

BERNALILLO COUNTY



County Charter



Bernalillo County Charter

TABLE OF CONTENTS

	PAGE
PREAMBLE	2
ARTICLE I CREATION, POWERS AND ORDINANCES	2
ARTICLE II BOARD OF COUNTY COMMISSIONERS	3
ARTICLE III ELECTED OFFICES	6
ARTICLE IV APPOINTED OFFICIALS	10
ARTICLE V ADMINISTRATIVE DEPARTMENTS, OFFICES AND AGENCIES	13
ARTICLE VI ETHICAL GOVERNMENT	14
ARTICLE VII TRANSPARENCY	16
ARTICLE VIII PERSONNEL	17
ARTICLE IX ELECTIONS	18
ARTICLE X PERFORMANCE AND FINANCIAL AUDITS	19
ARTICLE XI LAND USE AND PLANNING	20
ARTICLE XII SPECIAL DISTRICTS, AUTHORITIES AND INTERGOVERNMENTAL AGREEMENTS	21
ARTICLE XIII FINANCIAL PRACTICES	22
ARTICLE XIV AMENDMENTS	25
ARTICLE XV TRANSITIONAL PROVISIONS	26
ARTICLE XVI SEVERABILITY, VALIDITY AND EFFECTIVE DATE	28



Bernalillo County Charter

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

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



ARTICLE II –BOARD OF COUNTY COMMISSIONERS

ARTICLE II – SECTION A – DUTIES AND AUTHORITY

Composition. The Board of County Commissioners shall be composed of five (5) members elected by the qualified voters of the County. One (1) member shall be nominated and elected on a partisan basis for each County Commission District.

Authority. All legislative and policy making powers of the County shall be vested in the Board of County Commissioners in addition to those powers allowed by law. County Commissioners have no individual administrative authority and shall not issue managerial directives, give orders to, or demand services from the County Manager or any of his or her subordinates either publically or privately. Commissioners may express opinions and/or provide recommendations regarding the administration of the County consistent with their elected responsibilities and fiduciary obligations. The County Manager and his or her subordinates have full discretion on whether or not to implement any action recommended by a Commissioner.

Terms of Office. All elected County Commissioners shall serve four (4) year terms, subject to the provisions and limitations of Article X, Sec. 2 of the Constitution of the State of New Mexico.

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

County Board of Finance. The Board of County Commissioners is authorized to constitute a County Board of Finance to supervise the determination of the qualifications of the institutions receiving public money of Bernalillo County and to provide advice and consent to the County Treasurer on all investments and deposits of County monies. The County Board of Finance shall exercise its statutory power by designating financial experts to provide advice and consent on behalf of the County Board of Finance in regards to investments proposed by the County Treasurer.



Bernalillo County Charter

The financial expert(s) shall be an investment officer, with the advice of an investment advisor; or an investment firm combining the investment officer and advisor duties. The person(s) and/or firm must be a Registered Investment Advisor (RIA) with the Securities and Exchange Commission (SEC) under the Investment Advisor's Act of 1940.

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

ARTICLE II – SECTION B – BOARD OF COUNTY COMMISSIONERS

HIRING AUTHORITY

The Board of County Commissioners shall have the authority to hire a County Manager, County Attorney and Fire Chief. Each County Commissioner may hire an assistant or assistants whose employment shall be “at will,” and shall not exceed one full-time equivalent.

ARTICLE II – SECTION C – BOARD OF COUNTY COMMISSIONERS

SUB-COMMITTEE FORMATION

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



Bernalillo County Charter

ARTICLE II – SECTION D - APPOINTIVE BOARDS AND COMMISSIONS

The Board of County Commissioners may by ordinance or resolution, create boards or commissions as in its judgment are required or as are now or hereafter provided by law; and may grant to them such power and duties consistent with the provisions of this Charter. Rules governing the operation of said boards will be those adopted by the Board of County Commissioners unless otherwise specified by the enabling legislation.



ARTICLE III – ELECTED OFFICES

ARTICLE III – SECTION A – OFFICE OF THE COUNTY ASSESSOR

ASSESSOR - The County Assessor shall be elected by the qualified voters of Bernalillo County. The election shall be partisan. The Assessor shall be responsible for all duties and statutory requirements granted by State law except as otherwise specified by ordinance or this Charter and further authorized by the Constitution of the State of New Mexico.

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

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

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

ARTICLE III – SECTION B – OFFICE OF THE COUNTY CLERK

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

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



Bernalillo County Charter

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

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

ARTICLE III – SECTION C – OFFICE OF THE PROBATE JUDGE

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

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

Terms of Office. The elected Probate Judge shall serve four (4) year terms, subject to the provisions and limitations of Article X, Sec. 2 of the Constitution of the State of New Mexico.

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

ARTICLE III – SECTION D – OFFICE OF THE COUNTY SHERIFF

SHERIFF – The County Sheriff shall be elected by the qualified voters of Bernalillo County. The election shall be partisan. The County Sheriff shall be responsible for all duties and statutory requirements for law enforcement granted by State law except as otherwise specified by



Bernalillo County Charter

ordinance or this Charter and as further authorized by the Constitution of the State of New Mexico.

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

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

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

ARTICLE III – SECTION E – OFFICE OF THE COUNTY TREASURER

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

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

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

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



Bernalillo County Charter

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

Investment Committee.

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

Composition. The Committee shall be composed of five (5) members: the County Treasurer; the County Manager; the Deputy County Manager for Finance; one (1) member of the County Board of Finance who is selected by the County Board of Finance; and one (1) community member with expert knowledge or professional experience in the subject of public finance or investment of public funds. The community member shall serve a four (4) year term. A vacancy created by the loss of the community member shall be filled in the same manner as the original appointment. The Investment Officer and the Investment Advisor or Firm shall serve as staff to the Investment Committee.



ARTICLE IV – APPOINTED OFFICIALS

ARTICLE IV – SECTION A – COUNTY MANAGER

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

Duties and Powers of the County Manager. The County Manager shall be the chief administrative officer of the County and execute the policies as set by the Board of County Commissioners in accordance with this Charter, the laws of the state, the ordinances and resolutions of the Board of County Commissioners. The County Manager shall have management and administrative control and supervision over deputy county managers and directors of all County departments not under the administration of other appointed officials. The Ethics and Compliance Officer and Compliance Office staff, shall be jointly appointed and managed by the County Manager and the County Attorney. Except as otherwise provided by State law and this Charter, the County Manager shall have full and final authority over all personnel decisions. The Board of County Commissioners may create through resolution or ordinance a concurrence process for the hiring of high-ranking County administrators. The Board of County Commissioners shall not have concurrence authority over any position below the level of Director. The County Manager shall be responsible for the administration and protection of the merit system, and designate other County staff to perform the duties of the County Manager during any temporary absences.

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



Bernalillo County Charter

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

ARTICLE IV – SECTION B – COUNTY ATTORNEY

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

The County Attorney shall advise and represent the Board of County Commissioners, all other County elected officials, the County Manager, and his or her employees. If a conflict arises between the Board of County Commissioners and another part of County government, the County Attorney shall represent the Board of County Commissioners in the conflict as allowed by the rules of professional conduct governing him or her. The County Attorney shall hire outside counsel to represent the other party to the conflict if the conflict concerns official public business of the County. The County Attorney shall prosecute and defend all legal actions by and against the County as directed by the Board of County Commissioners. In all suits or proceedings by or against the County, the name in which the County shall sue or be sued shall be *the Board of County Commissioners of the County of Bernalillo*. The County Attorney shall hire, supervise, and fire all assistant county attorneys, the staff of the legal department, and other positions provided for in the Charter or County ordinances. The County Attorney may hire outside counsel as necessary to represent the County.



Bernalillo County Charter

ARTICLE IV – SECTION C – COUNTY CHIEF OF FIRE AND RESCUE

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



ARTICLE V - ADMINISTRATIVE DEPARTMENTS,
OFFICES AND AGENCIES

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



ARTICLE VI- ETHICAL GOVERNMENT

**ARTICLE VI – SECTION A – ETHICAL CONDUCT
OF COUNTY PUBLIC SERVANTS**

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

ARTICLE VI – SECTION B – OBLIGATION TO SERVE THE PUBLIC

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

ARTICLE VI – SECTION C – BERNALILLO COUNTY CODE OF CONDUCT

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

ARTICLE VI – SECTION D – CODE OF CONDUCT REVIEW BOARD

The Code of Conduct shall include the creation of a Code of Conduct Review Board composed of citizen members who shall not be affiliated with County government in any other capacity.



Bernalillo County Charter

The Code of Conduct Review Board shall have the authority to consider alleged violations of the Code of Conduct by any public servant and such other duties as the Board of County Commissioners deems appropriate. The penalties for a violation shall be outlined in the Code of Conduct.

ARTICLE VI – SECTION E – ETHICS AND COMPLIANCE OFFICER

The Code of Conduct shall provide for an Ethics and Compliance Officer. The Ethics and Compliance Officer shall be a neutral, non-partisan employee acting as a resource to County government and to the Code of Conduct Review Board. The Ethics and Compliance Officer shall be an unclassified employee jointly selected by the County Manager and County Attorney or removed by the County Manager and County Attorney, for cause. This office shall be responsible for processing the filing of complaints for violation of the Code of Conduct; processing and tracking claims of fraud, waste and abuse; and for training and education of all public servants in ethical conduct as it pertains to County government and maintaining and upholding the public trust.

ARTICLE VI – SECTION F – PREVENTION OF FRAUD, WASTE AND ABUSE OF PUBLIC RESOURCES

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

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

The Code of Conduct shall only be amended by a “super-majority” vote consisting of four (4) of the five (5) Board of County Commissioner members.

ARTICLE VI – SECTION H –ELECTED OFFICIAL COUNTY EMPLOYMENT PROHIBITIONS

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



ARTICLE VII – TRANSPARENCY

ARTICLE VII – SECTION A – TRANSPARENCY

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

ARTICLE VII – SECTION B – THE TRANSPARENCY PORTAL

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

ARTICLE VII – SECTION C – OPEN MEETINGS ACT COMPLIANCE

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

ARTICLE VII – SECTION D – REQUEST FOR INFORMATION

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



ARTICLE VIII - PERSONNEL

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

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

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

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

ARTICLE VIII – SECTION B – COLLECTIVE BARGAINING

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



ARTICLE IX – ELECTIONS

ARTICLE IX – SECTION A – REFERENCE TO STATE LAW

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

ARTICLE IX – SECTION B – GENERAL AND PRIMARY ELECTION DATES

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

ARTICLE IX – SECTION C – SPECIAL ELECTIONS

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

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 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.



Bernalillo County Charter

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.



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

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

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



Bernalillo County Charter

ARTICLE XIII - FINANCIAL PRACTICES

ARTICLE XIII – SECTION A – FISCAL YEAR

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

ARTICLE XIII – SECTION B – ACCOUNTING

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

ARTICLE XIII – SECTION C – OPERATING BUDGET

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

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

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

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



Bernalillo County Charter

ARTICLE XIII – SECTION D – PROCUREMENT

The Board of County Commissioners shall adopt the most efficient rules and regulations for the purchase of: supplies and materials; services and property; construction and other items necessary for County operations; while ensuring all purchases are based on a fair process and in the best interests of the County as allowed by law.

ARTICLE XIII – SECTION E – TAXATION

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

ARTICLE XIII – SECTION F – BONDING

Subject to any limitations imposed by the Constitution of the State of New Mexico, the Board of County Commissioners may, by ordinance or resolution, issue any bonds, notes, evidences of indebtedness, or any other obligations for any purpose determined by the Board of County Commissioners to be in the interest of the public health, safety, welfare and quality of life for the County and its residents.

ARTICLE XIII – SECTION G – FINANCIAL POLICIES

Financial policies are a key element of the commitment to prudent financial management and provide the guidance for sound decision making to ensure the County's credit quality is protected. The Board of County Commissioners may establish other financial policies as deemed necessary or per regulatory requirements.



Bernalillo County Charter

A debt management policy will be adopted by the Board of County Commissioners that establishes criteria for the issuance of debt obligations and post issuance compliance. Adherence to a debt management policy demonstrates that Bernalillo County is committed to sound financial management and that credit quality is protected.

An economic development financing policy will be adopted by the Board of County Commissioners establishing the parameters for issuing conduit bonds and monitoring the outstanding conduit bond portfolio.



Bernalillo County Charter

ARTICLE XIV – AMENDMENTS

This Charter may be amended by ordinance and adopted by a majority vote consisting of three (3) of the five (5) Board of County Commission members; and submitted to the voters at a general or special election; and approved by a majority of voters in Bernalillo County.



ARTICLE XV – TRANSITIONAL PROVISIONS

- 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, Administrative Resolutions, Contracts and Intergovernmental Agreements.** All laws, ordinances, administrative resolutions, 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, commissions, 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



Bernalillo County Charter

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

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

- 7. Elected Official Compensation.** All elected officials' compensation shall remain at the rate of annual compensation prior to enactment of the Charter. There shall be a waiting period of two (2) years from the date of enactment prior to any vote by the Board of County Commissioners to adjust the compensation of any elected official.



Bernalillo County Charter

ARTICLE XVI – SEVERABILITY, VALIDITY AND EFFECTIVE DATE

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

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