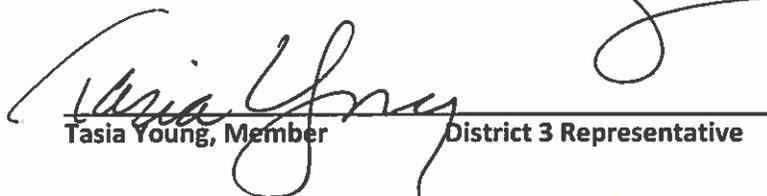
**August 9, 2016**

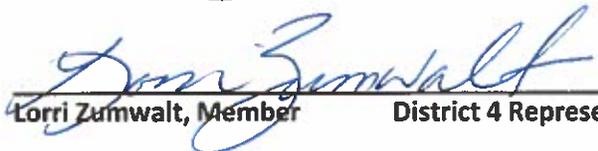
We, the undersigned members of the 2016 Urban County Charter Commission for the County of Bernalillo, New Mexico, do hereby recommend adoption of this Charter on this 9<sup>th</sup> day of August, 2016, as authorized by Article X, Section 10 of the New Mexico Constitution, and Resolution No. \_\_\_\_\_ of the Bernalillo County Board of Commissioners.

  
\_\_\_\_\_  
Randy Autio, Chair                      At-Large Representative

  
\_\_\_\_\_  
Bede Feldman, Vice-Chair              District 1 Representative

  
\_\_\_\_\_  
Albert Chavez, Member                      District 2 Representative

  
\_\_\_\_\_  
Tasia Young, Member                      District 3 Representative

  
\_\_\_\_\_  
Lorri Zumwalt, Member                      District 4 Representative

  
\_\_\_\_\_  
Jordy Stern, Member                      District 5 Representative

  
\_\_\_\_\_  
Terry Brunner, Member                      At-Large Representative



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## PREAMBLE

We the people of Bernalillo County, join together in the belief that County government should reflect and serve all the people of the County by achieving a more responsive, efficient, and transparent form of local government which will improve our lives as citizens, allow a maximum degree of self-government and maintain the County's unique character. We therefore avail ourselves of the opportunity provided by the New Mexico Constitution, to adopt this home rule Charter.

## ARTICLE I – CREATION, POWERS AND ORDINANCES

### ARTICLE I – SECTION A – CREATION

The political subdivision presently existing and known as the County of Bernalillo shall exist and continue as a separate political entity by the name, the County of Bernalillo, 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.

### ARTICLE I – SECTION B – POWERS

Bernalillo County shall have all the powers possible for a home rule county, urban county or a municipal corporation under the Constitution and laws of New Mexico as fully and complete as though they were specifically enumerated in this Charter. Specific mention of particular powers in this Charter shall not be construed as limiting in any way the general powers granted in this subsection. A liberal construction shall be given to the powers granted by this Charter.

### ARTICLE I – SECTION C – ORDINANCES

The Board of County Commissioners may adopt any ordinance to provide for the public safety, to



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1 preserve the health, to promote the prosperity, to improve the order, comfort and convenience or  
2 to provide for the welfare of the County and its inhabitants.

3  
4 The Board of County Commissioners may enact any ordinance to discharge those powers not  
5 inconsistent with statutory or constitutional limitations.

6

## 7 **ARTICLE II –BOARD OF COUNTY COMMISSIONERS**

8

### 9 **ARTICLE II – SECTION A – DUTIES AND AUTHORITY**

10

11 **Composition.** All legislative and policy making powers of the County shall be vested in the Board  
12 of County Commissioners in addition to those powers allowed by law. The Board of County  
13 Commissioners shall be composed of five (5) members elected by the qualified voters of the  
14 County. One member shall be nominated and elected on a partisan basis for each County  
15 Commission District.

16

17 **Terms of Office.** All elected County Commissioners shall serve four year terms, subject to the  
18 provisions and limitations of Article X, Sec. 2 of the Constitution of the State of New Mexico.

19

20 **Compensation.** Members of the Board of County Commissioners shall be paid no more than the  
21 maximum salary allowed for Class A counties by New Mexico statute.

22

23 **County Board of Finance.** The Board of County Commissioners is authorized to constitute a  
24 County Board of Finance to supervise the determination of the qualifications of the institutions  
25 receiving public money of Bernalillo County and to provide advice and consent to the County  
26 Treasurer on all investments and deposits of County monies.

27



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1 The County Board of Finance shall exercise its statutory power by designating financial experts to  
2 provide advice and consent on behalf of the County Board of Finance in regards to investments  
3 proposed by the County Treasurer. The financial expert(s) shall be an investment officer, with the  
4 advice of an investment advisor; or an investment firm combining the investment officer and  
5 advisor duties. The person(s) and/or firm must be a Registered Investment Advisor (RIA) with  
6 the Securities and Exchange Commission (SEC) under the Investment Advisor’s Act of 1940.

7  
8 **Investment Policy.** An Investment Policy will be jointly adopted by the County Board of Finance  
9 and the County Treasurer to ensure: adequate operational cash flow; proper management of market  
10 and credit risk; and prevention and control of the losses of County investments arising from fraud,  
11 error, misrepresentation, unanticipated market changes, and conflicts of interest or imprudent  
12 actions.

13  
14 **ARTICLE II – SECTION B –BOARD OF COUNTY COMMISSIONERS**

15 **HIRING AUTHORITY**

16  
17 The Board of County Commissioners shall have the authority to hire a County Manager and a  
18 County Attorney. Each County Commissioner may hire an assistant whose employment shall be  
19 “at will.”

20  
21 **ARTICLE II – SECTION C – BOARD OF COUNTY COMMISSIONERS**

22 **SUB-COMMITTEE FORMATION**

23  
24 The Board of County Commissioners may, from time to time, create working sub-committees  
25 composed of two (2) of the five (5) Board of County Commissioners and appointed staff to:  
26 conduct research, draft recommended policy, review special topics, develop innovative service  
27 solutions, etc. The working subcommittees will create a report and present it to the entire Board  
28 of County Commissioners for review and action.





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1                    **ARTICLE III – SECTION B – OFFICE OF THE COUNTY CLERK**

2  
3    **CLERK** – The County Clerk shall be elected by the qualified voters of Bernalillo County. The  
4 election shall be partisan. The County Clerk shall be responsible for all duties and statutory  
5 requirements granted by state law except as otherwise specified by ordinance or this Charter and  
6 further authorized by the Constitution of the State of New Mexico.

7  
8    **Compensation.** The County Clerk shall be compensated as allowed by law, and not to exceed  
9 that of Class A counties. The Board of County Commissioners may provide adjustments to the  
10 compensation as it deems necessary and appropriate as allowed by law.

11  
12    **Terms of Office.** The elected County Clerk shall serve four year terms, subject to the provisions  
13 and limitations of Article X, Sec. 2 of the Constitution of the State of New Mexico.

14  
15    **Office Vacancies.** In the event of a vacancy in this office, the Board of County Commissioners  
16 shall fill the unexpired term until a successor is elected.

17  
18                    **ARTICLE III – SECTION C – OFFICE OF THE PROBATE JUDGE**

19  
20    **PROBATE JUDGE** – The Probate Judge shall be elected by the qualified voters of Bernalillo  
21 County. The election shall be partisan. A Probate Judge shall preside and handle the operations of  
22 the Probate Court including estates, wills and probate. The Probate Judge shall serve as a part-  
23 time County Judge. The Probate Judge shall be responsible for all duties and statutory  
24 requirements granted by state law except as otherwise specified by ordinance or this Charter and  
25 further authorized by the Constitution of the State of New Mexico.

26  
27    **Compensation:** The Probate Judge shall be compensated as allowed by law, and not to exceed  
28 that of Class A counties. The Board of County Commissioners may provide adjustments to the  
29 compensation as it deems necessary and appropriate as allowed by law.



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1 **Terms of Office.** The elected Probate Judge shall serve four year terms, subject to the provisions  
2 and limitations of Article X, Sec. 2 of the Constitution of the State of New Mexico.

3  
4 **Office Vacancies.** In the event of a vacancy in this office, the Board of County Commissioners  
5 shall fill the unexpired term until a successor is elected.

## 6 ARTICLE III – SECTION D – OFFICE OF THE COUNTY SHERIFF

7  
8  
9 **SHERIFF** – The County Sheriff shall be elected by the qualified voters of Bernalillo County. The  
10 election shall be partisan. The County Sheriff shall be responsible for all duties and statutory  
11 requirements for law enforcement granted by state law except as otherwise specified by ordinance  
12 or this Charter and as further authorized by the Constitution of the State of New Mexico.

13  
14 **Compensation:** The County Sheriff shall be compensated as allowed by law, and not to exceed  
15 that of Class A counties. The Board of County Commissioners may provide adjustments to the  
16 compensation as it deems necessary and appropriate as allowed by law.

17  
18 **Terms of Office.** The elected County Sheriff shall serve four year terms, subject to the provisions  
19 and limitations of Article X, Sec. 2 of the Constitution of the State of New Mexico.

20  
21 **Office Vacancies.** In the event of a vacancy in this office, the Board of County Commissioners  
22 shall fill the unexpired term until a successor is elected.

## 23 ARTICLE III – SECTION E – OFFICE OF THE COUNTY TREASURER

24  
25  
26 **TREASURER** – The County Treasurer shall be elected by the qualified voters of Bernalillo  
27 County. The election shall be partisan. The County Treasurer shall be responsible for all duties  
28 and statutory requirements granted by State law except as otherwise specified by ordinance or this  
29 Charter and further authorized by the Constitution of the State of New Mexico.



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1    **Compensation.** The County Treasurer shall be compensated as allowed by law, and not to exceed  
2    that of Class A counties. The Board of County Commissioners may provide adjustments to the  
3    compensation as it deems necessary and appropriate.

4  
5    **Terms of Office.** The elected County Treasurer shall serve four year terms, subject to the  
6    provisions and limitations of Article X, Sec. 2 of the Constitution of the State of New Mexico.

7  
8    **Office Vacancies.** In the event of a vacancy in this office, the Board of County Commissioners  
9    shall fill the unexpired term until a successor is elected.

10  
11   **Additional Duties.** The County Treasurer or his or her designee, is authorized to supervise the  
12   deposit and safe-keeping of the public money of Bernalillo County and all the money which may  
13   at any time come into or be in his or her possession as County Treasurer and ex-officio tax  
14   collector. This authority shall be exercised by and with the advice and consent of the County  
15   Board of Finance, and with that advice and consent, designate banks, savings and loan associations  
16   and credit unions as per State of New Mexico Statutes.

17  
18   **Investment Committee.**

19  
20   **Purpose.** The County Treasurer shall appoint an Investment Committee, with the advice and  
21   consent of the County Board of Finance, to review investment reporting and perform required  
22   duties.

23  
24   **Composition.** The Committee shall be composed of five (5) members: the County Treasurer; the  
25   County Manager; the Deputy County Manager for Finance; one member of the County Board of  
26   Finance who is selected by the County Board of Finance; and one community member with expert  
27   knowledge or professional experience in the subject of public finance or investment of public  
28   funds. The community member shall serve a four-year term. A vacancy created by the loss of the



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1 community member shall be filled in the same manner as the original appointment. The Investment  
2 Officer and the Investment Advisor or Firm shall serve as staff to the Investment Committee.

3

4

## ARTICLE IV – APPOINTED OFFICIALS

5

6

### ARTICLE IV – SECTION A – COUNTY MANAGER

7

8 The County Manager shall be appointed by and be responsible to the Board of County  
9 Commissioners and serve at their pleasure. The County Manager shall be appointed on the basis  
10 of his or her executive and administrative qualifications. The compensation of the County Manager  
11 and all other terms and conditions of employment shall rest with the Board of County  
12 Commissioners.

13

14 **Duties and Powers of the County Manager.** The County Manager shall be the chief  
15 administrative officer of the County and execute the policies as set by the Board of County  
16 Commissioners in accordance with this Charter, the laws of the state, the ordinances and  
17 resolutions of the Board of County Commissioners. The County Manager shall have management  
18 and administrative control and supervision over deputy county managers and directors of all  
19 County departments not under the administration of other appointed officials. The Ethics and  
20 Compliance Officer and Compliance Office staff, shall be jointly appointed and managed by the  
21 County Manager and the County Attorney. All personnel decisions and actions shall not require  
22 the advice or consent of the Board of County Commissioners except as provided in this Charter.  
23 The County Manager shall be responsible for the administration and protection of the merit system,  
24 and designate other County staff to perform the duties of the County Manager during any  
25 temporary absences.

26

27 **Provision of Administrative Services.** Except as otherwise provided in this Charter, neither the  
28 Board of County Commissioners nor any of its members shall hinder the execution by the County  
29 Manager of his or her powers and duties. Except for purposes of inquiry, the Board of County



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1 Commissioners shall interact with all staff under the County Manager solely through the County  
2 Manager or with the County Manager's permission; and neither the Board of County  
3 Commissioners nor any member thereof shall give orders to or demand services from any  
4 subordinate of the County Manager, either publically or privately.

5  
6 Nothing in this section shall be construed as prohibiting the Board of County Commissioners while  
7 in open session from fully and freely discussing with or suggesting to the County Manager  
8 anything pertaining to County affairs or the interests of the County.

9

### 10 ARTICLE IV – SECTION B – COUNTY ATTORNEY

11

12 **COUNTY ATTORNEY** – A County Attorney shall be appointed by the Board of County  
13 Commissioners and serve at their pleasure. The County Attorney shall be a licensed attorney in  
14 good standing, certified by the State of New Mexico Supreme Court, and shall be appointed on the  
15 basis of his or her legal, executive and administrative qualifications. Compensation for the County  
16 Attorney and all other terms and conditions of employment shall rest with the Board of County  
17 Commissioners. The Board of County Commissioners shall provide the County Attorney with  
18 support staff and other resources necessary to operate a County Legal Department.

19

20 The County Attorney shall advise and represent the Board of County Commissioners, all other  
21 County elected officials, the County Manager, and his or her employees. If a conflict arises  
22 between the Board of County Commissioners and another part of County government, the County  
23 Attorney shall represent the Board of County Commissioners in the conflict as allowed by the rules  
24 of professional conduct governing him or her. The County Attorney shall hire outside counsel to  
25 represent the other party to the conflict if the conflict concerns official public business of the  
26 County. The County Attorney shall prosecute and defend all legal actions by and against the  
27 County as directed by the Board of County Commissioners. In all suits or proceedings by or  
28 against the County, the name in which the County shall sue or be sued shall be the Board of County  
29 Commissioners of the County of Bernalillo. The County Attorney shall hire, supervise, and fire



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1 all assistant county attorneys, the staff of the legal department, and other positions provided for in  
2 the Charter or County ordinances. The County Attorney may hire outside counsel as necessary to  
3 represent the County.

## 4 5 **ARTICLE IV – SECTION C – COUNTY CHIEF OF FIRE AND RESCUE**

6  
7 **COUNTY CHIEF OF FIRE AND RESCUE** – The County Manager shall nominate and  
8 recommend a candidate to the Board of County Commissioners for confirmation as an unclassified  
9 department director employee. The County Chief of Fire and Rescue shall be responsible for the  
10 administration of the Fire and Rescue Department.

## 11 12 **ARTICLE V - ADMINISTRATIVE DEPARTMENTS,** 13 **OFFICES AND AGENCIES**

14  
15 The Board of County Commissioners may from time to time, by ordinance or resolution, establish,  
16 abolish or reorganize any County administrative departments, offices or agencies. The Board of  
17 County Commissioners shall provide for the number, titles, qualifications, powers, duties and  
18 compensation of all officers and employees of the County.

## 19 20 **ARTICLE VI- ETHICAL GOVERNMENT**

### 21 22 **ARTICLE VI – SECTION A – ETHICAL CONDUCT** 23 **OF COUNTY PUBLIC SERVANTS**

24  
25 All Bernalillo County elected officials, appointees, employees, candidates for office and  
26 volunteers shall strive to be ethical, independent, impartial and responsible public servants. The  
27 proper operation of democratic government requires that decisions and policy be made in proper  
28 channels of the governmental structure; that public office or the pursuit of public office not be used  
29 for personal gain; and that the public have confidence in the integrity of its government.



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1                   **ARTICLE VI – SECTION B – OBLIGATION TO SERVE THE PUBLIC**

2  
3 Public servants have the common obligation of serving the public. In performing their duties,  
4 public servants shall treat the public and each other with respect, concern, and responsiveness;  
5 while recognizing their common goal of exceptional public service can only be achieved by  
6 working together.

7  
8                   **ARTICLE VI – SECTION C – BERNALILLO COUNTY CODE OF CONDUCT**

9  
10 There shall be a Code of Conduct adopted by County ordinance for all public servants including  
11 candidates, elected officials, employees and volunteers of County government; including members  
12 of boards, committees and commissions. The Code of Conduct shall establish standards of good  
13 conduct. The actions of all County public servants shall be regulated both by the Code of Conduct  
14 adopted by the Board of County Commissioners and by the New Mexico Governmental Conduct  
15 Act.

16  
17                   **ARTICLE VI – SECTION D – CODE OF CONDUCT REVIEW BOARD**

18  
19 The Code of Conduct shall include the creation of a Code of Conduct Review Board composed of  
20 citizen members who shall not be affiliated with County government in any other capacity. The  
21 Code of Conduct Review Board shall have the authority to consider alleged violations of the Code  
22 of Conduct by any public servant and such other duties as the Board of County Commissioners  
23 deems appropriate. The penalties for a violation shall be outlined in the Code of Conduct.

24  
25                   **ARTICLE VI – SECTION E – ETHICS AND COMPLIANCE OFFICER**

26  
27 The Code of Conduct shall provide for an Ethics and Compliance Officer. The Ethics and  
28 Compliance Officer shall be a neutral, non-partisan employee acting as a resource to County  
29 government and to the Code of Conduct Review Board. The Ethics and Compliance Officer shall



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1 be an unclassified employee jointly selected by the County Manager and County Attorney or  
2 removed by the County Manager and County Attorney, for cause. This office shall be responsible  
3 for processing the filing of complaints for violation of the Code of Conduct; processing and  
4 tracking claims of fraud, waste and abuse; and for training and education of all public servants in  
5 ethical conduct as it pertains to County government and maintaining and upholding the public  
6 trust.

7  
8 **ARTICLE VI – SECTION F – PREVENTION OF FRAUD, WASTE**  
9 **AND ABUSE OF PUBLIC RESOURCES**

10

11 The Code of Conduct, The Code of Conduct Review Board and the Ethics and Compliance Officer  
12 will work toward the goals of eliminating fraud, waste and abuse of public funds and upholding  
13 the standards of ethical public service.

14

15 **ARTICLE VI – SECTION G – ADOPTION AND AMENDMENT**  
16 **TO THE COUNTY CODE OF CONDUCT**

17

18 The Code of Conduct shall only be amended by a “super-majority” vote consisting of four of the  
19 five Board of County Commissioner members.

20

21 **ARTICLE VI – SECTION H – ELECTED OFFICIAL**  
22 **COUNTY EMPLOYMENT PROHIBITIONS**

23

24 No elected County officer shall hold employment with Bernalillo County during his or her term of  
25 office.

26



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1 **ARTICLE VII – TRANSPARENCY**

2  
3 **ARTICLE VII – SECTION A – TRANSPARENCY**

4  
5 Elected officials and employees of Bernalillo County derive their mission and authority from the  
6 taxpayers of Bernalillo County. The taxpayers and voters have the right to participate in their  
7 government in order to hold public officials accountable. Public access to information and records  
8 generated by government institutions is essential to government's accountability to the public. The  
9 intent of this Charter is to provide ready and convenient access to public documents, information,  
10 records and meetings.

11  
12 **ARTICLE VII – SECTION B – THE TRANSPARENCY PORTAL**

13  
14 Bernalillo County shall maintain an electronic transparency portal that provides the public with  
15 searchable access to public records, generally referred to as a "Sunshine Portal."

16  
17 **ARTICLE VII – SECTION C – OPEN MEETINGS ACT COMPLIANCE**

18  
19 Meetings shall be handled in compliance with New Mexico State law and shall include agendas,  
20 meeting dates, and minutes for County boards, committees, and commissions formed and  
21 appointed by the Board of County Commissioners. To provide for increased accountability, all  
22 agenda items included for consideration or action by the Board of County Commissioners will  
23 include name of the commissioner, elected official, department director or county manager  
24 proposing the item.



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1                    **ARTICLE VII – SECTION D – REQUEST FOR INFORMATION**

2  
3     Inspection of Public Records Act (IPRA) requests will be handled in a manner that is in  
4     compliance with New Mexico State law, and the intent of this charter is to respect the disclosure  
5     of public information.

6  
7                    **ARTICLE VIII - PERSONNEL**

8  
9                    **ARTICLE VIII – SECTION A – EMPLOYMENT MERIT SYSTEM**  
10                    **AND ANTI-DISCRIMINATION**

11  
12     **Merit System Establishment.** The Board of County Commissioners shall establish by ordinance  
13     a merit system to regulate and control the appointments, promotions, demotions, discharges and  
14     reinstatements of all employees of the County, except those officials elected by the people;  
15     appointees of elected officials, the County Manager, and the County Attorney; part-time, casual,  
16     temporary and term employees, and emergency hires.

17  
18     Employment, appointments and promotions in the administrative service of the County shall be  
19     made in accordance with merit and fitness. Except as otherwise provided in this Charter, neither  
20     the Board of County Commissioners, nor any individual commissioner shall direct the County  
21     Manager to appoint, hire or terminate any person.

22  
23     **Anti-Discrimination.** No person shall be discriminated against with respect to any County  
24     employment because of race, color, gender, national origin or ancestry, sexual orientation,  
25     disability, age, religious belief or political affiliation.



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1                    **ARTICLE VIII – SECTION B – COLLECTIVE BARGAINING**

2  
3     The Board of County Commissioners shall enact a collective bargaining ordinance recognizing the  
4     right of County employees to organize and bargain collectively through representatives of their  
5     own choosing, subject to any procedural regulations and remedies for the resolution of contractual  
6     disputes that the Board of County Commissioners shall provide by ordinance.

7  
8                    **ARTICLE IX – ELECTIONS**

9  
10                  **ARTICLE IX – SECTION A – REFERENCE TO STATE LAW**

11  
12     Except as otherwise provided in this Charter or by ordinance the provisions of federal law and the  
13     election code of the State of New Mexico shall apply to elections held under this Charter.

14  
15                  **ARTICLE IX – SECTION B – GENERAL AND PRIMARY ELECTION DATES**

16  
17     The County primary and general elections shall be held on the date set by law for the state primary  
18     and general elections.

19  
20                  **ARTICLE IX – SECTION C – SPECIAL ELECTIONS**

21  
22     A special election shall be held whenever required by this Charter, by state statutes or by ordinance.  
23     The Board of County Commissioners shall set the date and issue notice for any special County  
24     election. Unless otherwise provided by this Charter or by state statutes, the date of any special  
25     election shall not be less than forty-five (45), nor more than ninety (90) days after the issue of the  
26     notice.



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**ARTICLE IX – SECTION D – QUALIFIED VOTERS**

All citizens qualified by the Constitution and laws of the State of New Mexico and the Constitution and laws of the United States to vote in the County and who satisfy the requirements for registration prescribed by state statutes shall be qualified as voters of this County.

**ARTICLE IX – SECTION E – RECALL ELECTIONS**

Any elected officer of the County shall be subject to recall initiated pursuant to Article X, Sec. 9 of the Constitution of the State of New Mexico and by law.

**ARTICLE IX – SECTION F – DIRECT VOTER INITIATIVE**

The qualified voters of Bernalillo County reserve the maximum amount of power authorized by the laws of the State of New Mexico to directly legislate by voter initiative, the matters they deem of such importance that should be voted on by all citizens of the County.

Because of the need for a considered and deliberate process to implement the initiative system, the Board of County Commissioners shall create a Voter Initiative Task Force to develop an equitable and fair initiative process that balances direct voter participation with representative government in New Mexico.

Within one (1) year from the effective date of this Charter the Board of County Commissioners shall propose an amendment to this Charter to implement the procedure, proposed by the Voter Initiative Task Force for conducting the voter initiative process. This amendment shall be placed on the ballot in a special election by mail or reserved for the next general election.



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## ARTICLE X – PERFORMANCE AND FINANCIAL AUDITS

**Performance Audit.** To ensure the accountable and efficient use of public funds, the County shall perform regular contract compliance, internal controls and performance audits. The County shall provide the Board of County Commissioners with a report and detailed schedule of audits.

**Annual Financial Audit.** The County shall have an annual audit of its accounting records, and Comprehensive Annual Financial Report performed by independent public accountants per New Mexico State law. Federal grants will be audited under federal requirements.

## ARTICLE XI – LAND USE AND PLANNING

The Board of County Commissioners shall adopt a comprehensive plan to guide lower ranking plans and ensure rational development that respects human, economic and environmental needs; and recognizes the history and cultural diversity of rural, urban, community land grants, acequia associations, traditional and Native American community areas within the County.

The Board of County Commissioners is the planning and zoning authority for the adoption and interpretation of the County’s Comprehensive Plan and the Capital Improvement Plan. The Board of County Commissioners is also the County’s ultimate authority with respect to interpretation of adopted plans, ordinances, and individual cases.

The Board of County Commissioners reserves the right to create and apply ordinances designed to protect the health, safety, and welfare of people and property in the unincorporated areas of Bernalillo County.



1                   **ARTICLE XII – SPECIAL DISTRICTS, AUTHORITIES AND**  
2                                   **INTERGOVERNMENTAL AGREEMENTS**

3  
4    The Board of County Commissioners may create or eliminate by ordinance, special districts and  
5    authorities to meet specific service needs or safeguard property of the residents of the County as  
6    allowed by law. The Board of County Commissioners shall determine fiscal and administrative  
7    discretion of any such district created by the County.

8  
9    The Board of County Commissioners may enter into any joint powers agreement, memorandum  
10   of understanding or other intergovernmental agreement in order to meet specific service needs or  
11   to safeguard the interests of the County and its residents.

12  
13                                   **ARTICLE XIII - FINANCIAL PRACTICES**

14  
15                                   **ARTICLE XIII – SECTION A – FISCAL YEAR**

16  
17    The County operates on a fiscal year that begins on July 1 and ends June 30 of the following year.

18  
19                                   **ARTICLE XIII – SECTION B – ACCOUNTING**

20  
21    The County shall adopt and use the most current best practices in accordance with accounting  
22    principles generally accepted in the United States of America as defined by the Government  
23    Accounting Standards Board (GASB).

24  
25                                   **ARTICLE XIII – SECTION C – OPERATING BUDGET**

26  
27    Annually, the County Manager shall prepare and submit to the Board of County Commissioners a  
28    budget for the following fiscal year.



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1 The County will hold at least one (1) public hearing on the budget for informational purposes. The  
2 budget presentation will be available to the public for review prior to the public hearing, in  
3 compliance with the Open Meetings Act.

4  
5 Subsequent to the public hearing(s), the Board of County Commissioners will adopt the budget at  
6 a regularly scheduled Administrative meeting. The adopted budget must be submitted to the State  
7 of New Mexico Department of Finance and Administration by June 1, in accordance with New  
8 Mexico State law.

9  
10 No request from an individual County Commissioner to add or transfer any County funds for a  
11 specific project or service shall be approved by any authority other than by a majority vote of the  
12 Board of County Commissioners in a public meeting.

### ARTICLE XIII – SECTION D – PROCUREMENT

13  
14  
15  
16 The Board of County Commissioners shall adopt the most efficient rules and regulations for the  
17 purchase of supplies, materials, services, fixed assets and other items necessary for County  
18 operations; while ensuring all purchases are based on a fair process and in the best interests of the  
19 County. The State of New Mexico State Procurement Code will be adopted as the minimum  
20 standard for all County rules and regulations pertaining to procurement.

### ARTICLE XIII – SECTION E – TAXATION

21  
22  
23  
24 The Board of County Commissioners shall have full authority over the financial affairs of the  
25 County except as limited by state law or this Charter. This authority shall include the power by  
26 resolution or ordinance to assess, levy and collect taxes on all persons, property, transactions and  
27 objects of taxation within the County except those taxes requiring voter approval.

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**ARTICLE XV – TRANSITIONAL PROVISIONS**

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**1. Initial County Commissioners.** The initial County Commission Districts shall be the same as those in effect on December 31, 2016. The initial members of the Board of County Commissioners shall be the same persons who were members of the Board of County Commissioners on January 1, 2017. For County Commissioners elected on November 4, 2014, their terms shall expire December 31, 2018. For County Commissioners elected on November 8, 2016, their terms shall expire December 31, 2020.

**2. Initial Elected and Administrative Officers.** Appointed and elected officials of the County shall continue to serve in their designated capacities on and through the effective date of this Charter, subject to termination and replacement as provided by law.

**3. Employee Continuation.** All employees of the former County government shall on the effective date of this Charter, retain their existing status as employees of the County government created by this Charter. All existing wages, benefits, collective bargaining certifications and agreements; and contracts and conditions of employment shall continue until modified by lawful action or the Board of County Commissioners.

**4. Continuation of Laws, Ordinances, Contracts and Intergovernmental Agreements.** All laws, ordinances, contracts, joint powers agreements, memoranda of understanding and memoranda of agreement, in full force on the effective date of this Charter, and not inconsistent with the provision of this Charter shall remain and be in force until altered, modified or repealed by the Board of County Commissioners.

**5. Continuation of Boards, Commissions, Agencies and Joint Public Bodies.** All existing boards, commissioners, agencies and joint public bodies, and the appointments or designations of members, shall remain in full force and effect in accordance with their original terms of creation, until amended or terminated by the Board of County Commissioners. All members



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1 of the existing boards, commissions, agencies and joint public bodies appointed or designated  
2 for terms expiring after the effective date of this Charter shall continue to serve their terms  
3 without necessity of reappointment under this Charter.

4  
5 **6. Outstanding County Obligations.** All bonds, revenue certificates, and other financial  
6 obligations of the County outstanding on the effective date of this Charter shall be obligations  
7 of the County government. All actions taken by the former County government relating to the  
8 issuance of such obligations are hereby ratified and confirmed. Payment of such obligations  
9 and interest thereon shall be made solely from, and charged solely against, funds derived from  
10 the same sources from which such payment would have been made had this Charter not taken  
11 effect.

12  
13 **7. Elected Official Compensation.** All elected officials' compensation shall remain at the rate  
14 of annual compensation prior to enactment of the Charter. There shall be a waiting period of  
15 two years from the date of enactment prior to any vote by the Board of County Commissioners  
16 to adjust the compensation of any elected official.

## 17 18 **ARTICLE XVI – SEVERABILITY, VALIDITY AND EFFECTIVE DATE**

19  
20 **1. Severability and Validity.** The provisions of this Charter are severable. If any provision  
21 should be declared unconstitutional or invalid, it shall not affect the constitutionality or validity  
22 of any other provision of this Charter.

23  
24 **2. Effective Date.** The provisions of this Charter shall take effect January 1, 2017.